
Appeal Statement of Case

Land to the South of Hart Road, Thundersley



LAND REAR OF 248 HART ROAD,
THUNDERSLEY, BENFLEET, ESSEX

LANDSCAPE & VISUAL APPRAISAL

Prepared for

L & G Affordable Homes
September 2022
Ref: A341-AS-01-Rev A



arc

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1. Introduction - Scope of Assessment

Introduction

1.1 This Landscape and Visual Appraisal (LVA) has been undertaken to provide additional material relating to the proposed residential development on land to the rear of Hart Lane, in Thundersley, Benfleet.

1.2 This LVA has been prepared on behalf of L & G Affordable Homes, (the Appellant) by Vanessa Ross FLI, a Chartered Landscape Architect, Fellow of the Landscape Institute and Director at Arc Landscape Design and Planning Ltd (Arc) who has wide ranging experience in the preparation of standalone landscape / townscape appraisals and LVIA/ TVIA for Environmental Impact Assessments.

1.3 The appraisal considers the effects of the Scheme Proposal (described below), on the surrounding landscape / townscape and on the visual amenity from a number of locations within the surrounding area. The Site, shown in **Figure 1.1**, is located on a vacant parcel of land set within the residential area of Thundersley.

Background

1.4 The LVA has been undertaken using a methodology which draws on best practice guidance set out in is set out in *Guidelines for Landscape and Visual Impact Assessment (3rd edition)*; *Landscape Institute/ Institute of Environmental Management and Assessment (2013)*, also referred to as GLVIA3. The methodology used in this report is summarised in Section 2 below with a more detailed version included in Appendix B.

1.5 This appraisal is based on consideration of the scheme proposals previously submitted for planning permission (see below) including the architectural design and layout prepared by Ashby Design - Chartered Architectural and Planning Consultants and the landscape proposals prepared by landscape architects, Open Spaces Ltd.

1.6 The report is set out across a number of sections and following this introduction and methodology, section 3 describes the existing baseline conditions and Section 4 provides a description of the proposed development and an assessment of effects on landscape character and on visual amenity.

Planning Context

1.7 This appraisal relates to the scheme proposals for '44 dwellings with open space, playspace, landscaping, access and associated infrastructure', which were submitted to Castle Point Borough Council in December 2021 (Application Ref 21/1137/FUL. The Council's Officer's Report to the Development Management Committee (May 2022) recommended the scheme be approved, however at the Committee meeting held on 7th June 2022, members refused planning permission giving two reasons which are set out in full in the notice of determination dated 21st June 2022.

1.8 The two reasons for refusal are as follows.

1 - The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that very special circumstances have been demonstrated in this case which either in isolation or combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework.

2 - The proposed development is premature in that it seeks to secure the development of land in the face of unresolved objections to Policy HO20 of the unadopted Castle Point Local Plan (2018 - 2033).

1.9 Current planning policy at a national level is set out within the National Planning Policy Framework and at a local level in the Adopted Castle Point Local Plan 1998. A new local plan for 2018-2033, having followed due process, was not adopted and withdrawn on 15th June 2022. Full details in respect of the status of the application Site within the withdrawn Local Plan, is set out in accompanying documents prepared by Savills.



Figure 1.1 - Location Plan

Key:



Site

2. Appraisal Methodology

Introduction

2.1 This appraisal has been undertaken in accordance with a methodology that draws on best practice guidance as published in the following documents.

- Guidelines for Landscape and Visual Impact Assessment (3rd edition); Landscape Institute/ Institute of Environmental Management and Assessment (2013). Also, referred to as GLVIA3.
- GLVIA3 Statement of Clarification 1/13 10-06-13 (Use of the term ‘Significance’) – Landscape Institute (2013)
- Technical Guidance Note 1/20: Reviewing LVIA’s and LVAs – Landscape Institute (2020)
- Technical Guidance Note 06/19 Visual Representation of development proposals (and associated appendices) – Landscape Institute (2019)
- An Approach to Landscape Character Assessment; Christine Tudor, Natural England (2014)

2.2 In accordance with guidance set out in Part 1 of GLVIA3, as this report does not form part of an Environmental Statement, it is therefore presented in the form of a Landscape and Visual Appraisal (LVA). Drawing on the advice set out in with GLVIA3 Statement of Clarification, 1/13, and due to it not being part of a formal EIA process, this appraisal does not assess effects in terms of significance or the ‘significance of effects’. Notwithstanding this, and taking a proportionate approach, as advocated in GLVIA3, the appraisal does follow a methodology that arrives at conclusions on the potential effects of development on both landscape and visual receptors.

2.3 Whilst GLVIA3 does not advocate a fixed methodology it does provide a number of definitions and suggested approaches which have been drawn upon in developing the methodology applied in this appraisal. Full details of these are found in Appendix B and a summary is provided below.

2.4 A guiding principle of GLVIA3 is the recognition that professional judgement forms an important part of assessments and, in reference to developing a methodology, it notes in chapter 2 that “In all cases there is a need for judgements that are made to be reasonable and based on clear and transparent methods so that the reasoning applied at different stages can be traced by others”.

2.5 It goes on to state that landscape professionals “must be able to take a sufficiently detached and dispassionate view of the proposals in the final assessment of the landscape and visual impact. In carrying out an LVIA the landscape professional must always take an independent stance and fully and transparently address both the negative and positive effects of a scheme in a way that is accessible and reliable for all parties concerned”.

Summary Methodology

2.6 The appraisal is undertaken with a prior understanding of the nature of the proposed Development and its purpose is to assess how the Development may affect landscape receptors and the visual amenity of identified visual receptors. In line with GLVIA3 guidance, whilst often interrelated, landscape and visual effects are considered separately.

2.7 Through a combination of research and site visits, receptors, which may be affected by the Development are established. The term ‘receptor’ is used to mean an element or assemblage of elements (e.g. landscape/townscape feature or character areas) that may be affected by a proposed development. Visual receptors include people whose visual amenity may be affected and can include the public or community at large, residents, visitors and other groups of viewers.

2.8 The first stage of the appraisal is a baseline study which is undertaken to gain a detailed understanding of the existing conditions in and around the site. Combining desk-based research and site visits, this stage reviews existing natural or man-made features and characteristics, including reference to, where available, published Landscape Character Assessments. Visual receptors are identified along with representative viewpoints to establish the visibility of the existing site. Additional photography (referred to as illustrative viewpoints) may be used to provide supporting information. The ‘value’ is assessed for each of the receptor as part of the baseline appraisal.

2.9 The nature of the Development is then considered, and its ‘susceptibility’ to change, of the proposed type of development, is assessed for each receptor. Combining, and the baseline ‘value’ with the ‘susceptibility’ results in a conclusion about the ‘sensitivity’ of each receptor.

2.10 The effects of the Development proposals are described in respect of both the landscape and visual receptors to draw a conclusion about the ‘magnitude’ of the proposed change to each receptor. This appraisal concludes by considering the Development at different stages: construction, year 1 following completion and, where appropriate, at year 15, when it is assumed that any planting proposed as part of the scheme or as mitigation will have established. The overall effects are arrived at by combining the ‘sensitivity’ with the ‘magnitude of change’ for each receptor. Effects can be positive (beneficial), negative (adverse) or neutral. Definitions for each of the terms listed above, along with the criteria applied to assessing the nature of the effects is set out in Appendix B.

Study Area

2.11 The Study Area is established in relation to the theoretical zone of visibility which is based on a review of topography and surrounding land use including built form and any vegetation cover. In this instance, due to the relatively enclosed nature of the Site, and limited visibility, the appraisal considers an area within approximately 1km from the Site.

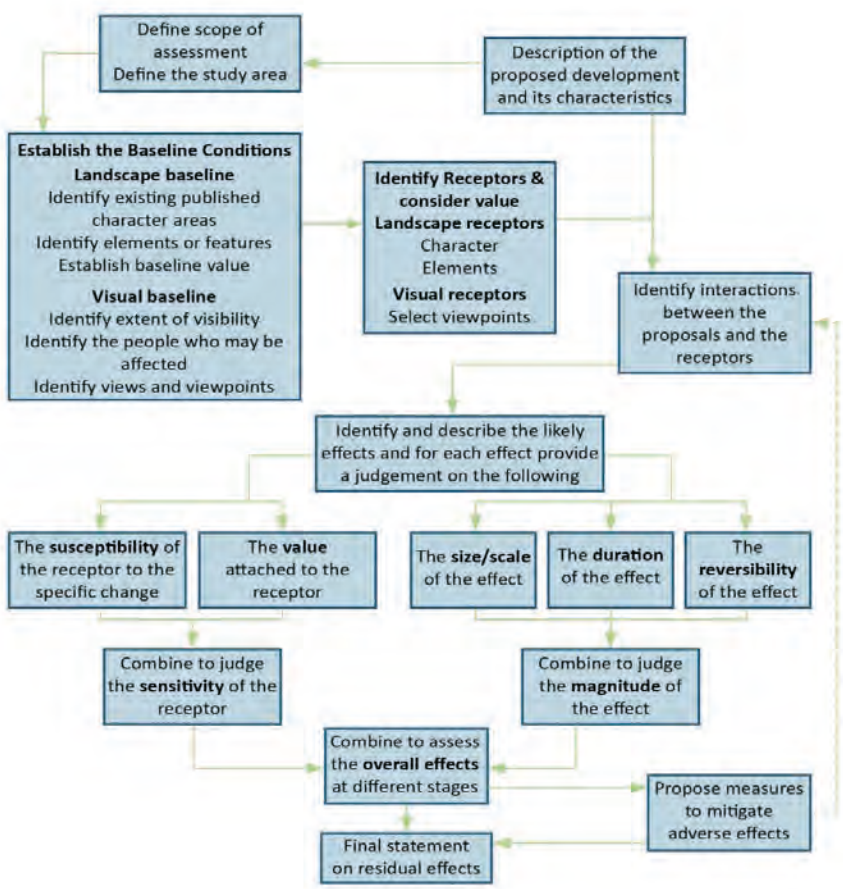
2.12 A series of viewpoints have been photographed; these are considered to be representative of views towards the Site and are included in relevant section below.

Assumptions and Limitations

2.13 The appraisal has been carried out with reference to the architectural designs prepared by Ashby Design Ltd and landscape design prepared by Open Spaces Ltd. These are described in further detail in Section 4.

2.14 A site visit and baseline appraisal was undertaken in September 2022. It is noted that deciduous trees and hedgerows within the study area were in full leaf and therefore, in line with best practice, the appraisal of visual effects, has been undertaken applying professional judgement relating to the highest degree of visibility which would normally occur in winter months.

2.15 The appraisal has been undertaken based on publicly accessible areas. Whilst the potential effects from some neighbouring residential properties have been considered, no access was gained to individual properties and therefore the appraisal applies professional judgement based on the nearest publicly accessible location.



3. Baseline Conditions

Introduction

3.1 This section considers the existing Site in terms of the physical landscape (and townscape) and its components along with the local character areas and the visual amenity from identified receptor locations. The ‘value’ of each character area and visual receptor has been considered as part of the baseline study and is derived through the desk-based review and a site visit. Value (as set out in the methodology), contributes to the resultant ‘sensitivity’ of each receptor established at the appraisal of effects stage.

The Site and its Surrounding Context

The Site

3.2 The Site, located to the south of Hart Road is broadly rectangular in shape and some 1.7ha in area. The majority of the site is grassland/former paddock. The northern part of the Site includes a now disused equestrian facility comprising hardstanding, stable buildings and manège. The detached residential property of 248 Hart Road also falls within the Site boundary. The existing access to the site is formed by a gated driveway adjacent to 248 Hart Road.

3.3 The Site is broadly flat, however there is a gradual fall of around 5m from approximately 72.7m AOD in the north west down to 67.7m AOD in the south west.

3.4 Vegetation within the site comprises the rough grassland and a small number of trees and scrub within the main area of the site and a mix of trees and hedgerow around the perimeter. Details are set out in the Arboricultural Impact Assessment (Ref OS244-21-Doc2 RvsA - November 2021) and the Tree Protection Plan (Ref OS 2244-21.2). Whilst there are a number of unclassified (very poor quality or dead trees), the remaining trees fall within categories B and C (as set out in BS5837) with no category A trees (those of the highest value) being found .

3.5 Tree species vary and include some coniferous species such as Lawsons Cypress, smaller growing fruiting trees and mature oak trees, such as those on or adjacent to the eastern boundary.

3.6 Excluding the Site access, the northern boundary is formed by the rear garden boundaries (fences and planting) of properties along Hart Road. The northern section of the of the eastern boundary, similarly comprises the rear or side garden boundaries of properties on Greenleas. The southern part of the eastern boundary comprise hedgerow and trees which sit within the long linear plots, (former plotlands) located to the west of the gardens of properties on Rayleigh Road. The southern site boundary similarly includes trees and hedgerow forming the boundary with the adjacent field to the south. A water drainage ditch runs along the southern boundary within the Site and forms part of the network field drainage ditches that run around the western and southern school boundary and on into the linear plotlands to the east.

3.7 To the west, the Site boundary again comprises a combination of trees and hedgerow which forms the boundary with the neighbouring school. The northern end of the western boundary is formed in part by the stable buildings and the garden boundaries with the adjacent property on Hart Road.

The Surrounding Context

3.8 This section considers the surrounding context with reference to its historic development, land use and other environment factors associated with the area.

Geology and landform

3.9 The underlying geology of the Site and surrounding area is the Bagshot Formation of sedimentary bedrock overlaid by clay adjacent to London Clays found elsewhere in Thundersley. The topography and landform of the local area is quite hilly, the Site being c70mAOD, with higher land at c88mAOD in Thundersley Common to the north west. This is notably different from much of the surrounding lower lying areas along the Thames estuary and tributaries.

Historic Context

3.10 The development of the area as a residential neighbourhood is relatively recent, occurring predominantly

in the post war period, with housing in the vicinity of the site and to the north of Hart Road dating from the 1960s onwards.

3.11 Prior to this Thundersley was a small, rural settlement surrounded by enclosed fields. In the late 19th and through to the 20th century these fields were subdivided into ‘plotlands’, which resulted in narrow linear plots used for market gardening and orchards. This pattern of subdivision is still evident in the remaining areas of former plotland, which includes the Site and which are now set within the residential development described below.

3.12 There are a small number of heritage assets in the area including three Grade II listed buildings; being located some distance away these are not visually connected with the Site.

Land use and Built Form

3.13 The study area falls into two primary uses which are the surrounding residential areas and the smaller plots of paddocks and open land (the former plotlands). The residential areas include a range of local amenities such as schools and local shops including those to the east at the junction with Hart Road and Rayleigh Road.

3.14 The built form within the vicinity of the Site reflects the residential landuse which as noted, predominantly dates from the 1960s onwards. Houses comprise areas of bungalows, semi-detached and detached two storey homes. Adjacent to the Site there is a small terraced block of three storey properties with garages integrated in the ground floor, elsewhere there are occasional low-rise blocks of flats. The adjacent school is a single storey building dating to the early 1970s in an architectural style associated with that period.

Movement / Public Rights of Way

3.15 The primary movement and access within the area is via the surrounding roads and streets. Thundersley is some 13miles to the east of the M25 and connected to it via the A13, which continues east to Southend-on-Sea.

3.16 Thundersley is not served by a direct train route, however the site is located some 1.5miles to the south of Rayleigh station and 2miles to the north of Benfleet Station, both of which serve train lines between London and Southend-on-Sea.

3.17 There are no public rights of way on or adjacent to the Site. There are two public rights of way within 250m, both to the west of the site which runs through a local park.

Vegetation and Ecological Designations

3.18 As noted there is very limited vegetation on the Site, which is predominantly areas of grassland with, trees and hedgerow to the perimeter. Vegetation in the surrounding area includes a range of plant types typically found within the many residential gardens. Larger areas with mature trees as well as hedgerows to boundaries form part of the surrounding former plotlands area.

3.19 Part of the Site falls within a Local Wildlife Site (identified in the Castle Point Borough Strategic Biodiversity Assessment 2019). There are no other known areas designated for ecology or biodiversity within the study area however the area of woodland to the east of the Site and south of The Chase is categorised on the Priority Habitat Inventory as Deciduous Woodland (Note - part of the land to the area to the south of The Chase has been recently replaced with residential development).

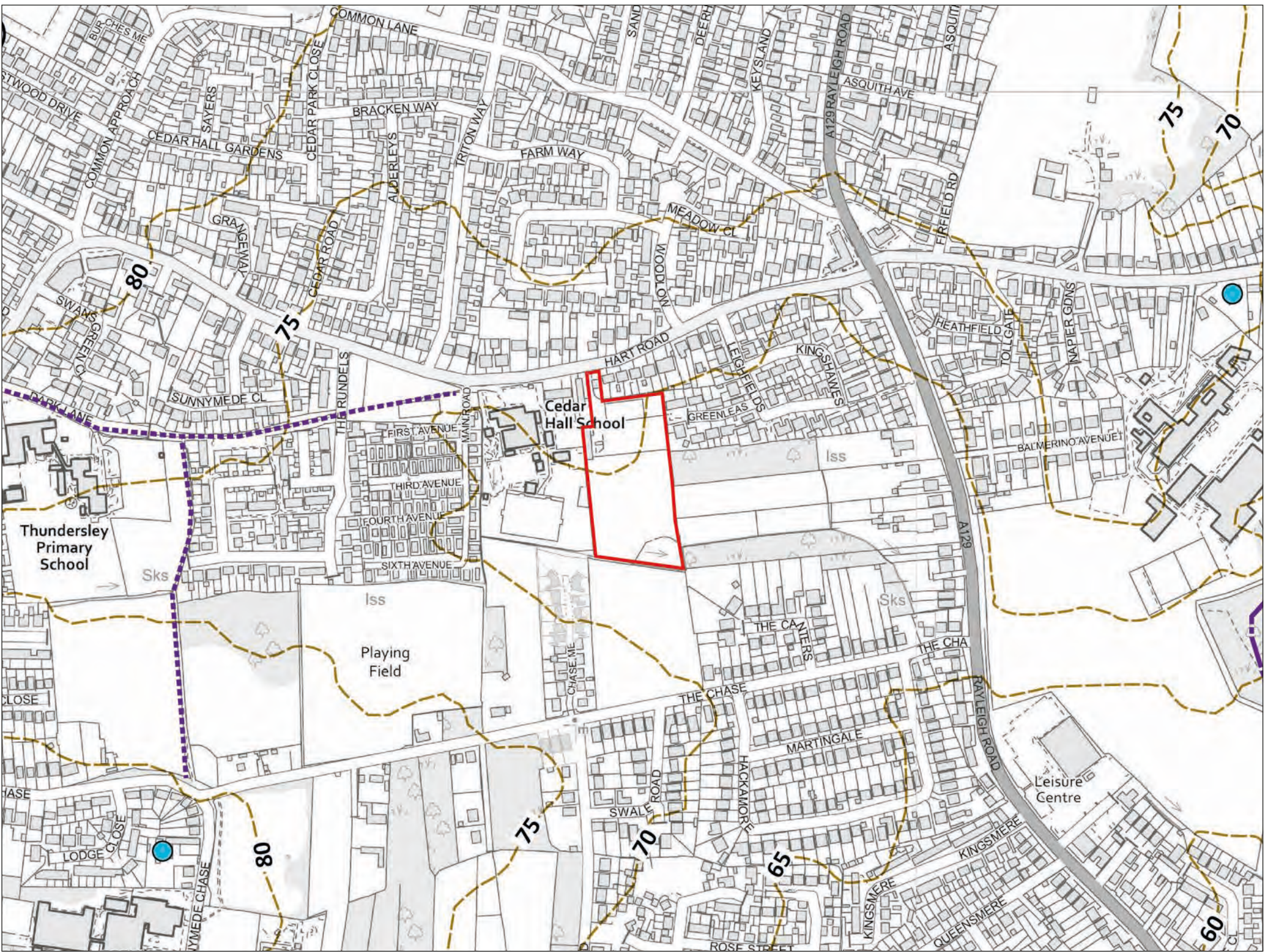


Figure 3.1 - Topography and designations

Key

Site

Grade II Listed building

Baseline Landscape Character

3.20 This section considers both published character assessments covering the area and how the landscape/townscape features contribute to the existing character of the study area. There are no published borough-wide landscape character assessments for Castle Point however there are a number of other assessments which are described below that assist in gaining an understanding of the existing character within which the Site is located.

Published Character Assessments

National Character Area (NCA)

3.21 At the national level the site falls within NCA 111 - Northern Thames Basin which covers a large geographical area from Watford in the west to Harwich in the east.

3.22 The NCA provides a useful background to the LVA, however due to the extent of the area covered and focus on broad ranging landscape matters, it is not deemed necessary to consider it further within this study.

Essex County Council Landscape Character Assessment 2003

3.23 A county level landscape character assessment was published in 2003 and notwithstanding its age, is still considered to be current. The Site falls within Landscape Character Area (LCA) G3 - South Essex Coastal Towns. The key characteristics are listed as follows:

- Large areas of dense urban development.
- Strongly rolling hills with steep south and west facing escarpments covered by open grassland or a mix of small woods, pastures and commons.
- Extensive flat coastal grazing marshes in the south adjacent to the Thames Estuary.
- Large blocks of woodland in the centre of the area.
- Narrow bands and broader areas of gently undulating arable farmland, with a remnant hedgerow pattern, separating some of the towns.
- Particularly complex network of major transportation routes.
- Pylon routes visually dominate farmland in the A130 corridor.

3.24 LCA G3 is a large area and covers a number of towns including Wickford, Basildon, Canvey Island, Rayleigh and Southend on Sea. The focus of the study remains on landscape however under the heading of Overall Character it states that *“The South Essex Coastal Towns is an area of very mixed character, but unified by the overall dominance of urban development, with frequent views of an urban skyline. The major towns spread over gently undulating or flat land, but locally extend over prominent ridgelines and hillsides as well. A distinctive steep sided south facing escarpment between Hadleigh and Basildon retains significant areas of open grassland, as well as a patchwork of small woods, including woods on former plotlands and small pastures”*.

3.25 With regard to the Character Profile, there is limited specific reference to the study area however under the heading of Woodland/tree cover it states: *“High concentration of woodland in the Thundersley/South Benfleet, Daws Heath and Hockley areas and around the Langdon Hills, including small and large blocks of interlocking deciduous woodland. Some secondary woodland associated with previous plotland areas”*.

3.26 With regards to Landscape Condition of G3 the report states that *“the settlement is very mixed. Poor quality intrusive commercial ‘shed’ development is common within the area”* and *“The condition of the woodlands and hedgerows is moderate”*.

3.27 The report goes on to state *“The area has been subject to very significant change in the 20th Century, with massive expansion of urban areas, and urban development pressure is likely to be a significant ongoing trend”*.

3.28 The Landscape Sensitivity Level for future ‘Small urban extensions (<5ha)’ is assessed within the report as Low. The ‘Sensitivity Criteria’ for ‘Low’ is set out on the table on page 7 of the report as follows:

“The landscape is less sensitive to this type and scale of development/change due to the potential for only slight, or no damaging impacts on:

- Distinctive physical and cultural components or key characteristics
- Strength of character/condition of the landscape

- Landscape of low intervisibility/visual exposure
- Area with an absence of tranquillity and there are likely to be considerable opportunities for mitigation and/or landscape enhancement”.

3.29 The column headed ‘Ability of the Landscape to Absorb Impacts of Development and Other Change’ for areas with a Low level of landscape sensitivity is described as: *“Likely to be capable in principle of being absorbed”*.

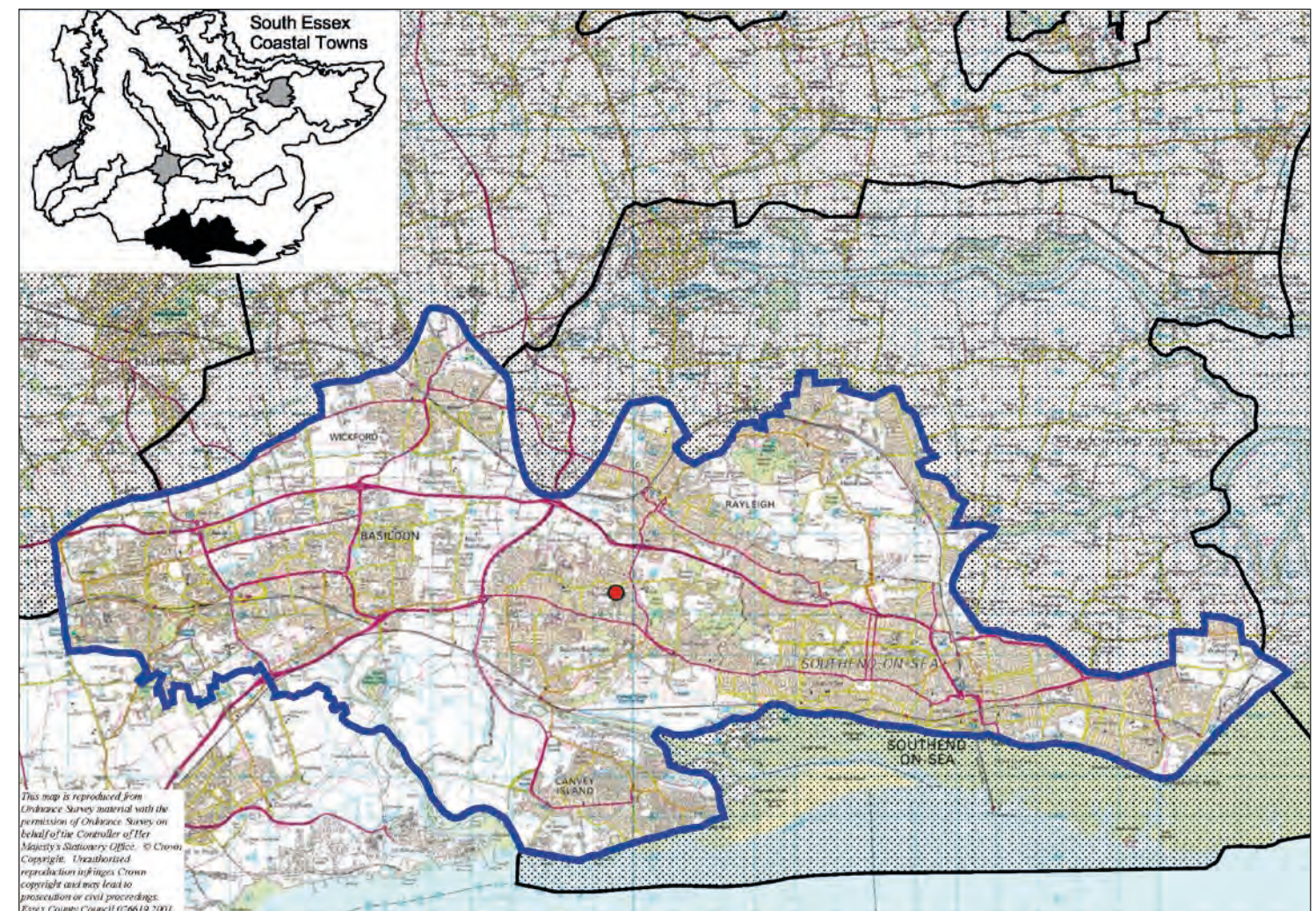


Figure 3.2 - Extract from Essex Landscape Character Assessment 2002 - Area G3

Key
● Site location

Green Belt Landscape Assessment 2010

3.30 This study, prepared on behalf of Castle Point Borough Council and published in 2010, includes a review of the landscape of the borough that falls within Green Belt. The Site forms a small part of Area 6 (Figure 3.3) and whilst part of the description set out below remains accurate, some land to the north and south of The Chase has subsequently been developed for housing.

3.31 The description of Area 6 is as follows:

- The topography is gently sloping and the landscape is enclosed and compartmentalised with a variety of land uses. The landscape includes woodland, pasture, with hedgerows and grassed areas for formal and informal recreation and many old hedgerow trees. The area to the west is mainly pasture used for grazing horses, and is crossed by a public right of way. Species are mainly native, with hawthorn and blackthorn in hedges, and oak, ash, hawthorn common tree species.
- There are small plots within the area with small houses, many of which are bungalows and date from early in the twentieth century. Garden plots are often large with small areas of pasture adjoining properties.
- The area varies in its management, but retains an attractive rural character due to the vegetation, small lanes and regular maintenance. The scale of the landscape is intimate and enclosed with limited views into the area due to the trees and hedgerows.
- The landscape has a distinctive quality through its historic pattern of development and quantity of vegetation..

3.32 The Landscape Assessment also describes the Historic Urban Character noting that Area 6 fell within the ‘Thundersley Historic Character Area’ as set out by Essex County Council in 2007 and which is described as having the following historic urban character.

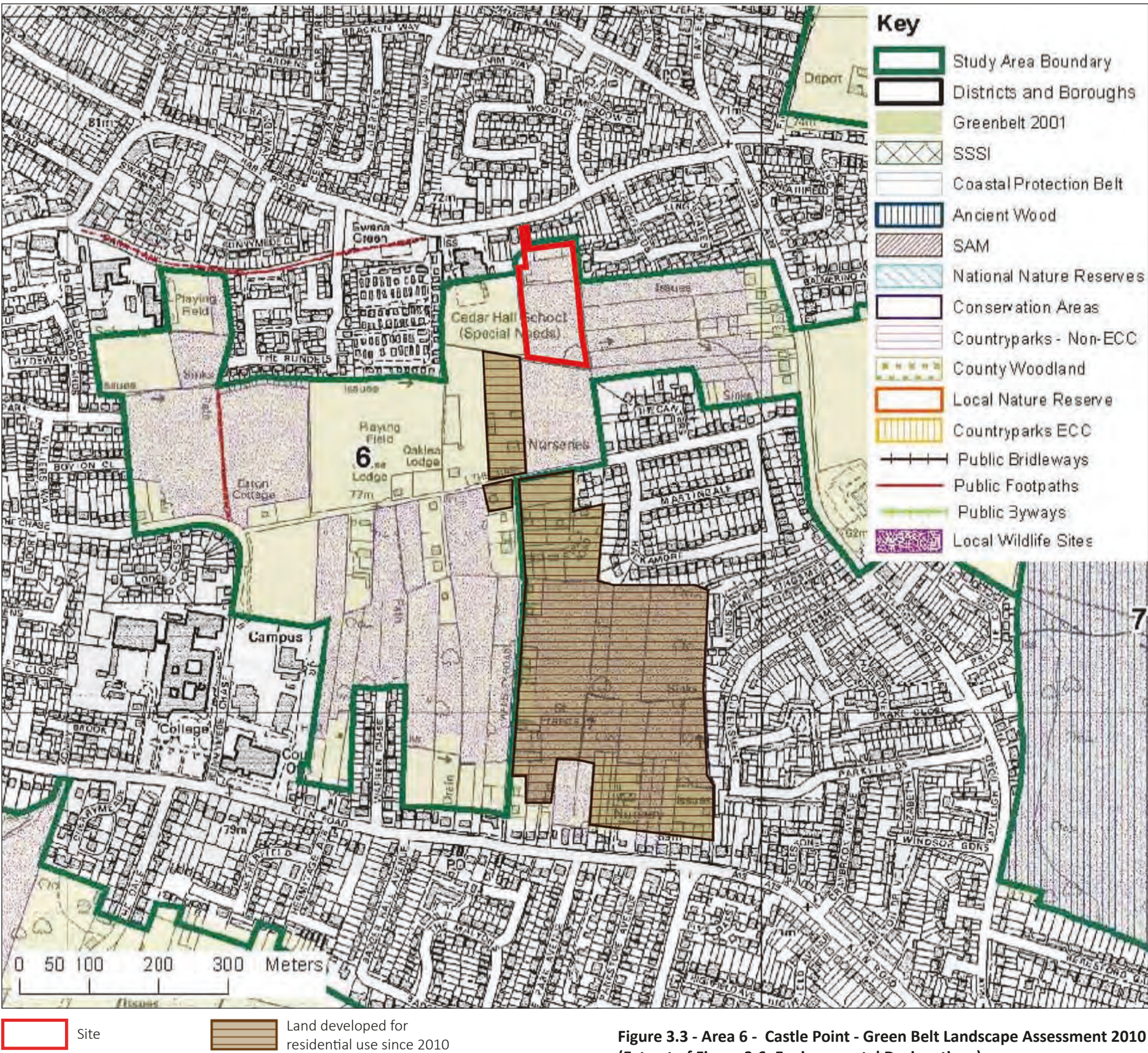


Figure 3.3 - Area 6 - Castle Point - Green Belt Landscape Assessment 2010 (Extract of Figure 3.6: Environmental Designations)

“Thundersley comprises a 20th century residential developments, although a few buildings survive from the original dispersed settlement pattern. The historic landscape was originally defined by irregular rectilinear fields. The first half of the 20th century saw extensive plotland development, the boundaries of which largely respected the earlier field layout. Most of the plotlands were absorbed into residential developments in the late 20th century although some survive in the centre of the zone, together with secondary woodland. The centre of the zone also contains open school playing fields”.

3.33 The landscape assessment for Area 6 includes consideration of Landscape Sensitivity which is defined as ‘High’. This is based on a number of factors as follows:

*“Natural Factors: The area is largely covered by semi-natural mature deciduous woodland of significant nature conservation value.
Cultural Factors: Historic plotland settlement pattern and rural lanes and tracks survive.
Aesthetic Factors: A sense of remoteness and retreat from the surrounding urban settlement. The lanes and woodland footpaths are particularly intimate and rural in character.
Quality / Condition: The landscape quality varies across the site”.*

3.34 The assessment goes on to set out the Visual Sensitivity concluding that it is ‘Medium to High’ based on the following factors:

*“General Visibility: The core of the area is well screened by trees and comparatively hidden in the wider landscape due to the flat landform.
Population: The north of the area is locally visible from adjacent residential areas and a school. The area is crossed by a network of unadopted lanes, tracks and a public right of way. Clusters of plotland development within the area”.*

3.35 The assessment notes under the heading ‘Mitigation’ that *“There is scope for additional planting to the north of the site to mitigate the impacts of development”.*

3.36 Under ‘Opportunities and Constraints’ the report states:

*“Opportunities to enhance the existing landscape through improvements in management.
Constraints to development include landscape designations, high landscape sensitivity of the woodland and the locally unique nature of the surviving historic plotland settlement patterns”.*

3.37 In considering how the Site relates to the above, as noted, Area 6 (as defined in 2010), has in the intervening 12years seen some areas developed for housing. Whilst it is considered that some of the attributes such as references to mature woodland and unadopted lanes, remain, the area is more correctly described as partially ‘covered by semi-natural mature deciduous woodland’ and notwithstanding the undeveloped nature of much of the area, it has in part lost its ‘sense of remoteness and retreat from the surrounding urban settlement’. With regard to the Site which is located adjacent to a school and residential development it does not retain a sense of remoteness.

3.38 In noting that Area 6 was identified as having a high sensitivity in 2010 and the changes that have subsequently occurred, the baseline value, (which is assessed based on the criteria in the LVA methodology) is considered to be medium.

Castle Point Borough Council Urban Design Characterisation 2013

3.39 The Castle Point study sub divides the majority of the Borough into areas which describe the architectural and urban design characteristics of each. The Site, falls within a parcel of land that is not directly covered by the Castle Point study, however it does sit adjacent to several identified areas and in close proximity to a number of others; these are summarised below and illustrated in Figure 3.4.

3.40 The study, published in 2013, assessed the characteristics of the Borough based on criteria set out in ‘By Design’ which was published in 2000 by CABE and which, at that time, was considered best practice guidance in urban planning. Reference is also made to other guidance

current at the time including Better Places to Live By Design (CABE,2001), Building for Life 12 and the Essex Design Guide. Whilst most of these documents have since been withdrawn or superseded they form the background to current guidance and best practice and therefore it is considered that the study and its findings remains relevant to this assessment.

3.41 An extract of the mapping produced for the area around the Site is included in Figure 3.4. This identifies areas 35, 36, 37 and 38 being in close proximity or adjacent to the Site.

3.42 It is noted that parts of the parcel of land within which the Site is located (and excluded from the study), has, since 2013 been subject to re-development, including residential development to the north and south of the Chase, a lane located some 150m to the south of the Site. The land adjacent to the Site which is occupied by Cedar Hall School, is also excluded. Recent development along with the school can be seen on the accompanying aerial photograph in Figure 1.1. The following is a description of the key areas within the study area.

3.43 Area 35 is a comparatively large residential area with some shops. The majority of the area is located to the north of Hart Road. A smaller part is located to the south and takes in the houses which sit adjacent to the Site.

3.44 The study describes the character of the area stating *“The vernacular is split across this study area. The majority of the area is occupied by semi-detached bungalows and chalets, interspersed with a number of detached, semi-detached and terraced houses. Many of the semi-detached pairs retain their symmetry both to their front and side roof planes. This has created a distinctive and attractive character to this area. However it should be noted that there are a number of pairs that have been altered in the form of front dormers and the creation of gable ends, which has resulted in a loss of symmetry. These are not considered to represent good design features and detract from the distinct character of this area”.*

3.45 And goes on to note *“The roads within the study area have a regular width with footpaths on both sides, and grass verges. On street parking is high in some parts of this study area. Street furniture is evident in the form of bollards and a post box and phone box. These do not dominate the streetscape of the residential area”.*

3.46 Observation from the site visit were that the descriptions within the study remain accurate.

3.47 Areas 36 and 37 are separated from the Site by the School.

3.48 Area 36 is located to the west of Area 37 and comprises a number of residential streets called The Rundells. It is described within the study as *“compiled of terraced and semi-detached gabled ended houses and semi-detached gable ended chalets. These are in regular, rectangular blocks. This is considered to be a distinctive feature to this study area”.* it goes onto state that *“The dwellings are in relatively good condition and are constructed mainly of red, brown and buff coloured brick”* and that *“The layout follows a pattern throughout the study area, which is dwellings on regular sized and spaced plots.”*; concluding *“It is considered that this area has a specific character and is easily identifiable within this part of the Borough”.*

3.49 It was observed on the site visit that the descriptions remain accurate, with properties in good condition. The pavements and public realm, however were in a poor/ degraded state.

3.50 Area 37 to the west of the school is a mobile home park comprising a gated area of single storey shallow pitched mobile homes. The homes are set out on a formal layout with four east-west ‘avenues’ accessed of the ‘Main Road’ which runs north-south from Hart Road. The area is enclosed by a fence and mature vegetation. The Characterisation Study notes that “*The nature of the use of the site results in the creation of a very distinctive character, and the quality of the park results in a pleasant atmosphere. This is considered a good example for other caravan and mobile home parks*”.

3.51 Whilst access wasn’t gained to the area on the site visit, the views from Hart Road suggest that the description (and wider assessment) remains correct.

3.52 Area 38 is located to the eastern end of The Chase and is predominantly residential in use, it states that “*The vernacular to Rayleigh Road is an eclectic mix of chalets, houses and bungalows of varying design and size. The remainder of the area comprises of detached hipped roofed houses, most with attached, or integral or semi-integral garages, and a few detached chalets, mainly with pitched roofed dormers*”. And concludes that “*It is considered that this area does have character and is easily identifiable within this part of the Borough, however it is reflective of many modern planned estates within the region and could be located anywhere in the region*”.

3.53 The observations made at the site visit concluded that the descriptions remain correct, however as noted above, more recent development has occurred along the Chase, in effect expanding this area.

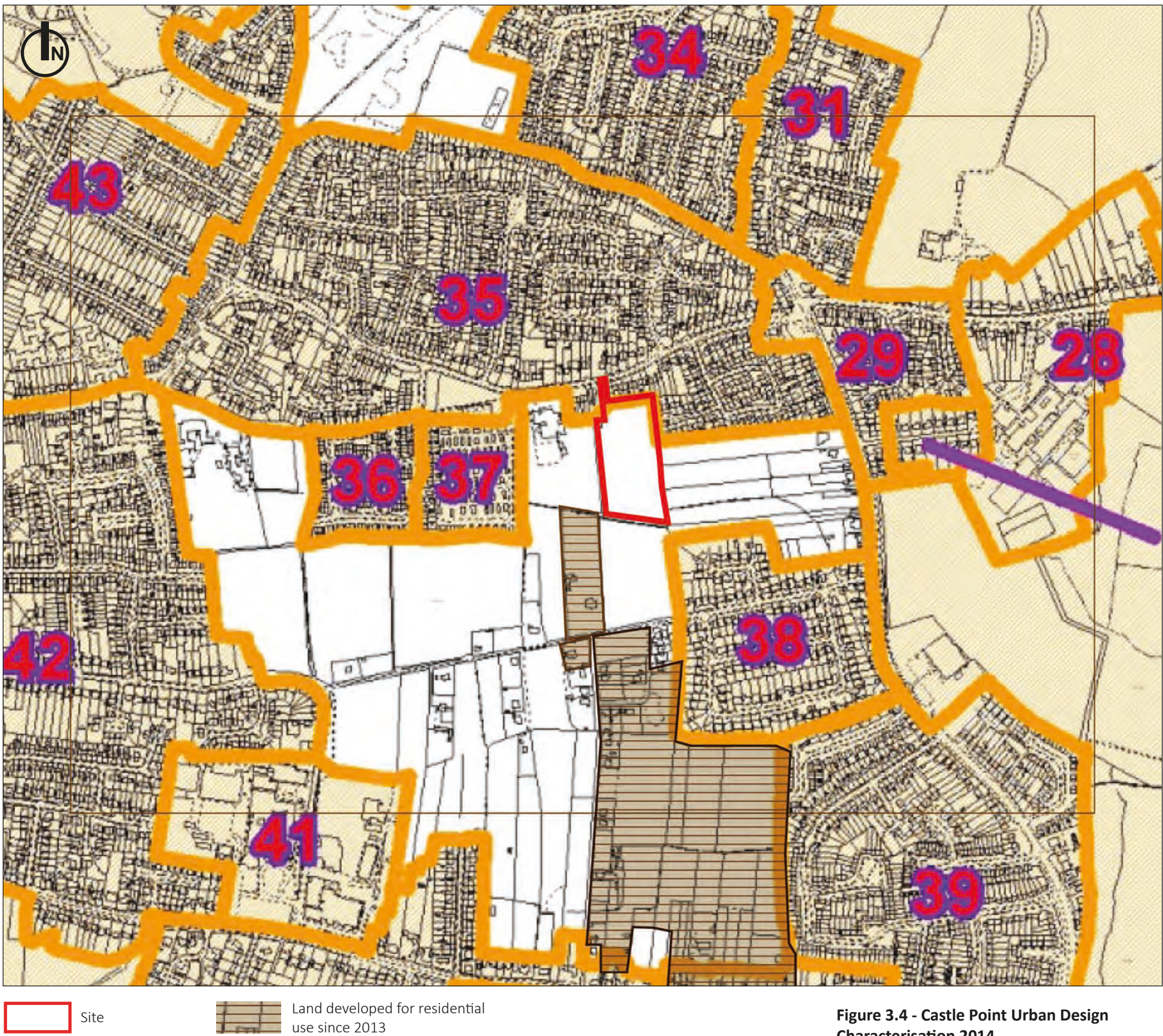


Figure 3.4 - Castle Point Urban Design Characterisation 2014

Local Landscape/Townscape Character Areas

3.54 The various published assessments provide helpful background information, however, in part due to their age and the changes over the intervening years and in part due to the scope of each study, which naturally differs in approach, for the purposes of this LVA, it is considered appropriate to undertake a separate review the character of the area around the Site.

3.55 In subdividing the borough into many smaller areas, the Urban Design Characterisation Study allowed for detailed consideration of a range of factors at a fine grain. For the purposes of the LVA it is considered that a broader categorisation is more appropriate and therefore a number of character areas have been derived which are largely based on land-use (Figure 3.5). These are described below and Table 3.1 the sets out the key characteristics for each of the areas along with the baseline 'value'. This has been attributed to each area and is based on the categories set out in the methodology in Appendix B.

Local Character Areas Baseline Value

CA1 - Post War Residential

3.56 This area comprises a mix of residential estates that were developed from the mid-late 20th and early 21st centuries. There is a predominance of single and two storey dwellings with occasional taller, three storey buildings containing flats. Materials and architectural styles are representative of the period in which they were built and are, in general, typical of similar developments throughout the towns and cities across much of the UK.

3.57 The street pattern also reflects the period of development with a range of estate roads and cul-de-sacs served from main roads such as Hart Road and Rayleigh Road. There is a mix of on-plot and on-street parking. There are very few street trees with vegetation limited to front and rear gardens. Due to the localised changes in topography there are some views out from higher ground which includes views across the intervening buildings and takes in the wooded belts within and around the 'plotlands' and beyond.

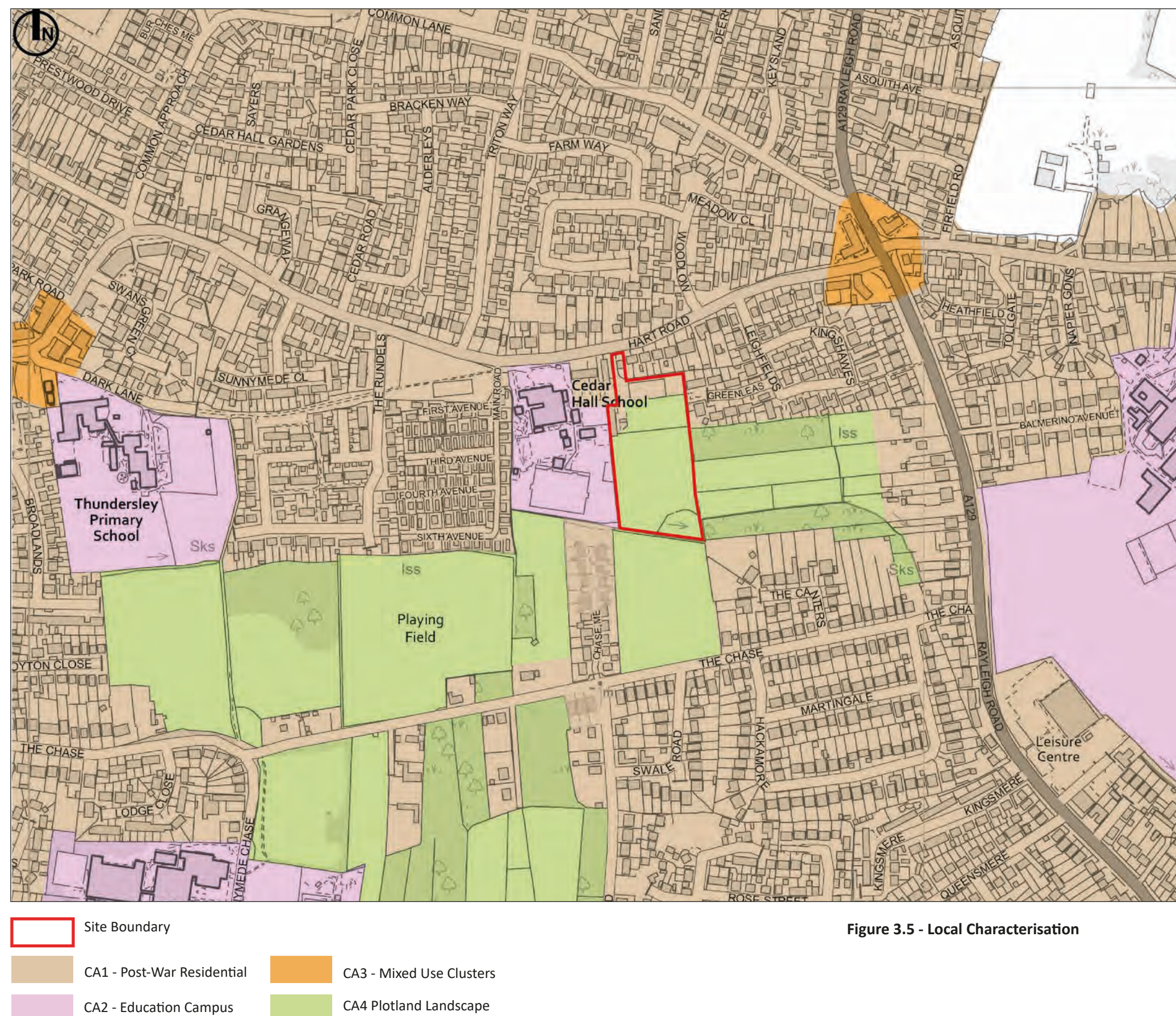


Figure 3.5 - Local Characterisation

3.58 The area is in generally good condition though it is considered that there are no features that enhance the character beyond the everyday and is assessed as having a medium-low baseline value.

CA2 - Education campus

3.59 The Education character area has been identified as separate from the surrounding residential areas due to the nature of the built form and typology of development. Due to the nature of the specific use these areas are generally defined parcels of land within the wider residential area. Whilst each area identified in this category will have its own identity, the following attributes are common throughout. The built form generally comprises both single and two storey buildings, often with flat or shallow pitched roofs; buildings often include some with larger footprints and are arranged in clusters representing at times ad-hoc expansion over time with architectural styles and materials reflecting their age. Most are set within larger open spaces comprising playing fields and play grounds as well as car parks and service areas.

3.60 Based on external appearance from publicly accessible locations, the parcels of land that make up this character area are in generally good condition though unremarkable in respect of character and the baseline value is assessed as medium-low.

CA3 - Mixed-use clusters

3.61 These are areas which, whilst sitting within and serving the surrounding residential areas, are distinct in character in part due to their differing uses and in part due to the resultant physical characteristics of the buildings and areas around them. Within the study area, these are characterised by the mix of commercial uses and located at road junctions. This character area is of mixed condition and the baseline value is assessed as medium-low.

CA4 - Plotlands

3.62 This character area (which includes the majority of the Site) comprise linear fields and linear strips of woodland. Most of the fields are grassed areas, some paddocks and some recreational sports uses. In places residential gardens back on to the boundaries and the fields are served by narrow lanes. Despite having a sense of separation in places, the proximity to residential areas and background noise from the surrounding roads reduce any sense of remoteness or tranquillity.

3.63 Whilst there are some parts of this character area that fragmented by development or are neglected, it benefits from the areas of mature wooded areas and overall the baseline value is assessed as medium.

Site Landscape - Value

3.64 In considering the landscape value to be attributed to the Site, it is noted that it is not a ‘valued landscape’ as defined in the NPPF (eg it is not designated nationally or recognised locally in policy).

3.65 In respect of other signifiers of value the following is noted. As a largely undeveloped piece of land, the Site forms part of the ‘plotlands’ landscape character with the former stables and associated facilities, consistent with the uses found within the wider area. There is no public access to the Site and whilst it was formerly used as a stables it does not provide any public or recreational benefit.

3.66 The Site benefits from the vegetation around the boundaries, including groups of larger trees beyond the Site that contribute to an overall sense of enclosure. This is reinforced by the houses along the northern and part of the eastern boundaries. Whilst the mature vegetation makes some contribution to the visual / scenic quality of the Site, in other respects the Site retains an unremarkable landscape character. The overall condition of the landscape, (notwithstanding the disused nature of the stables and fencing) is assessed as moderate and as the Site contains no distinctive qualities in respect of character however it does form part of a local wildlife site and , the baseline value is assessed as medium.

Character Area	Townscape / Landscape elements and characteristics	Value
CA1- Post-War Residential	<ul style="list-style-type: none">Predominantly two storey and single storey housesLocalised clusters of 3 + storey buildings containing flats.Includes an enclosed estate of mobile homes.Majority of houses are later 20th early 21st centuryArchitectural styles and detailing reflect age of buildingsMix of main roads along with residential streets and cul-de-sacsMix of on-plot and on-street parkingLocal views out across and through buildings from higher groundPlanting largely limited to domestic gardens, though views take in trees and woodland in surrounding area.Occasional green space and small parks.	Medium-Low
CA2- Education Campus	<ul style="list-style-type: none">Single and two storey educational buildings in clustersSet within grounds that include open areas of playing fieldsInclusion of car parking and service areasVariety of architectural styles and materials, often flat or shallow pitched roofs.Secure boundaries to perimeter, vegetation limited to edges.	Medium-Low
CA3- Mixed Use Clusters	<ul style="list-style-type: none">A mix of smaller scale buildings with retail at ground floor.Public housesOther commercial uses such as car show roomsLocated on main roads and at junctionsTraffic etc generates noise and movement	Medium-Low
CA4 Plotland Landscape	<ul style="list-style-type: none">Small often linear fields served by lanes and tracksSome used as paddocks/grazingSome areas densely wooded which create sense of enclosure in placesProximity to settlement around boundaries limits sense of rural characterFragmentation of plotlands resulting from post-war to present day development	Medium

Table 3.1: Local Character Areas

Baseline Visual Appraisal

3.67 The first stage of the baseline visual appraisal is to establish the zone of theoretical visibility or visual envelope of the site, in other words, the extent of the area from which the Site is visible. This is done through a combination of desk-based work, assessing the surrounding topography from maps and surveys and site visits where the study area and visual receptors are confirmed.

3.68 The second stage, considers the Site’s visibility from the surrounding visual receptors. It establishes the nature of the view and to what extent the site contributes to the view. This is demonstrated through a selection of representative photographic views, which are included in section 4 below.

Stage 1 – Site visibility

3.69 Following the desk based review of local OS mapping, a site visit was undertaken in September 2022. This established the visibility of the Site and a number of visual receptors were identified.

3.70 During the site visit, streets in the surrounding area were walked and it was found that in many instances views, even in close proximity, were blocked by buildings, property boundaries and vegetation. Due to a combination of the enclosed nature of the site, its location within the wider residential area of Thundersley along with pockets of mature vegetation, the Site has a theoretical visual envelope which is limited in extent and it is considered unlikely that in the future, (if the scheme proposals are built), that any change in views would be perceptible exist beyond 1km.

Stage 2 – Baseline visual appraisal

3.71 The baseline visual appraisal considers views from a number of receptor locations within 1km of the site boundary. For ease of description and to avoid unnecessary repetition, the areas surrounding the site have been subdivided and a description of the baseline visibility of the site and views towards it are set out below.

3.72 The receptor types (ie those who see the Site and will experience the change in view) identified fall into a number of broad categories :

- RE - Residents (those experiencing views from within their own properties/gardens)
- ST - People visiting or walking along the streets
- FP - People using public rights of way
- OS - People using the open spaces for recreational purposes
- ED- Education - those attending, working or visiting educational grounds.

3.73 As is usual practice the focus of the LVA is to consider the effects on the visual amenity from publicly accessible locations and as such no private properties were visited. It is, however possible that the Site (and future development) may be visible from upper floor windows from properties in the surrounding area and from private gardens that back on to the Site. Residents, therefore are identified as visual receptors and views are described in general terms based on professional judgement . This approach has been also been taken in assessing the private, estate of mobile homes to the west of the Site (adjacent to Cedar Hall School) and the recent gated residential development at Chase Mews (off Chase Lane) to the south west of the Site. Cedar Hall school is also treated as a visual receptor, and again, whilst no access was gained to the grounds, the assessments are made based on professional judgement.

3.74 There are no local protected or sensitive views identified in policy for the area and the Site Capacity Study of the former local plan policy area HO20 does not identify any 'important views' on the associated 'site constraints plan' (refer to Appendix A).

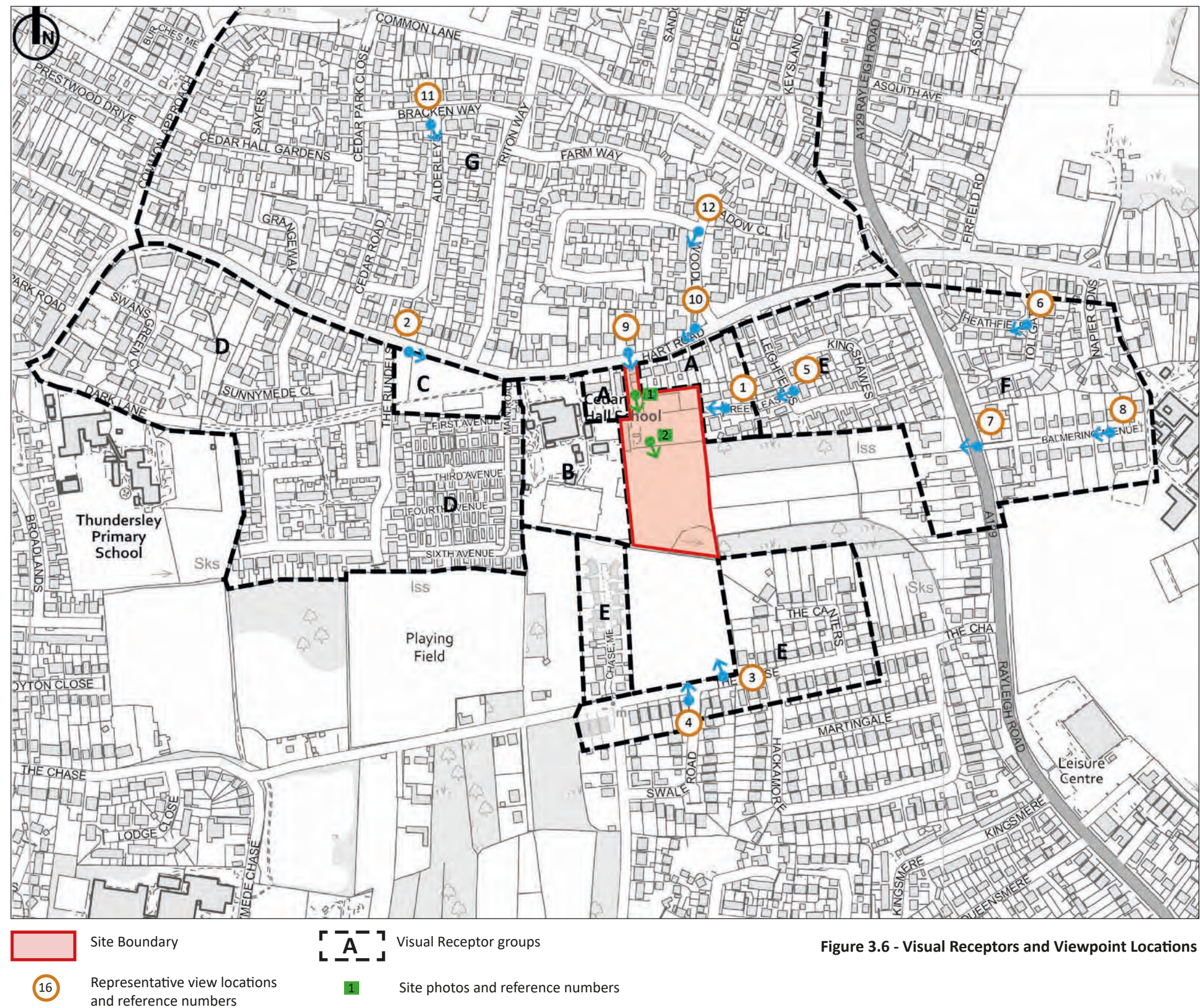


Figure 3.6 - Visual Receptors and Viewpoint Locations

3.75 The receptor and viewpoint locations are illustrated on Fig 3.6 and summarised in the table 3.2.

3.76 The following provides a description of the existing (baseline) conditions for each area with reference to annotated photographs in section 4. The baseline value for each area is summarised in Table 3.2.

A - Views from properties that back on to the Site

3.77 Due to the adjacency with the Site, it is anticipated that much of the Site will be visible from gardens and some internal rooms. The views from some properties are likely to be partially screened by boundaries and garden vegetation but are anticipated to take in the former stables to the north as well as fencing, paddocks and boundary vegetation.

3.78 Whilst it is likely the views out will include other nearby properties and their boundaries, longer distance views are largely screened by the mature vegetation along and beyond the Site’s boundaries. The mature woodland backdrop, particularity to the east, and the southern part of the Site are positive feature of the view however the neglected condition of the area around the former stables and manège and the mix of rear garden boundaries are detractors in the view and therefore the baseline value is assessed as medium/low.

B - Views from Cedar Hall School

3.79 The school shares its boundary with the Site, however views into the Site are, in its current condition, likely to be screened by a combination of fencing, the existing stable buildings and boundary vegetation. The limited visibility of the Site in views out from the school resulting from the boundary conditions results in an ‘everyday’ visual experience with no specific scenic qualities contributing the view and therefore the baseline value is assessed as medium/low.

C - Swans Green Public Open Space

3.80 This open space is a small local park located to the west of the school and south of Hart Road. It comprises a play area and grassed open space with a public footpath

running in a broadly east-west direction. Clusters of trees are located around the eastern and southern edges of the space. The views towards the Site, in its current condition are screened by the school and other intervening built form as well as vegetation to the east of the school. Despite the proximity to Hart Road and the associated traffic, the visual amenity in views from the park is generally good and the baseline value is assessed as medium.

D - Residential streets (west of the School, south of Hart Road.

3.81 This group of streets and properties includes the private estate of park homes to the and streets to the south of Hart Road. The views from the pavements towards the Site are blocked by intervening buildings and mature vegetation. The views are typical of residential streets and whilst there are no notable detracting features, due the unremarkable nature of the view the baseline value is assessed as low.

E - Residential streets to the south (Nr The Chase)

3.82 This area has been categorised due to the proximity to the Site and occasional glimpsed views through and between buildings to it. Area E includes the private/gated residential development to the south of the school as well as areas of housing off The Chase. Whilst views vary due they have proximity in common and views include the foreground of the field to the south of the Site and of mature belts of trees that exist on surrounding land. The visibility of the trees form an attractive wooded backdrop to what are otherwise considered to be unremarkable and every day views and the baseline value is therefore assessed as low.

F - Rayleigh Road and residential streets to the east

3.83 Rayleigh Road (A129) is a busy north-south road which is located at approximately the same level as the site, however roads to the east rise up several meters above which allow views across towards the site.

	Location	Receptor Type	Distance from site	Visibility	Value	Photo Refs
A	Views from properties that back on to the Site	RE	0-0.1km	Partial - open view	Medium - Low	Site Photos 1,2 View 1
B	Views from Cedar Hall School	ED	0-0.25m	Partial-Glimpsed view	Medium - Low	-
C	Swans Green Public Open Space	OS	0-0.5km	Screened/filtered	Medium	View 2
D	Residential streets (west of the School, south of Hart Road.	ST, RE	0.2-0.5km	Partial-Glimpsed view	Low	-
E	Residential streets (to the east and south)	ST, RE	0.5km	Partial-Glimpsed view	Low	Views 3, 4
F	Rayleigh Road and residential streets to the east	ST, RE	1-3km	Partial-Glimpsed view	Low	Views 5,6,7,8
G	G - Residential streets to the north of Hart Road	ST, RE	0-0.5km	Partial-Glimpsed view	Low	Views 9, 10,11,12

Table 3.2 – Summary Baseline - Visual Receptor Locations

3.84 Within the study area, properties line much of the western side of Rayleigh Road and include a number of properties that back onto or sit within the east-west ‘plotlands’ that back onto the Site. Some of these plots include wooded belts of mature trees. Views from the pavements along Rayleigh Road towards the Site is, therefore largely restricted by the properties, their boundaries and the areas of woodland and the Site in its current condition is not discernible.

3.85 From the streets to the east, the views out increase from higher land. From these locations the views of trees become more prevalent, as do the intervening roof tops. The increased elevation however does not result in the Site, in its current condition, becoming discernible in the view. The views are generally commonplace and whilst the trees visible in the background provide some relief to the built form, the views are unremarkable and the baseline value is assessed as low.

G - Residential streets to the north of Hart Road

3.86 From most locations, the majority of views looking towards the Site, from the streets to the north of Hart Road, are blocked by intervening houses, including the two storey properties on Hart Road which back on to the Site.

3.87 As with the land to the east, the streets to the north of Hart Road rise up allowing views across and through gaps between houses towards the taller mature woodland in the surrounding area however the Site is indiscernible in the view and due to the unremarkable and everyday nature of the visual amenity the baseline value is assessed as low.

4. Appraisal of Effects of the Scheme Proposal

Introduction

4.1 This section considers how the proposed development will affect the receptors identified in the baseline study. Following a description of the proposals, the first part of this section describes the anticipated effects relating to the site and the surrounding character areas. The second part describes the effects on the visual receptors.

4.2 To assist in defining the effects, the sensitivity of the character and visual receptors are considered. As outlined in the methodology, sensitivity is determined by combining assessments of the baseline value (set out above), and an appraisal of the susceptibility of the receptors to the type of development proposed.

4.3 For each receptor, the magnitude of change resulting from the Scheme Proposal is described. The magnitude of change, also considers the effects in terms of duration, reversibility, geographical extent and size or scale. The Scheme Proposal is assessed as long term and permanent and whilst factored into the conclusions, to avoid unnecessary duplication, duration and reversibility are not discussed in respect of each receptor.

4.4 Planting is proposed as an integral part of the Scheme Proposals (described below) and whilst tree planting will result in some localised changes to views and visibility at year 15, these changes are not considered to be such that the effects assessed for either character or visual amenity will change significantly over time to warrant a separate assessment at year 1 and 15.

Description of Scheme Proposal

4.5 The Scheme Proposal seeks full planning permission (via an Appeal to the Planning Inspectorate) for 44 new affordable homes and the creation of play space and open space. The development would require the demolition of the existing buildings and structures associated with the former stables to the north of the site and the demolition of a single property at 248 Hart Road to would facilitate vehicular access.

4.6 The proposed layout design (Fig.4.1) was developed following pre-application consultation with local stakeholders including the public and the local authority’s planning officer (Details of which are summarised on pages 23-26 of the Design and Access Statement (DAS), prepared by Ashby Design. The DAS illustrates how the Scheme Proposal has been designed in response to the consultation, the Site’s opportunities and constraints and its surrounding context, including the school to the west as well as site specific features such as boundary vegetation.

4.7 The layout and design proposals have sought to apply good practice design principles as required by national policy (within the NPPF) and local policy, including the Essex Design Guide and the ‘Residential Design Guidance Supplementary Planning Document (Castle Point Borough Council, 2013).’

4.8 The scheme proposals were also developed to accord with the proposed policy H020 of the then, emerging local plan.

4.9 The main pedestrian and vehicular access into the new development, as noted are off Hart Road and will remain in the same location as existing but widened to facilitate two way vehicular movement. A further pedestrian path is proposed to the south which has the potential to connect future development to the south as originally envisioned in the former policy H020.

4.10 The proposed houses will be predominantly semi-detached and whilst the form of buildings will retain the traditional character with two storeys and pitched roof, the style will be contemporary with the aim of creating a distinct identity for the Site. Quoting from page 35 of the DAS, the explanation of the architectural design proposals is as follows “the EDG suggests the abandonment of traditional detailing purely for their symbolic relevance, and instead returning to basic good design with simplification of detailing and use of materials via more logical elements that articulate different parts of the structure. The design of the houses aim to achieve this methodology, with simple, symmetrical elevations that are articulated through use of a mix of brick types, placement of openings and variation of porch design.



Figure 4.1 - Proposed Site Layout Plan - Ashby Design



Extract from DAS pg 38 - CGI of proposed houses - illustrating proposed architectural style.

4.11 Despite the symmetry of the house types within their pairs, a repetitiveness and therefore visually poor streetscape has been avoided by the introduction of gable ended and staggered dwellings. A variety of brick blends provide additional separation and identification of individual dwellings and avoids a monotonous visuality as you navigate the development”.

4.12 With regards to the proposed materials the DAS goes on to state: “The use of the contrasting grey brick features compliments the use of grey roof tiling and window frames, and serves the purpose of forming a connection between the individual dwellings and emphasises the identity of the development as a whole. Windows have been aligned with the entrance doors to give a sense of light and space whilst also providing balance and interest across the key elevations”.

4.13 Parking for cars is designed to meet local standards with a total 104 spaces being provided including visitor parking. 92 spaces are proposed as being allocated to dwellings and the majority of these are provided through on-plot spaces in the form of side access or frontage driveways, with some instances of small communal parking courts.

4.14 The houses are proposed on a linear street layout with a north south road running down the western part of the Site with three, east-west spur roads.

4.15 To the south, an area of open space is designed as a multifunctional space incorporating sustainable drainage features and an equipped play area. It will also include meadow planting and additional tree planting with a focus on native species to enhance biodiversity. Whilst some vegetation will be removed to facilitate the development, the majority of the existing trees and plants around the perimeter will be retained.

4.16 The previously submitted landscape proposals (Open Spaces Landscape Architects) include the provision of additional planting within front and rear gardens as well as supplementary tree and shrub planting along the perimeter of the Site.

4.17 The topography across the Site will remain largely unchanged.

Effects on Landscape/Townscape Character

4.18 The following section considers the effects of the Scheme Proposal on the character areas defined in the baseline section. Definitions and criteria used are found in **Appendix B**.

4.19 There will be temporary, localised effects during the construction phase caused by additional larger vehicles, deliveries, cranes and plant etc. These effects are considered to be negative at a local level, however they will be short-lived and temporary in nature and are not considered further.

4.20 Due to the scale of the Site and proposed development it is not considered appropriate to assess the scheme against the National Landscape Character Area.

Essex County Council Landscape Character Assessment 2003

4.21 The baseline study records that the Site falls within the Landscape Character Area (LCA) G3 - South Essex Coastal Towns. The LCA covers a large area stretching from Basildon to the west and taking in a number of towns including Basildon to the west and Southend on Sea to the east.

4.22 As identified in the baseline study, the Essex County assessment found that the wider G3 Character Area has a ‘low’ landscape sensitivity in respect of small urban extensions of under 5ha, which are “*Likely to be capable in principle of being absorbed*”.

4.23 In applying the five criteria set out in the assessment (quoted in italics below) which refers to the “*potential for only slight or no damaging impacts on*.” the following is noted with regard to the anticipated effects of the development on LCA G3.

4.24 ‘*Distinctive physical and cultural components or key characteristics*’ - the site forms part of the former plotlands and therefore contributes to a distinct field pattern. The scheme proposals retains the boundary vegetation which represents part of the former plotlands and therefore whilst the landuse and character of the site will change the

overall form is retained. Closely related to this is ‘*strength of character/condition of the landscape*’ taken as a whole, the area of former plotlands that remain in the vicinity of the Site are somewhat fragmented and are in a mixed condition with the some parts considered to be in a degraded condition. The proposed development, located at the edge of the plotlands and comprising a small part of the landscape within the wider G3 character area will result in a slight impact on this criteria. In respect of the fifth criteria relating to tranquillity - the Site, due to its location next to a school and close to a busy road, is considered to be an ‘*Area with an absence of tranquillity*’.

4.25 Due to a combination of vegetation and built form, the site is considered to be a ‘*Landscape of low intervisibility/visual exposure*’ and therefore there will be limited or slight change to the views (discussed in detail in the visual assessment below).

4.26 Based on the large scale of the G3 character area and comparative small scale (1.7ha) of the site it is not considered appropriate to directly apply the LVA methodology for assessing effects, however based on an interpretation of the criteria set out above, and using the definitions set out in the methodology it is considered that there will be a very low magnitude of change and a minor effect on Area G3 which, due to the change in use, is considered to fall between adverse and neutral.

Castle Point Green Belt Landscape Assessment 2010 - Area 6

4.27 As described in the baseline assessment, Area 6 has undergone some change within the past 12 years which has seen some parcels of land within it (and adjacent to it) developed for new housing resulting in some fragmentation of the area. The scheme proposals would similarly introduce new homes on part of the former plotlands resulting in a change of use and, in effect, a further reduction of Area 6 and an extension of the surrounding settlement.

4.28 The proposed development would sit alongside Cedar Hall School (located to the west) and back onto existing properties on Hart Road and Greenleas.

4.29 As a result of Area 6 remaining largely undeveloped with areas of fields, sports pitches and woodland, and notwithstanding that it is surrounded by settlement, the susceptibility to the proposed type of development is assessed as medium. In combining this with the medium baseline value, the sensitivity is assessed as medium.

4.30 The proposed development would result in a change of land use on the Site which comprises a small part of the wider Area 6. The proposed houses would be traditional in form and in keeping with the scale and layout of the surrounding residential area. The design of the houses is proposed as a contemporary architectural expression which as is the case in the surrounding area will generate a character that will be associated with period of construction. The majority of boundary vegetation would be retained and enhanced and due to the resultant enclosure, the surrounding area unchanged. The magnitude of change on Area 6 is assessed as medium.

4.31 In combining the medium sensitivity with the medium magnitude of change within Area 6, the effects are assessed as Moderate.

4.32 It is considered that the proposed development, as designed, will make a positive contribute to the wider area, however in considering the nature of the effects on Area 6, the development will result in a loss of part of the landscape which makes up Area 6 thereby reducing it in size. Therefore, notwithstanding the wider benefits the scheme proposal will make to the area, the effects on Area 6 are assessed as adverse.

Local Landscape/Townscape Character Areas

4.33 The Castle Point Borough Urban Design Characterisation has been included within the baseline study to provide background to this assessment. As noted, however it is not considered that the sub-division of within the study lend themselves to being assessed in respect of the proposed development and that a more sensible and proportionate approach is to use a local character assessment of the study area.

Ref	Character Area	Value	Susceptibility to change	Sensitivity	Magnitude of change	Effect
ESSEX COUNTY COUNCIL LANDSCAPE CHARACTER ASSESSMENT 2003						
G3	South Essex Coastal Towns	-	-	-	Very low	Minor-negligible (Adverse-neutral)
CASTLE POINT GREEN BELT LANDSCAPE ASSESSMENT 2010						
	Area 6	Medium	Medium	Medium	Medium	Moderate (Adverse)
LOCAL CHARACTER ASSESSMENT						
CA1	Post-War Residential	Medium-Low	Low	Medium-Low	Low	Minor (Neutral-beneficial)
CA2	Education Campus	Medium-Low	Low	Medium-Low	Negligible	Minor (Neutral)
CA3	Mixed Use Clusters	Low	Very low	Low	Negligible/None	Negligible (Neutral)
CA4	Plotland Landscape	Medium	Medium	Medium	Medium	Moderate (Adverse)
THE SITE						
	The Site	Medium	High-Medium	Medium	High	Moderate / Major (Adverse)

Table 4.1 – Character Area Summary Appraisal of Effects

4.34 In the largely urban/suburban context of the Site, landuse has strongly influenced the categories and the resultant character areas are described in the Baseline section of this report. This approach also enables the former plotlands and land associated with schools to be included in the assessment.

4.35 The following sections will consider the effects of the Scheme Proposals on each of the four local Character Areas applying the methodology and definitions set out in Appendix B.

CA1 - Post War residential development

Character Area Sensitivity

4.36 This area takes in the surrounding residential streets which as noted vary in age and style but which are predominantly single and two storey houses typical of post-war expansion of towns and cities. The proposed development would be consistent with the use and character of this area and therefore the susceptibility to the type of change proposed is assessed as being low. The baseline value was assessed as medium-low which results in CA1 having a Medium-Low Sensitivity.

Magnitude of Change and Assessment of Effects

4.37 The Scheme Proposals will result in a change in land-use from the former paddocks to residential use that will result in the Site becoming part of CA1. Whilst the paddocks make a limited and localised contribution to the setting of the CA, the Scheme Proposals will be of a scale and design that will be in keeping with CA1.

4.38 The magnitude of change on CA1 is assessed as Low and in combining this with the medium-low sensitivity the effects are assessed as Minor.

4.39 Whilst the proposals will result in the loss of former paddock, this as a private plot of land, which makes a limited contribution to the setting of the CA. The proposed scheme has been designed to retain much of the boundary planting and to increase vegetation cover, in particular in the southern open space. The scheme proposals represent

a design quality that responds to the local context in a way that will make a positive contribution to the built environment of the local area. It is considered therefore that the effects will be neutral-beneficial on CA1.

CA2 - Education Campus

Character Area Sensitivity

4.40 This character area, including land adjacent to the Site, comprise a range of discrete areas that are typical of educational uses and which are identified as having a medium-low baseline value. Due to their suburban context they have a low susceptibility to the type of change proposed and therefore a in a Medium-Low Sensitivity.

Magnitude of Change and Assessment of Effects

4.41 The magnitude of change to CA2 is assessed as a low as notwithstanding the proximity of the adjacent school to the Site, there is a distinct sense of separation to CA2 largely due to clearly defined boundaries and their suburban setting. The change resulting from the proposed new houses will be limited and some parcels of land within this character area will remains unaffected.

4.42 The medium-low sensitivity of this CA, combined with the low magnitude of change results in a minor effect. The proposed development will introduce new built form in close proximity to part of the CA, however it will be being in keeping with the wider surrounding context and the effects on CA2 are considered to be neutral.

CA3 - Mixed-use Clusters

Character Area Sensitivity

4.43 CA3 covers areas that comprise a mix of commercial uses with some residential (eg above shops) and were assessed as having a low baseline value. The CA is considered to have a very low susceptibility to change which results in a low sensitivity.

Magnitude of Change and Assessment of Effects

4.44 The Site is remote from CA3 and with limited-no inter-visibility and as such the Scheme Proposals will result in a negligible magnitude of change. Combining this with

the low sensitivity results in a negligible effect and due to the context in which the new residential development is proposed, the nature of effect is assessed as being neutral.

CA4 - Plotland Landscape

4.45 This local character area is similar to Area 6 identified in the Castle Point Green Belt Character Assessment, albeit with the changes noted as a result of development occurring since 2010.

4.46 To avoid repetition reference should be made to the commentary above for Area 6 and to table 4.1.

4.47 In summary the effects on this CA are assessed as Moderate-Minor and Adverse which is largely due to the direct effects on the landscape resulting in a reduction in area of the CA.

The Site

4.48 As identified at the baseline stage, the value of the site was assessed as medium. As a largely undeveloped piece of land, adjacent to existing development and other small fields that together form part of the former ‘plotlands’, the susceptibility to the type of change proposed is assessed as high-medium and therefore the sensitivity is assessed as medium.

Magnitude of Change and Assessment of Effects

4.49 The Site will undergo a wholesale change as result of the scheme proposals with the change of use from stables and paddock to a new housing development with access road and open space. The magnitude of change within the Site is therefore high and the effects are assessed as major/moderate. Notwithstanding the wider benefits afforded by the scheme proposals which include the provision of well designed houses and open space with additional planting, the effects on the landscape of the Site are assessed as adverse.

Effects on Visual Receptors

4.50 This section considers the effect on visual amenity from within the six broad areas identified in the baseline study. With the implementation of the Scheme Proposal, it is considered that the visibility of the Site vary will slightly,

however the extent of visibility from within the local areas remaining broadly the same, but with some possible variation resulting from the change in roof pattern.

4.51 As with the assessment of character areas, the assessment of effects on views and visual amenity first identifies the sensitivity of each receptor location. In line with the methodology, sensitivity is derived from a consideration of the susceptibility to change in combination with the value established as part of the baseline assessment. The judgement on susceptibility however varies depending on the activity of those who are experiencing the view in any particular location and the extent to which their interest may be focussed on the views. Therefore, For example people visiting heritage assets or those participating in outdoor activity where the visual amenity contributes to the enjoyment of a place will have a higher susceptibility to change compared with, for example, someone at work.

4.52 As highlighted at the baseline stage there are a number of different receptor groups which were identified as follows:

- RE - Residents (those experiencing views from within their own properties/gardens)
- ST - People visiting or walking along the streets
- FP - People using public rights of way
- OS - People using the open spaces for recreational purposes
- ED- Education - those attending, working or visiting educational grounds

4.53 In identifying separate receptor locations this results in there being possibly being more than one receptor type and hence potentially difference levels of susceptibility (and sensitivity) for each; the assessment below, therefore, focusses on the most representative receptor type for each area. A summary of the assessment is set out in table 4.2.

4.54 A number of representative photographs have been taken which have been annotated to support the descriptions about the anticipated visibility of the Scheme Proposals.

4.55 As described, tree planting is proposed within the southern open spaces and within gardens. Over time it is anticipated that taller growing species may become visible in some views however due to the enclosed nature

of the site, it is not considered that this will substantially change the nature of views and therefore the assessments have therefore been made with the landscape proposals considered as an integral part of the scheme.

4.56 Construction Phase

4.57 There will be temporary, localised changes in the view from some locations in close proximity to the Site during the construction phase. These effects are considered to be typical of any such construction site with hoarding and views of construction plant likely an the resultant changes as the scheme gets built out. The effects during construction are considered to be negative, however they will be short-lived and temporary in nature and are therefore not considered separately for each of the receptors.

Receptor Location A - Views from properties that back onto the Site (Site Photos 1 & 2, View 1)

Assessment of Sensitivity

4.58 The residential properties immediately adjacent to the Site are assessed as having a high-medium susceptibility to change resulting from the type of development proposed. Combining this with the low-medium baseline value, the sensitivity for this receptor location is medium.

Magnitude of Change and Assessment of Effects

4.59 The demolition of the property along Hart Road, the removal of existing stable buildings, hard standing and paddocks to be replaced by new houses, open space and streets will result in comprehensive redevelopment of the site and therefore the magnitude of change is assessed and high which when combined with the medium-high sensitivity results in a major-moderate effect.

4.60 Whilst the views towards the existing Site from the adjacent houses are considered to include some detracting features and whilst the proposed houses are considered to be well designed, the loss of views out towards the paddocks is considered to result in a change to the visual amenity that is adverse for these receptors.

Receptor Location B - View from Cedar Park School (no photography)

Assessment of Sensitivity

4.61 As noted in the baseline no access was gained to the School grounds which sit to the west of the Site. Located within the residential neighbourhood, the Site forms a part of the setting but is not, in visual terms, a particular focus of the views for those attending or working at the school. It is however noted that in visual terms, the boundary vegetation does form part of the backdrop to the school grounds. The visual receptors associated with the school are assessed as having a medium susceptibility to change of the type proposed. Combining this with the medium baseline value, the sensitivity for this receptor location is medium.

Magnitude of Change and Assessment of Effects

4.62 It is anticipated that the upper floor and proposed houses along the western boundary of the Site will be visible from within the school grounds. Some trees will be removed to facilitate development along this boundary, however much of the hedgerow vegetation will be retained and the magnitude of change is assessed as low. Combining this with the medium sensitivity results in a minor effect. Whilst the scheme proposals will result in the introduction of some new built form in views out from the school, the houses will be set back beyond rear gardens and additional boundary planting is proposed which will further filter any views and therefore the nature of the effects are assessed as neutral.

Receptor Location C - View from Swan Green Open Space (View 2)

Assessment of Sensitivity

4.63 This small park located off Hart Road to the west of Cedar Hall School includes a public right of way. It is surrounded by both residential streets and the school. The park has a numerous mature trees within it and along its boarder. Those using the open space and play area or passing through the park are assessed as having a high-medium susceptibility to change to the type of development proposed. Combining this with the medium baseline value, the sensitivity for this receptor location is medium-high.

Magnitude of Change and Assessment of Effects

4.64 Due to the separation from the Site and the existing vegetation it is unlikely that the development will be notable in the view and from some parts of the park it is unlikely that the views will change. It is, however anticipated that some rooftops will be visible from the central open area and therefore the magnitude of change is assessed and very low which when combined with the medium-high sensitivity results in a moderate-minor effect.

4.65 As a result of the very limited change in the view which will introduce some additional rooftops into what is currently a wider residential setting, the nature of the effects are assessed as neutral.

Receptor Location D - Residential streets (west of the School, south of Hart Road). (no photography)

Assessment of Sensitivity

4.66 This area takes in the private estate of mobile homes to the west of Cedar Hall School as well as the area of housing to the west, off the Rundels. The visual receptors are considered to be those walking or driving along the streets and the susceptibility to change of the type proposed is assessed as medium. Combining this with the low baseline value, the sensitivity for this receptor location is medium-low.

Magnitude of Change and Assessment of Effects

4.67 No access was gained to the private estate of mobile homes however from observations on the site visit it is considered that the views toward the proposed development will remain largely unchanged with vegetation along the schools east and western boundary being likely to screen all but the most occasional glimpse of the development. Views from the streets to the west (south of Hart Road) will be similarly unchanged, however here views towards the proposed development will be largely blocked by the houses within this area. Due, therefore to the very limited change in any view, the magnitude of change is assessed as negligible.

4.68 The effects are also assessed as negligible and whilst it is possible that there may be some limited glimpses of the development in winter months the change in view is likely to be indiscernible and cause no harm to visual amenity and the nature of the effects are therefore neutral.

Receptor Location E - Residential streets (south and south east of the Site (Viewpoints 2 and 3)

Assessment of Sensitivity

4.69 This area takes in the recent private housing estate to the north of The Chase (gated and therefore not accessible) along with the houses and streets on either side of The Chase. The visual receptors are those walking and driving in the area. It is possible that the proposed development may be seen from the upper floor rooms from some of the houses in this area. The susceptibility to change of the type proposed is assessed as medium. Combining this with the low baseline value, the sensitivity for this receptor location is medium-low.

Magnitude of Change and Assessment of Effects

4.70 The introduction of new houses is likely to result in a change in view from some locations within this area, the most prominent change will be from the gate (view 3) into the field to the south of the Site where the upper floors and roof tops of new houses are likely to be visible beyond the existing and proposed vegetation in the southern open space. This view, however is not typical of the views from the pavements and streets such as from Swale Road (view 2) where the hedgerow along The Chase blocks views towards the proposed development. The magnitude of change is therefore assessed as low.

4.71 Combining the low magnitude of change with the medium-low sensitivity of this receptor, the effects are assessed as minor. The change will see new built form introduced into the view but the change will be seen in the context of the existing boundary vegetation, the field in the foreground and other houses that feature in the view. The proposed scale and materials used in the houses will be in keeping with the surrounding area and therefore the effects are assessed as neutral.

Receptor Location F - Residential streets to the east (Leighfeilds, Rayleigh Road, Toolgate etc. (Views 5,6,7 & 8)

Assessment of Sensitivity

4.72 This area takes in the main north-south road and smaller residential streets to the east. The predominant visual receptors are those walking and driving in the area. As noted in the baseline study, the land rises to the east from Rayleigh Road and therefore it is possible that the proposed development may be seen from streets and the upper floor rooms from some of the houses in this area. The susceptibility to change of the type proposed is assessed as medium. Combining this with the low baseline value, the sensitivity for this receptor location is medium-low.

Magnitude of Change and Assessment of Effects

4.73 The introduction of new houses is likely to result in a limited change in view from some locations within this area. From lower areas such as the pavement along Rayleigh Road, it is unlikely the scheme proposals will be discernible though it is possible that in winter months roof tops may be glimpsed beyond the intervening properties and wooded vegetation. From higher ground, it is possible that the roof tops will increase in visibility but again will be seen in context of the surrounding houses, streets and vegetation and will not form the focus of the view; therefore the magnitude of change is assessed as very low.

4.74 The assessment of effects is therefore minor and for the reasons given for receptor location E, the change will be in keeping with the local context and the nature of the effects are assessed as neutral.

Receptor Location G - Residential streets to the north of Hart Road (Views 9,10,11 & 12)

Assessment of Sensitivity

4.75 This area includes the those using the roads and pavements and residents of houses along Hart Road and streets to the north of it and the susceptibility to change of the type proposed is assessed as medium. Combining this with the low baseline value, the sensitivity for this receptor location is medium-low.

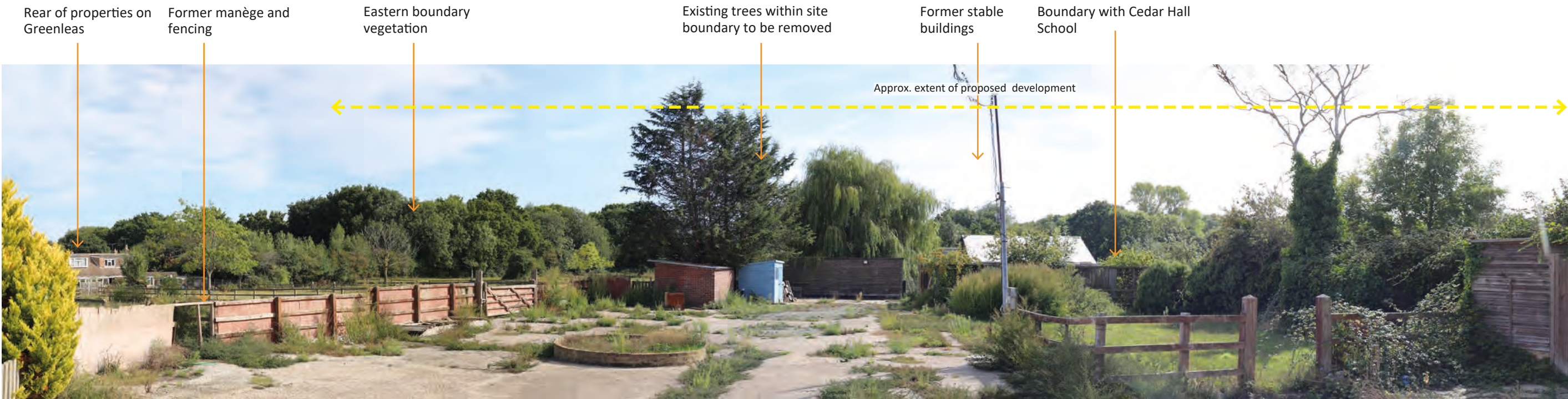
Magnitude of Change and Assessment of Effects

4.76 The introduction of new houses on the site will change the view from Hart Road and will be most noticeable in views looking into the development from opposite the proposed vehicular access which will differ from the current view of a houses and gates which prevent views into the paddocks beyond. In views from the north the change will be less notable with parts of the new development being seen through gaps between or above existing houses. The magnitude of change for this receptor location is assessed as low.

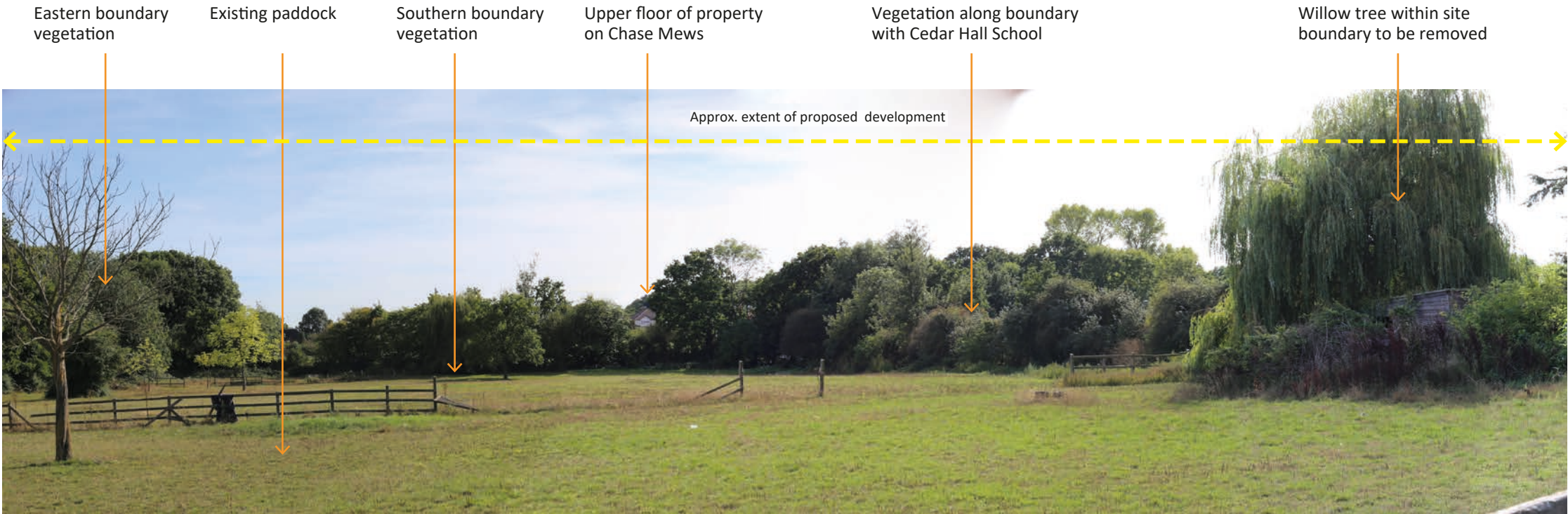
4.77 The effects on the view from these locations, albeit that they vary depending on proximity is assessed as minor. The new junction will include a street to be lined with planting and views into the development from Hart Road will take in the new houses. Whilst different from the existing view it is considered that the scheme proposals will be attractive in their design and the nature of effects will be neutral-beneficial.

Ref	Representative View	Receptor Type	Photo Refs	Value	Susceptibility to change	Sensitivity	Magnitude of change	Effect
A	Views from properties that back on to the Site	EM, ST	Site Photos 1,2 View 1	Low-medium	High-medium	Medium	High	Major-Moderate (Adverse)
B	Views from Cedar Hall School	ST, RE, OS	-	Medium	Medium	Medium	Low	Minor (Neutral)
C	Swans Green Public Open Space	ST, RE, OS	View 2	Medium - high	Medium - high	Medium - high	Very Low	Moderate-Minor (Neutral)
D	Residential streets (west of the School, south of Hart Road.	RE	-	Low	Medium	Medium-Low	Negligible	Negligible (Neutral)
E	Residential streets (to the east and south)	ST, RE	Views 3, 4	Low	Medium	Medium-Low	Low	Minor (Neutral)
F	Rayleigh Road and residential streets to the east	ST, RE	Views 5,6,7,8	Low	Medium	Medium-Low	Very Low	Minor (Neutral)
G	G - Residential streets to the north of Hart Road	ST, EM	Views 9, 10,11,12	Low	Medium	Medium-Low	Low	Minor (Neutral-Beneficial)

Table 4.2 – Visual Summary Appraisal of Effects



Site Photo 1 - View looking south from the access to the Site looking towards the former stables and paddock beyond



Site Photo 2 - View looking south from the edge of the manège towards the southern site boundary.

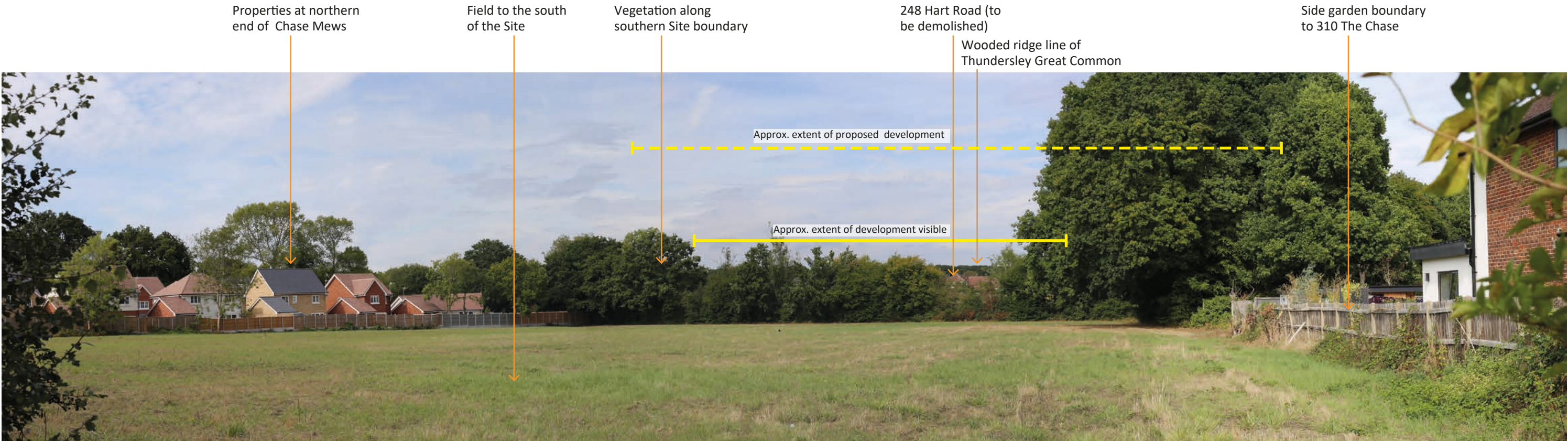
Photographs 1 and 2 illustrated below, are views from within the site and therefore indicative of the possible views from within gardens or upper floors of the adjacent properties .



RECEPTOR LOCATION A - Viewpoint 1 - View looking west into the Site between houses on Greenleas



RECEPTOR LOCATION C - Viewpoint 2 - View looking east from Hart Road at entrance to Swan Green Open Space



RECEPTOR LOCATION E - Viewpoint 3 - View looking north from The Chase at the access gate in to the field south of the Site



RECEPTOR LOCATION E - Viewpoint 4 - View looking north from the junction with The Chase and Swale Road



RECEPTOR LOCATION F - Viewpoint 5 - View looking west towards the Site from the junction of Leighfields and Greenleas



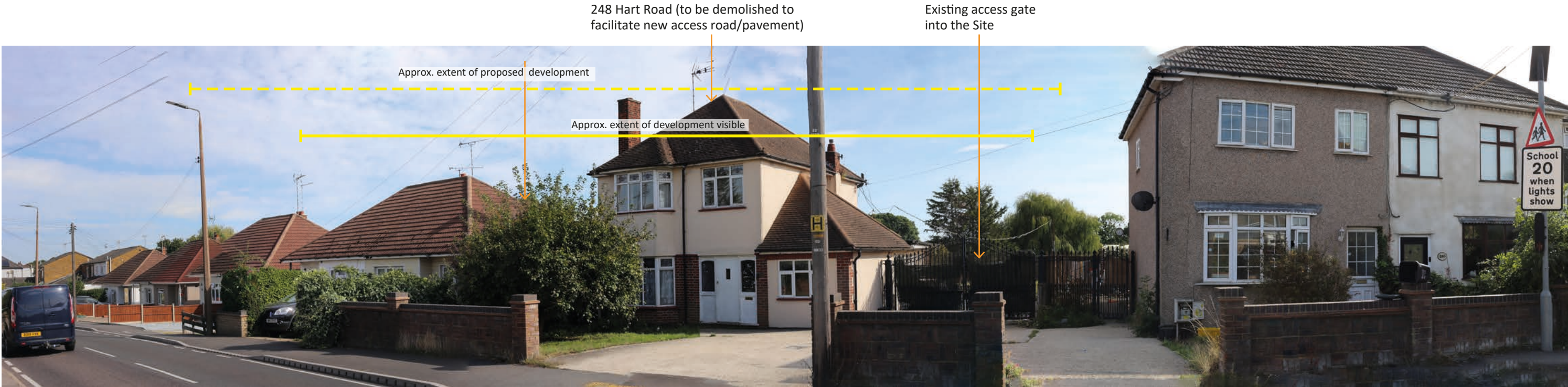
RECEPTOR LOCATION F - Viewpoint 6 - View looking south east from junction of Tollgate and Heathfield (Site not visible)



RECEPTOR LOCATION F - Viewpoint 7 - View looking west towards the Site from Rayleigh Road



RECEPTOR LOCATION F - Viewpoint 8 - View looking west towards the Site from Balmerino Avenue (private road)



RECEPTOR LOCATION G - Viewpoint 9 - View looking south towards the Site entrance from Hart Road



RECEPTOR LOCATION G - Viewpoint 10 - View looking south west towards the Site from Hart Road



RECEPTOR LOCATION G - Viewpoint 11 - View looking south towards the Site nr 10 Woodlow



RECEPTOR LOCATION G - Viewpoint 12 - View looking south east towards the Site from Alderleys`

5 Summary and Conclusions

Introduction

5.1 The assessment of landscape /townscape and visual impact draws on a study of the Site and its setting within the suburban and predominantly residential area of Thundersley in Essex.

5.2 The Site consists of a rectangular plot of land to the south of Hart Road and to the east of Cedar Hall School. The Site was previously in use as a stables and paddocks and currently comprises the dis-used buildings and manège associated with its former use and with the remainder being a grassed paddock. A single detached property, 248 Hart Road also forms part of the Site.

5.3 There are not statutory designations associated with landscape or heritage on or adjacent to the Site. Part of the Site falls within the Thundersley Plotlands Local Wildlife Site.

5.4 The main area of the Site is broadly flat and is enclosed by vegetation along the southern and part of the eastern and western boundaries. Rear gardens of a number of properties on Hart Road and Greenleas back on to the Site along the northern and part of the eastern boundary. Existing small fields and belts of woodland sit adjacent to the Site to the east and south, and as noted Cedar Hall School is located on adjacent land to the west.

5.5 The Scheme Proposal are for 44 new homes. These have been designed as predominantly semi-detached two storey homes. The architectural style of the buildings will reflect a traditional form with pitched roofs. The design of the façades and detailing will, however employ a more contemporary approach. Light coloured brickwork and slate coloured tiles will be used throughout.

5.6 The landscape proposals have been designed to provide an attractive setting for the new homes and include the provision of an open space with play area to the south. A number of trees will be removed to facilitate the development, however the majority of those along the boundary and within the southern open space will be retained. Additional tree planting is proposed throughout which will result in an overall increase in tree cover.

5.7 Vehicular access will remain in the same location off Hart Road to the north however to facilitate access and

servicing to the new houses, 248 Hart Road be demolished and replaced with a road and pavements with planted verge. Provision for an additional pedestrian connection to the south is also included.

5.8 This Appraisal has considered the anticipated effects resulting from the proposed development on the Site and character of surrounding area, which for the purposes of the report has been subdivided into a number of ‘ local character areas’. A separate assessment has been undertaken to consider the effects of the proposed development on views and the visual amenity.

Character Areas Appraisal

5.9 Following a review of published character assessments for both townscape and landscape, it was concluded that a subdivision of the study area into a series of local character areas,largely based on land-use, would be an appropriate way to assess the effects.

5.10 Published character studies for the area provide useful context and background however in the case of the Essex County Council Character Assessment, the scale of the Character Area G3 (taking in the wider urban areas from Basildon to Southend on Sea) it was considered too large to allow for an accurate assessment of value and sensitivity. In applying the criteria used in the published assessment and definitions set out in the methodology below (Appendix B)an assessment of likely effects concluded that there would be a minor-negligible effect on the character area and that this would be adverse-neutral.

5.11 At the borough level, Castle Point does not have a character assessment covering the whole borough. The Urban Design Characterisation study sub-divides the Borough’s streets into areas characterised according to architectural/urban design criteria (the Site is not included) however whilst providing helpful context, the subdivisions were not considered appropriate for the purposes of this report.

5.12 The Green Belt Landscape Character Study does provide a landscape assessment that includes the Site within ‘Area 6’ (refer to Fig 3.3). Whilst part of the assessment remains relevant, it dates back to 2010 and some areas within or adjacent to Area 6 have since been developed

for housing. In applying the criteria and definitions set out in Appendix B, Area 6, largely corresponds with the Local Character Area - CA4 ‘Plotland Landscape’. The effects for this and the other four areas are summarised below.

5.13 In assessing the effects on the four Local Character Areas the proposed development would result in an increase to CA1- Post War Residential and decrease the area of CA4 Plotland Landscape. Due to the effects resulting from change in use of the Site and notwithstanding the wider benefits of the scheme, it was concluded that the effects on the landscape of CA4 would be Moderate and Adverse. With regards to CA1, the effects are assessed as Minor and Neutral-beneficial.

5.14 Due to the very limited and indirect changes resulting from the proposals, the effects on the two other local character areas (CA2-Education Campus and CA3- Mixed Use Clusters) were assessed as Minor and Neutral and Negligible and Neutral.

5.15 The Site itself is not a valued landscape (as defined by the NPPF) and is visually contained by the surrounding vegetation and built form. It does, however make some contribution to the wider Plotlands Landscape (and Area 6 as defined by Castle Point in 2010). In assessing the effects on the landscape of the Site the proposals will inevitably result in a change of use and therefore effects are assessed as major/moderate and adverse.

Visual Appraisal

5.16 The assessment of effects on views and visual amenity were based on a site visit and subsequent review of how the Scheme Proposals would change the nature of the view for those experiencing it (visual receptors).

5.17 The Site is visually contained by a combination of vegetation and neighbouring buildings and therefore existing views towards the Site are very limited and restricted to local views from streets within 0.5km of the Site. Due to the enclosed nature of the The Site, it is not a distinct or notable feature within local views and with the exception of those whose houses back on to it, the Site is generally imperceptible in most views when looking towards it. With the introduction of new houses, visibility will increase, however views will remain limited to the local area.

5.18 In order to assess the changes in views, the study area was divided into seven receptor areas. With the exception of Area 1 views considered were from the publicly accessible streets and spaces around the Site. The change in visual amenity from the surrounding streets was not found to cause any adverse effects to the views. Where the development is visible, it will be partially screened and often only roof tops will be visible. In most cases the changes will be seen in the context of the surrounding residential area where new houses will be seen alongside or through gaps between existing houses. Over time as tree planting matures, taller growing species will appear as positive features within some views.

5.19 The change in view was also considered from the properties backing onto the Site. As a consequence of their proximity to the development and high magnitude of change in view from paddocks which will be replaced by houses, the effects on visual amenity are assessed as major-moderate and adverse.

Overall Conclusion

5.20 In conclusion, this assessment finds that the Scheme Proposals will make a very limited change to the surrounding character of residential areas of Thundersley and will not result in any significant adverse effects on it. As a result of the design and layout of the new houses, they will introduce a contemporary architectural style which will positively contribute to the pattern of existing development.

5.21 The Site, as a result of the proposed development undergo a change from paddocks to housing. Some trees will be removed to facilitate the development, however much of the vegetation that characterises the boundaries will be retained and new tree planting is proposed to re-enforce the existing. Whilst on balance, the effects are assessed as adverse on the landscape of the Site itself, neither the Site nor the surrounding area are considered to be of high sensitivity nor are they valued landscapes as defined by the NPPF.

5.22 As an overall conclusion the effects on both landscape and visual amenity are limited to and are experienced at a local and site based level.

APPENDIX A

1.1 The following is included for information and is the extract of 5 pages for HO20 from the Castle Point Borough Council Large Site Capacity Assessment December 2019 Rev D.

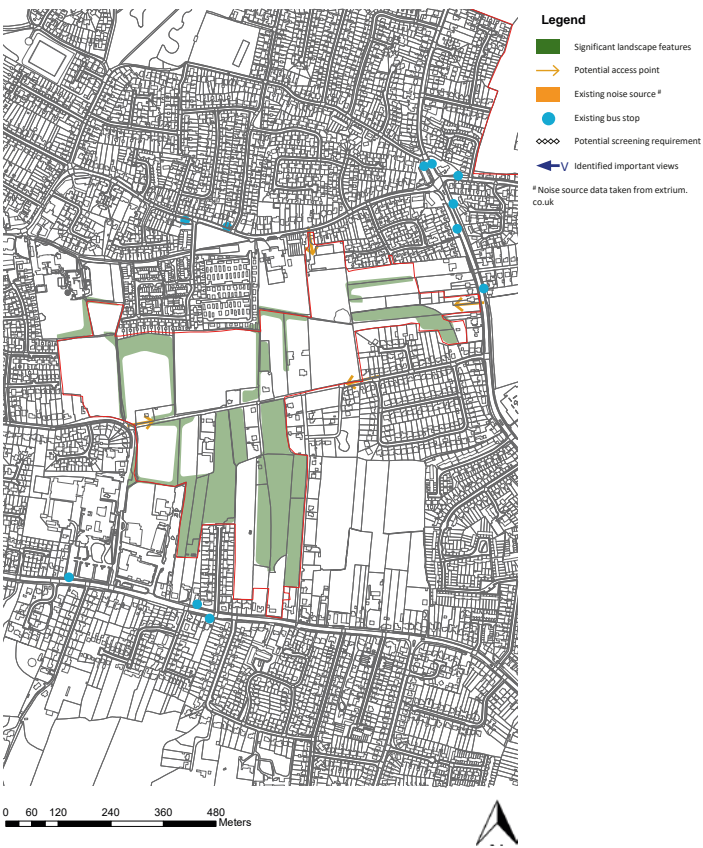
Site Analysis
The Chase - HO20

Site criteria	
Site:	The Chase
Site Ref:	HO20
Site Area (Ha):	28.94
Net Developable* % Site Area (Ha):	50% (14.47 Ha)
Gross Density** (dph):	30 dph
Approximate*** no. dwellings:	430
Mix of Development:	Semidetached, Detached and small proportion of terrace. Open Space
Site characteristics	
Built Environment Context:	<ul style="list-style-type: none">Green character located in urban context.Development land made up of a patch work of green space, woodland and individual dwelling plots.Predominately surrounded by residential development.
Historic Environment Context:	<ul style="list-style-type: none">The site is relatively undisturbed, may contain remains from a medieval deer park.
Natural Environment Context:	<ul style="list-style-type: none">The site is located within the Thundersley Plotlands Local Wildlife site.The site is within parcel 6 of the Green Belt Landscape Assessment (2010), it has a high landscape sensitivity and medium-high visual sensitivity.Site subject to several tree preservation ordersThe site is wholly within the green belt.The site is wholly greenfield land.
Landscape Character:	<ul style="list-style-type: none">Essex Landscape Character is defined as 'South Essex Coastal Towns (C3)'Existing sites woodland and landscape creates a defined landscape character to the area.
Constraints and Opportunities	
Key Constraints:	<ul style="list-style-type: none">Site is located within a local wildlife siteLocated within green belt and greenfield site.Protected trees and woodland.Patch work of designations across the site splitting the site into small parcelsNoise levels from the southern boundary.Stated as a high landscape sensitivity and medium to high visual sensitivity.
Key Opportunities:	<ul style="list-style-type: none">Utilising existing landscape character to define development.Existing accessPromote and enhance existing habitatsGood links to surrounding schools and public transport.Site has opportunities to create inter connect parcels of development to respond to the patchwork of designated sites.
<p>Notes:</p> <p>* based on a summary of the overall site constraints</p> <p>** based on the surrounding built context, landscape sensitivity and other site specific constraints</p> <p>*** density calculation based on an appropriate uniform context influenced appraisal. (Density across the site may increase and reduce within the redline site boundary to reflect the nature of the site and its surroundings as well as the varying nature of each development parcel.</p>	

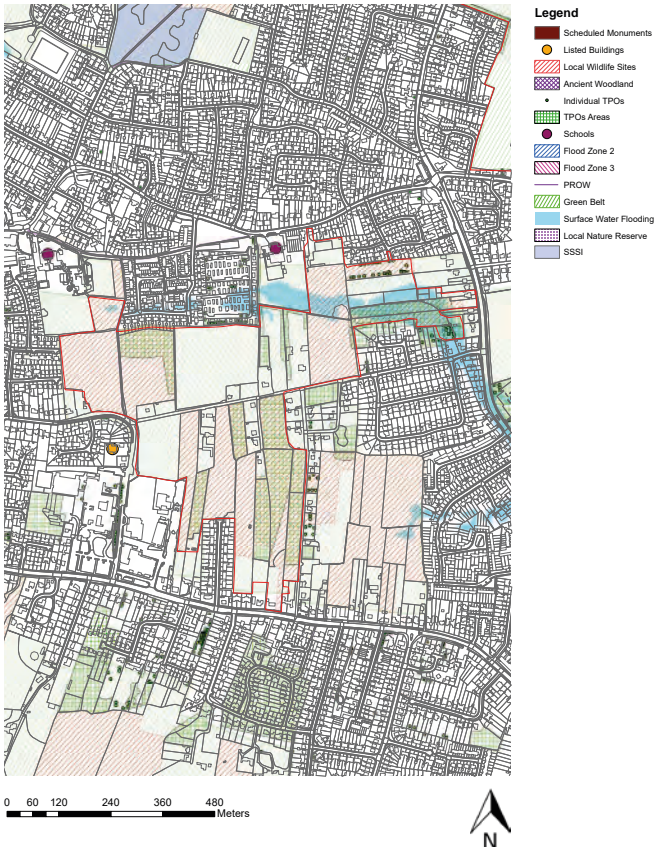
Site Viewpoints Plan
The Chase - HO20



Site Constraints Plan
The Chase - HO20



Site Designation Plan
The Chase - HO20



Site Viewpoints Plan
The Chase - HO20



APPENDIX B

FULL LANDSCAPE AND VISUAL APPRAISAL METHODOLOGY

Introduction

B.1 This Appendix sets out the methodology applied when undertaking the accompanying Landscape and Visual Appraisal (LVA). The appraisal is undertaken as an independent assessment of the effects of a proposed development on both the landscape and visual amenity and is undertaken by experienced and suitably qualified Chartered Landscape Architects.

B.2 The appraisal has been undertaken in accordance the methodology set out below which draws on best practice guidance as published in the following documents:

- *Guidelines for Landscape and Visual Impact Assessment (3rd edition); Landscape Institute/ Institute of Environmental Management and Assessment (2013). Also, referred to as GLVIA3.*
- *GLVIA3 Statement of Clarification 1/13 10-06-13 (Use of the term ‘Significance’) – Landscape Institute (2013)*
- *Technical Guidance Note 1/20: Reviewing LVIA’s and LVAs – Landscape Institute (2020)*
- *Technical Guidance Note 06/19 Visual Representation of development proposals (and associated appendices) – Landscape Institute (2019)*
- *Technical Guidance Note 02/21 Assessing landscape Value outside national designations – Landscape Institute (2021)*
- *An Approach to Landscape Character Assessment; Christine Tudor, Natural England (2014)*

B.3 Landscape and Visual Appraisals are generally undertaken for developments that are either not required to prepare environmental impact assessments (EIA) or where landscape and visual matters have been ‘scoped out’ through the EIA process but where an understanding of the effects on landscape and visual amenity is required to assist in the design development of a scheme proposal and to inform decision makers with regards to the likely resultant effects. In line with the LI guidance noted above, where an appraisal does not form part of an EIA it does not assess the ‘significance of effects’.

B.4 The use of the term ‘landscape’ for the purposes of the appraisal and in line with GLVIA3 draws on the definition set out in in the European Landscape Convention which is inclusive of natural, rural urban and peri-urban areas, it includes land, inland water and marine areas.

B.5 The LVA is undertaken with a prior understanding of the nature of the development being proposed and the purpose is to assess how the scheme proposals may affect the landscape and visual amenity of identified receptors or in other words the landscape as a resource and those who experience the landscape.

B.6 In line with best practice, whilst interrelated, landscape and visual effects are considered separately.

B.7 The first stage is to gain a detailed understanding of the existing conditions and a baseline study is undertaken drawing on both site and desk based research. This reviews the existing landscape receptors including individual elements, features and characteristics, including reference to published character assessments. Visual receptors (those who experience the view) are identified along with specific viewpoints to establish the visibility of the existing site. The next stage considers the value of a particular landscape or view. This information is then used along with an assessment of the susceptibility to the proposed change to form a judgement about the landscape or visual sensitivity.

B.8 The development proposals are considered, and the effects are described in relation to the landscape character, feature, or view etc. The magnitude of change is established for each landscape or visual receptor and combining an assessment of this with the established sensitivity, a conclusion is reached about any likely effects. Dependent on the nature of the proposals, the assessment considers the proposals at different stages, from construction through to establishment of any landscape mitigation and for certain proposals, decommissioning. The effects can be either positive or negative or at times neutral.

Methodology for Appraisal of Landscape Effects

ESTABLISHING LANDSCAPE SENSITIVITY

B.9 To assess the likely effects on the landscape the Landscape Sensitivity is established through a consideration of the Landscape Value and the Susceptibility to Change.

Landscape Value

B.10 Landscape Value is defined in the Landscape Institute TGN-02-21 as “the relative value or importance attached to different landscapes by society on account on their landscape qualities”; it goes on to state that landscape value “means more than popularity” and is determined through an assessment of a variety of aspects including the character of the landscape, its scenic qualities and condition, the elements and features that it contains, and any specific value attached to the landscape whether formally eg through designation; or informally eg local connections historic or artistic connections or a local landmark.

B.11 Other aspects such as recreational, conservation or perceptual qualities(such as tranquillity or remoteness may also contribute to the landscape value.

B.12 Within the LVA the landscape receptor (character area or element) is assessed based on the criteria set out in table B.1. In some instances, it may be difficult to assign a single value category (eg for a large landscape character area that may include both a designated landscape and undesignated land within poor condition) in such instances the Value may be assigned as a combination (eg High-Medium) which will be explained within the supporting text.

Table B.1 – Landscape Value

Value	Typical criteria	Typical scale of importance/ rarity	Typical examples
Exceptional	A landscape in excellent condition; of high importance, rarity and high scenic quality. No potential for substitution	International	World Heritage Site
High	A landscape in very good condition; of high importance with good scenic quality and rarity. Limited potential for substitution	National, Regional, Local	National Park, AONB, SLA Conservation Area
Medium	A landscape in generally good condition; with moderate importance and scenic quality. May be an ‘everyday, commonplace’ area. Some potential for substitution.	Regional, Local	Locally designated areas or undesignated but value expressed through non-official publications or demonstrable use
Low	A landscape in poor condition or with low scenic quality and importance. Alternatively it may be an ‘everyday, commonplace’ area. Potential for substitution.	Local	Areas identified as having some redeeming feature or features and possibly identified for improvement
Poor	A degraded landscape in poor condition and no scenic quality and low importance. Considerable potential for substitution.	Local	Areas identified for improvement / recovery.

Landscape Susceptibility to Change

B.13 The susceptibility of the landscape is concerned with establishing whether or not the landscape, be it a particular character area, landscape type or element can accommodate the proposed development without unacceptable negative consequences. The levels of susceptibility are assessed using the following criteria set out in Table B.2.

Table B.2 – Landscape Susceptibility to Change

Susceptibility to change	Criteria
High	A landscape with limited tolerance to change of the type proposed and therefore likely to result in undue consequences as a result of it. And/or where the proposed development would be in direct conflict with specific landscape management or planning policies. This may be an area possessing particularly distinctive landscape elements, characteristics or sense of place, and few or no landscape detractors
Medium	A landscape which is partially tolerant to change of the type proposed and therefore may be susceptible to some undue consequences arising from it. This may be an area with some distinctive landscape elements, characteristics, or clearly defined sense of place, but with some landscape detractors.
Low	A landscape which is tolerant of change of the type proposed and which is unlikely to lead to undue consequences . This may be an area with some recognisable landscape character, but few distinctive landscape elements, characteristics, and some, or a number of landscape detractors. Or, where the character area is separated by distance or features so as to have little or no direct relationship with the site/and or proposed development
Very Low	An area that is tolerant of substantial change of the type proposed which will not result in any undue consequence. This may be an area with limited or no distinctive landscape elements, characteristics, or weak sense of place, and many landscape detractors, or an area comprising the same type of development as proposed or where the character area is separated by distance or features so as to have no direct relationship with the site/and or proposed development.

Landscape Sensitivity

B.14 The sensitivity of the landscape receptor is derived by combining the judgements on Value and Susceptibility to Change described above, as set out in Table B.3.

Table B.3 – Landscape Sensitivity

Townscape Sensitivity		Susceptibility to Change		
		High	Medium	Low/Very Low
Value	Exceptional	High	High-Medium	Medium
	High	High	High-Medium	Medium-Low
	Medium	High-Medium	Medium	Low
	Low / Poor	Medium-Low	Low-Negligible	Negligible

ESTABLISHING MAGNITUDE OF CHANGE

B.15 In order to establish the magnitude of change of the proposed development, including both the loss of existing features and replacement with new elements, an assessment is made which considers the size, scale, duration and reversibility of the effect on the landscape. Where developments are permanent and not considered reversible, to avoid unnecessary repetition, an overall statement is provided. The criteria are set out in Table B.4.

ESTABLISHING OF LANDSCAPE EFFECTS

B.16 To establish the overall landscape effects, the assessments of ‘sensitivity’ and ‘the magnitude of change’ are combined. At times, it may be judged that the effects are negligible or, as a result of professional judgement, may be varied from a strict application of the matrix below, where this is the case, justification is provided within the main text of the LVA. The criteria applied is set out in Table B.6.

Table B.4 – Landscape Magnitude of Change

Magnitude of Change	Criteria
High	Where the proposals (or works to facilitate them) would result in the total loss or major alteration of the elements that make up the character of the baseline landscape. Where the introduction of elements is considered to be wholly uncharacteristic in the area. Where the effects of the proposals may be experienced over a large scale and/or influence more than one landscape type/character area.
Medium	Where the proposals (or works to facilitate them) would result in the partial loss or alteration of one or more of the key elements that make up the character of the baseline landscape. Where the introduction of new features may be prominent but not necessarily wholly uncharacteristic in the area. Where the effects of the proposals would be largely experienced within the landscape type/character area within which they will sit.
Low	Where the proposals (or works to facilitate them) would result in minor loss or alteration of one or more of the key elements that make up the character of the baseline landscape. Where the introduction of elements would not generally be considered uncharacteristic in the particular setting and/or where the proposal occurs within other character areas or types and their introduction, by virtue of distance, will have limited or no effect on the baseline character area.
Negligible/None	Where the proposals (or works to facilitate it) would result in very minor loss or alteration of one or more of the key elements that make up the character of the baseline and / or the introduction of elements that may not be uncharacteristic in the particular setting and/or where the proposal occur within other character areas or types and their introduction by virtue of distance will have limited or no effect on the baseline character area.

B.17 Subject to the nature of the proposed development, the assessment of effects is usually considered in three phases namely effects during construction, at year 1 following completion and at year 15. Subject to the nature and scale of development and/or construction methods, and to avoid unnecessary repetition, a summary statement may be provided regarding the construction phases.

B.18 At year 15, if tree planting is included as part of the development (either as mitigation or as an integral part of the scheme) an assessment on the nature of the effects on the receptors is considered based on the assumption that planting has established. The effects at year 15 are considered to be the residual effects.

B.19 The effects can be positive/beneficial, negative/adverse or neutral and judgements regarding this are separate from the assessment of overall effects, for example an effect that is assessed as minor and positive is not suggesting that the positive effects are limited, conversely an effect considered to be major and negative does not necessarily mean the effects are excessively adverse, rather on balance using the criteria listed in B.6 and effect is assessed as either positive, negative or neutral.

Table B.5 – Landscape Effects

Assessment of Landscape Effects		Magnitude of Change			
		High	Medium	Low/Very Low	Negligible/None
Sensitivity	High	Major	Major / moderate	Moderate/ Minor	Minor / Negligible
	High - Medium	Major / moderate	Moderate	Moderate/ Minor	Minor / Negligible
	Medium	Major / moderate	Moderate	Minor	Negligible / None
	Medium - Low	Moderate	Moderate / minor	Minor	Negligible / None
	Low	Moderate / minor	Minor	Minor / Negligible	Negligible / None
	Low / Negligible	Moderate-Minor	Minor / Negligible	Negligible / None	None
	Negligible	Minor	Minor / Negligible	None	None

Table B.6 – Nature of Landscape Effects Criteria

Beneficial Criteria – Where the proposals
Fits well with scale / landform and/or pattern of landscape Increases characteristic features or enhances the contribution to the wider setting Enhances balance of landscape elements Improves the sense of tranquillity Provides ability to include adequate or appropriate mitigation Complements local/national planning policies or guidance to protect landscape character
Adverse Criteria – Where the proposals
Is out of scale with surrounding landscape / landform and/or pattern of landscape Results in a loss of key landscape features or characteristics or a deterioration in contribution to setting Disrupts the balance of landscape elements Reduces the sense of tranquillity Lacks ability to include adequate or appropriate mitigation Conflicts with local/national planning policies or guidance to protect /manage landscape character
Neutral Criteria
Where the change (whatever the scale) resulting from the proposals will have an indiscernible effect on the character or characteristics of an area Where any change will see one or more elements replaced with another of similar form/extent so as to result in an effect that on balance is neither positive nor negative Neutral effects may, in some circumstances, result from a professional judgement which requires weighing up a combination of both adverse and beneficial criteria.

Methodology for Appraisal of Visual Effects

ESTABLISHING VISUAL SENSITIVITY

B.20 To assess the likely effects on views / visual amenity the sensitivity of the receptors (ie those looking at the view) is established through a consideration of the baseline Value and the Susceptibility to Change of a particular viewer or representative viewpoint.

Value

B.21 Value of a particular view is determined through an assessment of the location, the nature of the view, its scenic qualities and condition, the elements and features that it contains. Value can also be denoted by the recognition of particular views in local policy or specific viewpoints identified for example on maps or in tourist guides. Value is categorised in Table B.7

Visual Susceptibility to Change

B.22 The assessment of susceptibility is concerned with establishing to what extent the visual receptor can accommodate the change in the nature of the view or the visual amenity of the view resulting from proposed development without causing undue harm to the visual experience. In establishing susceptibility, there are circumstances in which the view is experienced eg does the view form part of the reason for being in a particular location (tourists visiting a local landmark), or is it secondary to the reason for the person being in a particular location (eg a daily commute to work by car).

B.23 To assist in explain the visual amenity experienced, each visual receptor is described within the assessment and typical viewpoints are selected and photographed to provide a representation of the views. The levels of susceptibility are assessed using the following criteria set out in Table B.8. Susceptibility of the receptors may be reduced if the nature of the view is limited either by distance or intervening features.

Table B.7 – Value

Value	Typical Criteria
Exceptional	Where views are of a highly exceptional nature, of high scenic value, often within, towards or across a landscape with a national designation or heritage assets or towards a notable landmark. The view may be identified within policy or other publications
High	Where the views have a generally high scenic value. The view point may be within or looking towards a designated area or notable landmark with few incongruous features or elements within in the view. The view may be identified within policy or other publications.
Medium	Where the views are across or towards a landscape in generally good condition; with moderate local importance and/ or scenic quality. Some views categorised as Low may also be considered to be everyday/unremarkable views. The view may be identified within local policy or other publications.
Low	Where the views are across or towards landscape in poor condition with low to moderate local scenic quality and/or importance and / or where there are features detracting from the view. Some views categorised as Low may also be considered to be everyday/unremarkable views. Considerable potential for substitution of some elements in the view
Poor	Where views are across or towards a degraded landscape in poor condition with limited or no scenic quality and low importance. Considerable potential for substitution of some or all elements in the view

Table B.8 – Visual Susceptibility to Change

Susceptibility to change	Criteria
High	Where the receptor is engaged in outdoor recreation including public rights of way and their attention is likely to be focused on the landscape or particular views. Visitors to heritage assets or visitor attractions where the views to the landscape or surroundings are an important part of the experience. Residents at home where views contribute to the setting of a residential area
Medium	People visiting retail outlets or other destinations as a leisure activity, or at a place of work, where the views to the landscape or surroundings are part of the experience OR where the receptor, normally categorised as High is located in an area of poor scenic value where the views to the surrounding area are unlikely to be the main focus of attention (eg walking to work).
Low	People engaged in outdoor sport or recreation that does not depend on an appreciation of the view. People travelling by road or rail (unless the route is specifically identified for its views). People at work or in a workplace or a place of education where the views to the landscape or surroundings are not important.

Visual Sensitivity

B.24 The sensitive of the receptor is derived by combining the judgements on Value and Susceptibility to Change as set out in Table B.9.

Table B.9 – Visual Sensitivity

Visual Sensitivity		Susceptibility to Change		
		High	Medium	Low/Very Low
Value	Exceptional	High	High-Medium	Medium
	High	High	High-Medium	Medium-Low
	Medium	High-Medium	Medium	Low
	Low / Poor	Medium-Low	Low-Negligible	Negligible

ESTABLISHING MAGNITUDE OF CHANGE

B.25 In order to establish the magnitude of change of the proposed development an assessment is made on the size and scale of the effect, the degree of change in the view, the geographical extent of the effect and its reversibility or otherwise. The proposed scheme is considered based on the nature of the proposals, and a professional interpretation is made in respect of each receptor. For developments that are permanent these are generally not considered reversible and therefore to avoid unnecessary repetition, an overall statement is provided on this.

B.26 The nature of the view is also considered to determine whether the change resulting from the proposed development will be experienced as a stationary effect or experienced when moving as part of a sequence of changing views. Similarly, consideration is given to whether or not the extent of visibility reduces views to more attractive aspects of the landscape, its interaction with the horizon and other factors such as the creation of new landmarks etc. Magnitude of Change of the Effect on the Visual Receptor is assessed using the criteria set out in Table B.10.

Table B.10 – Visual Magnitude of Change

Magnitude of Change	Criteria
High	Where the proposals (or works to facilitate them) would result in the total loss or major alteration of the elements that make up the view from a particular location. Where the introduction of elements is considered to be totally uncharacteristic within the setting. Where the effects of the proposals would be visible over a large scale and / or at close range
Medium	Where the proposals (or works to facilitate them) would result in the partial loss or alteration of one or more of the key elements that make up the view from a particular location. Where the introduction of new features may be prominent but not necessarily uncharacteristic in the particular setting.
Low	Where the proposals (or works to facilitate them) would result in minor loss or alteration of one or more of the key elements that make up the view from a particular location. Where the introduction of elements would not generally be considered uncharacteristic in the particular setting. Where the effects of the proposals would be seen from further afield or as only part of a view
Negligible / None	Where the proposed scheme (or works to facilitate it) would result in a very minor loss or alteration to the view and / or the introduction of elements would not be uncharacteristic within the setting. Where the effects of the proposals would only be seen from a distance and be imperceptible within the context of the wider view.

ESTABLISHING THE OVERALL ASSESSMENT OF VISUAL EFFECTS

B.27 To establish the overall assessment of the visual effects, the sensitivity of the visual receptor and the magnitude of change are combined. The results can either be positive/beneficial or negative/adverse. It may also be the case that there are no effects or that effects are judged to be neutral in such instances this will be explained within the text.

B.28 Subject to the nature of the proposed development, the assessment of effects is usually considered in three phases namely effects during construction, at year 1 following completion and at year 15. Subject to the nature and scale of development and/or construction methods, and to avoid unnecessary repetition, a summary statement may be provided regarding the construction phases.

B.29 At year 15, if tree planting is included as part of the development (either as mitigation or as an integral part of the scheme) an assessment on the nature of the effects on the receptors is considered based on the assumption that planting has established. The effects at year 15 are considered to be the residual effects. The effects can be positive/beneficial, negative/adverse or neutral. The criteria applied is set out in Table B.12.

Table B.11 – Visual Effects

Assessment of Visual Effects		Magnitude of Change			
		High	Medium	Low/Very Low	Negligible/None
Sensitivity	High	Major	Major / moderate	Moderate/ Minor	Minor / Negligible
	High - Medium	Major / moderate	Moderate	Moderate/ Minor	Minor / Negligible
	Medium	Major / moderate	Moderate	Minor	Negligible / None
	Medium - Low	Moderate	Moderate / minor	Minor	Negligible / None
	Low	Moderate / minor	Minor	Minor / Negligible	Negligible / None
	Low / Negligible	Moderate- Minor	Minor / Negligible	Negligible / None	None
	Negligible	Minor	Minor / Negligible	None	None

Table B.12 – Nature of Effects Criteria

Beneficial Criteria – Where the proposals
Fit comfortably within the view Improves the view or an element within the view Do not result in an incongruous feature within the prevailing pattern of landscape Do not obstruct views towards a high quality or scenic landscape Do not obstruct views or detracts from the visual amenity of a view towards a heritage asset. Offers the ability to provide mitigation that will enhance the view or visual amenity. Complements local/national planning policies or guidance on visual amenity or specific view.
Adverse Criteria – Where the proposals
Result in a change to the view or visual amenity that out of scale with surrounding landscape / landform and/or pattern of landscape Results in a loss of positive landscape feature or characteristics within a particular view Results in incongruous features within the prevailing pattern of landscape Obstructs a view towards a high quality or scenic landscape. Obstructs views or detracts from the visual amenity of a view towards a heritage asset. Lacks ability to include adequate or appropriate mitigation Conflicts with local/national planning policies or guidance to protect /manage visual amenity or specific views.
Neutral Criteria
Where the change (whatever the scale) in the view resulting from the proposals neither improves or damages the view or existing visual amenity of a view. Neutral effects may, in some circumstances, result from a professional judgement which requires weighing up a combination of both adverse and beneficial criteria.



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LAND REAR OF 248 HART ROAD,
THUNDERSLEY, BENFLEET, ESSEX

GREEN BELT ASSESSMENT

Prepared for

L & G Affordable Homes

October 2022

Ref: A341-AS02 Rev A

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1. Introduction

- 1.1 This report sets out the findings of a Green Belt Assessment in respect of the proposed development at the Site on land to the south of 248 Hart Road in Thundersley. It has been prepared in response to the refusal, in June 2022, by Castle Point Borough Council to grant planning permission (for 44 new homes and associated open space on the Site. (Application Ref 21/1137/FUL) and the assessment is intended to form supplementary background information as part of an appeal to the Secretary of State, against the refusal of planning permission.
- 1.2 The assessment has been commissioned by Legal and General Affordable Homes, (the applicants) owners of the land and the appraisal been undertaken by Vanessa Ross FLI, a Chartered Landscape Architect, Fellow of the Landscape Institute and Director at Arc Landscape Design and Planning Ltd.



Figure 1 - Site Location (shown in red) (NTS))

- 1.3 The Site, falls within Metropolitan Green Belt and is located to the south of Hart Road . It is broadly rectangular in shape and some 1.7ha in area. The majority of the site is grassland/former paddock. The northern part of the Site includes a now disused equestrian facility comprising hardstanding, stable buildings and manège. The detached residential property of 248 Hart Road also falls within the Site boundary. The existing access to the site is formed by a gated driveway adjacent to 248 Hart Road.



Figure 2 – View within the Site, across hardstanding to existing stables and mature woodland vegetation to the east



Figure 3 – View looking south towards southern and eastern boundaries with properties on Greenleas visible to the left.

- 1.4 The report first considers the relevant planning policy background relating to the Site and its location within Green Belt. It goes on to review the existing conditions of the Site and its surroundings with commentary on both landscape features and its visibility which draws on the findings of the Landscape and Visual Appraisal (LVA) prepared by Arc (Ref A341-AS01). This is used to provide context to and inform the assessment of the potential effects on, and any harm to Green Belt which would result from introducing the proposed development on to the Site which is set out in Section 4.
- 1.5 In addition to the LVA, reference should also be made to the documents that were submitted as part of the original planning application, including the drawings illustrating the scheme proposals and the Design and Access Statement, as well as associated planning statement. In addition, this report should be read alongside other reports prepared as part of the appeal and response to the reasons for refusal set out below.
- 1.6 The report and assessment are based on a combination of desk based research and a knowledge of the Site and surrounding area. A site visit was undertaken in September 2022 to gain an understanding of the visibility of the Site and its surrounding context.

2. Planning Context

Introduction

- 2.1 This section considers first the recent planning history context associated with the Site and planning application and second, the relevant planning policy and guidance relating to Green Belt at both a national and local level.

Planning context

- 2.2 The scheme proposals for ‘44 dwellings with open space, playspace, landscaping, access and associated infrastructure’, were submitted to Castle Point Borough Council in December 2021 (Application Ref 21/1137/FUL). The Council’s Officer’s Report to the Development Management Committee (May 2022) recommended the scheme be approved, however at the Committee meeting held on 7th June 2022, members refused planning permission giving two reasons which are set out in full in the notice of determination dated 21st June 2022 and are as follows:

- 1 - *The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that very special circumstances have been demonstrated in this case which either in isolation or combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework.*
- 2 - *The proposed development is premature in that it seeks to secure the development of land in the face of unresolved objections to Policy HO20 of the unadopted Castle Point Local Plan (2018 - 2033).*



Figure 4 – Proposed Layout (Ashby Design)

- 2.3 The Site forms a small part of the Policy HO20 area referred to in the second reason for refusal. This policy is detailed below, but in summary it formed part of the recently withdrawn new Local Plan which, had it been adopted, would have removed HO20 from Green Belt (see below).

Green Belt Policy

National Planning Policy Framework (NPPF).

- 2.4 Originally published in 2012, the NPPF sets out the Government's planning policies for England. The current version of the NPPF was published in July 2021 and is supported by Planning Practice Guidance which is reviewed and updated on an on-going basis. Paragraph 7 of the NPPF states that *"The purpose of the planning system is to contribute to the achievement of sustainable development"*.
- 2.5 Section 13 (pars 137-151) of the NPPF sets out policy relating to Green Belt which is introduced at para 137 by stating *"The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*.
- 2.6 At para 138 that Green Belt serves five purposes:
- (a) to check the unrestricted sprawl of large built-up areas;*
 - (b) to prevent neighbouring towns merging into one another;*
 - (c) to assist in safeguarding the countryside from encroachment;*
 - (d) to preserve the setting and special character of historic towns; and*
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 2.7 Para 147 establishes that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Para 148 goes on to state *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.
- 2.8 Para 149 sets out seven possible exceptions to 'inappropriate development' which are:
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

2.9 **The Planning Practice Guidance**, is published to provide additional guidance in respect of a range of aspects within the NPPF and is updated on an on-going basis. The section on Green Belt was introduced in 2019. The guidance on Green Belt includes three headings; of specific relevance to this report, are the answers to “*What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?*” where it states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation”.*

2.10 The subsequent two sections address matters to be considered in the local plan process when removing land from the Green Belt and how compensatory improvements and access can be planned and delivered, matters not covered by this Assessment.

Castle Point Borough Council - Local Plan Policy

2.11 As set out the ‘new’ Local Plan 2018-2033 for Castle Point, was formally withdrawn in June 2022, the current planning policy for Castle Point, therefore remains that set out within Local Plan 1998. With regards to Green Belt, however the policy and wording set out in the NPPF will be used within this assessment.

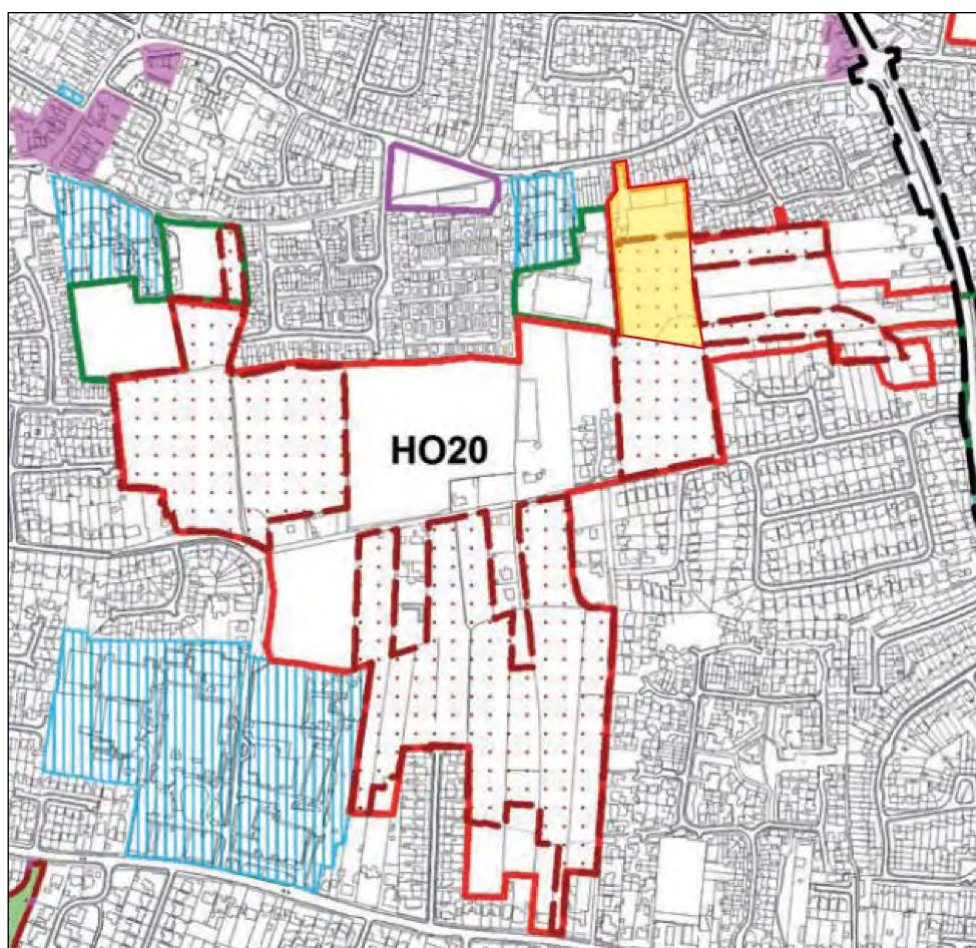


Figure 5 -Policy Area HO20 (red boundary line)- Extract from the withdrawn Castle Point Policy Map - Site location added in yellow (NTS))

Castle Point – Withdrawn New Local Plan

- 2.12 As stated above, the Site falls within the HO20 policy area of the now withdrawn local plan. The following extract of the withdrawn policy map provided is therefore provided for background reference only. The Site is highlighted in yellow and it is noted that the (now occupied) residential development at Chase Mews is shown only as partially complete.

Castle Point Green Belt Review

- 2.13 As part of the preparation for the withdrawn New Local Plan a Green Belt Review was prepared for the Borough. The Review was published in two parts. Part 1, assessed 28 individual Green Belt Parcels and formed part of the Local Plan evidence base. Part 2 was published in February 2021 as a Response to the Inspectors Initial Questions. Notwithstanding the status of the Local Plan the Green Belt Review provides relevant background information which will be referred to in this assessment. Relevant extracts of the Castle Point Green Belt Review documents are included in Appendix A.

3. Site Analysis

Introduction

- 3.1 The following section provides a summery description of the site and its local context and is used to inform the GB Assessment. Additional details can be found in documents submitted with the planning application.

Site Description and Local Context

- 3.2 The Site, located to the south of Hart Road is broadly rectangular in shape and some 1.7ha in area. The majority of the site is grassland/former paddock. The northern part of the Site includes a now disused equestrian facility comprising hardstanding, stable buildings and manège. The detached residential property of 248 Hart Road also falls within the Site boundary. The existing access to the site is formed by a gated driveway adjacent to 248 Hart Road.
- 3.3 The Site is broadly flat, however there is a gradual fall of around 5m from approximately 72.7m AOD in the northwest down to 67.7m AOD in the southwest.

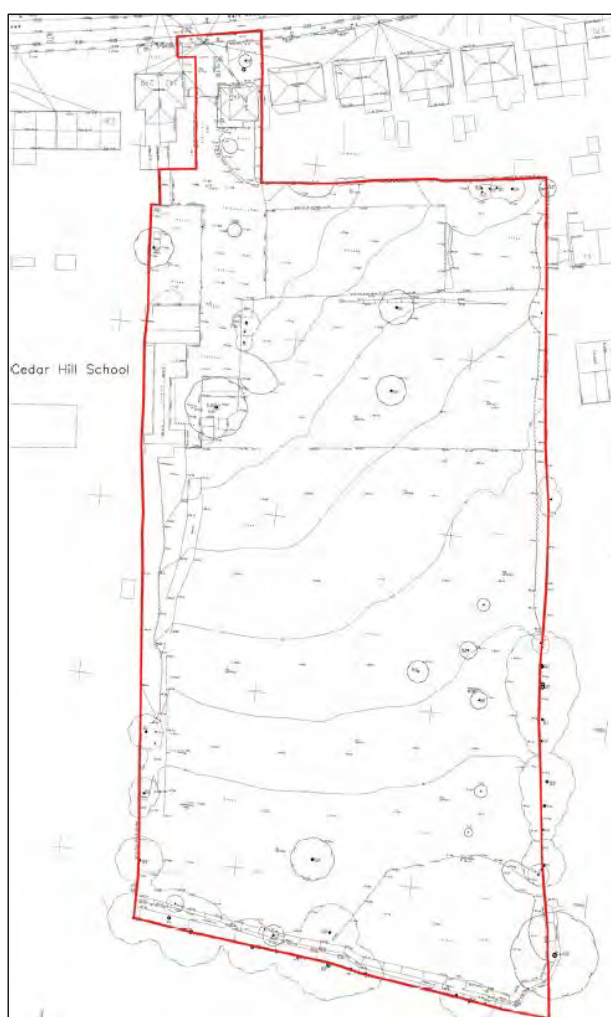


Figure 6 – Site Survey (application boundary shown in red) (NTS))

Vegetation and Site Boundaries

- 3.4 Vegetation within the site comprises the rough grassland and a small number of trees and scrub within the main area of the site and a mix of trees and hedgerow around the perimeter. Details are set out in the Arboricultural Impact Assessment (Ref OS244-21-Doc2 RvsA - November 2021) and the Tree Protection Plan (Ref OS 2244-21.2). Whilst there are a number of unclassified (very poor quality or dead trees), the remaining trees fall within categories B and C (as set out in BS5837) with no category A trees (those of the highest value) being recorded.
- 3.5 Tree species vary and include some coniferous species such as Lawsons Cypress, smaller growing fruiting trees and mature oak trees, such as those on or adjacent to the eastern boundary.
- 3.6 Excluding the Site access, the northern boundary is formed by the rear garden boundaries (fences and planting) of properties along Hart Road. The northern section of the of the eastern boundary, similarly, comprises the rear or side garden boundaries of properties on Greenleas. The southern part of the eastern boundary comprises hedgerow and trees which sit within the long linear plots, (former plotlands) located to the west of the gardens of properties on Rayleigh Road. The southern site boundary similarly includes trees and hedgerow forming the boundary with the adjacent field to the south. A water drainage ditch runs along the southern boundary within the Site and forms part of the network field drainage ditches that run around the western and southern school boundary and on into the linear plotlands to the east.
- 3.7 To the west, the Site boundary again comprises a combination of trees and hedgerow which forms the boundary with the neighbouring school. The northern end of the western boundary is formed in part by the stable buildings and the garden boundaries with the adjacent property on Hart Road.
- 3.8 Vegetation in the surrounding area includes a range of plant types typically found within the many residential gardens. Larger areas with mature trees as well as hedgerows to boundaries form part of the surrounding former plotlands area.
- 3.9 Part of the Site falls within a Local Wildlife Site. There are no other known areas designated for ecology or biodiversity within the study area however the area of woodland to the east of the Site and south of The Chase is categorised on the Priority Habitat Inventory as Deciduous Woodland (Note - part of the land to the area to the south of The Chase has been recently replaced with residential development).

Built form and Nearby Settlement

- 3.10 The Site includes the property at 248 Hart Road, the entrance driveway and an area of hardstanding in the vicinity of the former stables buildings. These comprise a cluster of small buildings.

- 3.11 There are two primary land uses in the surrounding area which include the residential streets of Thundersley and the smaller plots of paddocks and open land and blocks of woodland, which include the former plotlands, albeit now fragmented by the residential development including recent housing at Chase Mews. The residential areas include a range of local amenities such as schools and local shops including those to the east at the junction with Hart Road and Rayleigh Road.
- 3.12 The built form within the vicinity of the Site reflects the residential land use and which generally dates from the 1960s onwards. Houses comprise areas of bungalows, semi-detached and detached two storey homes. Adjacent to the Site there is a small, terraced block of three storey properties with garages integrated within the ground floor, elsewhere there are occasional low-rise blocks of flats. The adjacent school is a single storey building dating to the early 1970s in an architectural style associated with that period

Public Rights of Way

- 3.13 There are no public rights of way on or adjacent to the Site. There are two public rights of way within 250m, both to the west of the site, one of which runs through a local park. There is a comprehensive network of streets with pavements, as well as a number of lanes such as The Chase which are only paved in part.

Site Visibility

- 3.14 There are no direct or open views into the Site from publicly accessible locations. The LVA established that the visibility of Site in its current condition is limited, with views in restricted by a combination of mature vegetation within the neighbouring land and around the Site boundaries, and the built up context of Hart Road, and the residential streets to the north, east and west.
- 3.15 Views into and across the Site do exist from the properties and gardens of houses that back onto the Site. The Site is largely indiscernible in the view from the surrounding area including the adjacent land of the former 'plotlands'.
- 3.16 With the introduction of houses, the visibility is likely to increase from some locations, however due to the enclosed nature of the Site any such views will remain filtered or largely screened by the existing vegetation and other properties in the vicinity of the Site.
- 3.17 The change in view and increase in visibility will be experienced directly by those who back on to the Site and who will no longer see out across the existing paddock. The view from the Site entrance, as a result of the replacement of the house at 248 Hart Road will also change and whereas the existing house and gate blocks views into the Site, the introduction of a new road will allow views into the development.

4. Green Belt Assessment

Introduction

- 4.1 In its current state, the Site is part 'green field' and part developed and is therefore part of the Site is considered to be 'previously developed land'. Notwithstanding this, the development of the Site is considered 'inappropriate' within the Green Belt, as defined in the NPPF. Para 147 establishes that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para 148 goes on to state:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

- 4.2 It is therefore important to ascertain if any potential harm exists and to understand the nature of any such harm to the Green Belt. Matters relating to demonstrating 'very special circumstances' are addressed by Savills. This section will, therefore considered, first, matters pertaining to the five purposes of Green Belt and secondly the effects of the proposed development on 'openness'.

Methodology

- 4.3 There is no fixed or standard methodology used to assess the Green Belt, however the following commentary is based on careful consideration of the factors that may influence the impacts on Green Belt resulting from the proposed development and draws on guidance produced by the Planning Advisory Service (PAS) in respect of Green Belt¹ and in particular the local plan making process.
- 4.4 The Castle Point Green Belt Review 2019 (which also refers to the PAS guidance) was prepared for the purpose of assessing the Green Belt across the borough as part of the local plan process and it therefore assessed larger land parcels (the site falls within Area 6). It is not intended to replicate the criteria used in the Castle Point Review, however there are some similarities in the factors assessed and where appropriate the terminology and criteria are applied. On such example of this is the summary categorisation used to describe the contribution of the Site makes to each of the Green Belt purposes. Adapted from Table 2 in the Castle Point Green Belt Review, the following definitions are used.

¹ Planning Advisory Service Guidance (PAS) on the Green Belt (Planning on the Doorstep: The Big Issues – Green Belt, 2015)

Assessed Contribution to the Green Belt Purpose	Implication
Not Relevant	The Site is not relevant to the assessed purpose.
None	The Site makes no contribution to this Green Belt purpose and as such development would not impact on the assessed contribution to this purpose.
Minor	The Site makes a limited contribution to this Green Belt purpose and as such development would not significantly impact on the assessed contribution to this purpose.
Moderate	The Site makes some contribution to this Green Belt purpose and as such development would impact on the assessed contribution to this purpose.
Strong	The Site makes a clear contribution to this Green Belt purpose and as such development would significantly impact on the assessed contribution to this purpose.
Very Strong	The Site makes a full contribution to this Green Belt purpose. Any new development may be the first example of conflict with the Green Belt purpose or add to the relative absence of such development in the context of the surrounding area.

Table 1 – Green Belt Assessment Criteria

Effects on the five purposes of Green Belt

a) To check the unrestricted sprawl of large built-up areas;

- 4.5 The Site is located within the suburban residential area of Thundersley and accessed directly from Hart Road. Residential properties back onto the northern part of the Site and Cedar Hall School forms much of the western boundary. The southern and part of the eastern boundary are formed by hedges alongside adjacent undeveloped land. The residential streets of Chase Mews, (recently constructed), The Canters and houses of The Chase are located in close proximity to the southern site boundary.
- 4.6 The proposed development would introduce residential development to the south of Hart Road, in line with the school boundary and broadly consistent with the extent of existing residential development to the south of Hart Road such as that within The Rundels and the park homes to the west of Cedar Hall School. The existing boundary features including the hedgerows and trees and fences of adjacent properties that exist around the perimeter of the Site would continue to form the perimeter of the development and whilst there will be a widened vehicular access off Hart Road, the development will retain its current sense of enclosure.
- 4.7 The specific circumstances of the proposed development in respect of the Site falling within an area previously identified as suitable for development through the local plan process (and agreed as such by the Inspector), and which had officer's support with regard to the layout and design, suggests that it is not 'unrestricted sprawl'. In the absence of the policy which would have removed the Site from Green Belt, the conditions described above in respect of the Site and its relationship to existing settlement, lead to the conclusion that it makes a Minor contribution to this purpose. The proposed development, in this regard, is considered to be akin to infill of a distinct parcel of land and is therefore not considered 'sprawl'. In conclusion, the proposed development would not significantly impact this purpose albeit at a very local level and it is considered that the harm may be described as minor.

b) To prevent neighbouring towns merging into one another;

- 4.8 Due to the location and size of the Site, it does not contribute to the preventing towns merging and therefore this purpose will not in any way be affected by the proposed development of the Site.

c) To assist in safeguarding the countryside from encroachment;

- 4.9 The Site, formerly used for stabling and paddocks is located alongside existing settlement (see purpose a) with the southern and part of the eastern boundaries adjacent to the former 'plotlands' which comprises small paddocks, wooded areas and other undeveloped land. Notwithstanding the partially 'greenfield' nature of the Site and some of the land around it, it no longer retains the characteristics typically associated with the countryside. This is largely due to the proximity to busy roads (and associated traffic noise) and to the residential streets within the surrounding area of Thundersley.
- 4.10 The character and nature of the Site is therefore considered to be more associated with the suburban settlement and its former land use, field boundaries and vegetation giving the Site the character typically associated with 'urban fringe'. Whilst there is a small field to the south of the Site and areas of former plotland landscape to the east, the Site is not connected to the wider countryside or to land which would be considered to have strong characteristics associated with the countryside. As a result of the conditions described above, the Site is not considered to make any notable contribution to this purpose, and therefore development on it, is not considered to harm this purpose.

d) To preserve the setting and special character of historic towns;

- 4.11 Thundersley and the neighbouring settlement is not considered to be a historic town and therefore this purpose is not relevant to this assessment.

e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 4.12 The proposed development of the Site is not considered to materially affect this purpose.

Conclusion

- 4.13 In conclusion the Site makes a limited contribution to purpose a) and a negligible contribution to purpose c). The other three purposes are either not relevant or unaffected. The proposed development, therefore, would result in a very limited impact on no more than two of the five purposes.

Effects on Openness of the Green Belt

- 4.14 The Site, as described above, comprises existing development to the north including buildings and hardstanding, as well as an manege with artificial surfacing; the remainder is a grassed paddock, which covers the majority of the land within the Site. As a result of the absence of built form across much of the Site the proposed development on it is considered to have an effect on openness.
- 4.15 As set out in the National Planning Guidance *“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”*. Openness, and the effects of development on it, should, therefore consider spatial aspects in quantitative terms, and visual aspects in qualitative terms.
- 4.16 In quantitative terms, an impact on openness is considered to occur when the amount of new built form ie the volume of buildings and areas of hardstanding, exceeds that which is existing. In the case of the proposed development on the Site, it is clear, (without the need to measure existing and proposed), that that there will be a substantial increase in both volume of built form and area of hardstanding and that there will be a spatial effect on openness.
- 4.17 In qualitative terms the factors associated with assessing this are more nuanced and draw largely on visual aspects such as enclosure, extent of visibility and the nature of existing boundaries. The following draws on the site survey and results set out in the Landscape and Visual Impact Assessment.
- 4.18 As described above the Site is a discrete parcel of land with clearly defined and visible boundaries. The boundary with Cedar Hall School to the west includes mature vegetation along approximately three quarters of if that and will be retained as part of the scheme proposals. The boundary vegetation prevents views into the Site and will screen or filter views of the proposed houses. The exception to this condition is the area adjacent to the school car park where the existing stable buildings that abut the boundary and it is likely that as a result of these being removed, some new houses will become visible from the School car park.
- 4.19 The southern boundary includes a mature hedge and some trees, these limit views into the Site from the South will be retained and within an area of proposed open space to the south of the new development. A combination of existing and new planting will continue to largely screen the new houses, located beyond the open space, though it is possible that some roof tops may be glimpsed from the gate on The Chase which leads into the field south of the Site.
- 4.20 The northern third of the eastern boundary backs onto three residential properties and a turning head at the end of Greenleas. The garden boundaries are a mix of fences and vegetation with views across to the Site. Fencing and vegetation limit the view from the road looking west. The proposed development will be visible from the houses and the street, however additional planting is proposed along the eastern boundary that will over time filter views of the houses.

- 4.21 The remaining two thirds of the eastern boundary is formed by mature hedgerow, trees and blocks of woodland on adjacent land. This mature vegetation creates a strong sense of enclosure within the Site and screens views to it from the east and west. This vegetation will be retained and the sense of enclosure maintained. Whilst it is possible that there will be glimpsed views of the new development from the higher land from the surrounding residential streets, the views will be limited to the rooftops which will be seen in the context of the surrounding settlement and existing, taller trees.
- 4.22 The northern boundary has similar characteristics to the residential boundaries to the east with a mix of fences and planting and views south across the former paddocks. From this location the views out will be curtailed as a result of the proposed development and proximity of new houses and gardens to the north.
- 4.23 Views into the Site from the surrounding area are restricted by the intervening houses and vegetation around the Site making the Site largely indiscernible. The introduction of new houses will, as described above, result in a slight increase in visibility and this will be most notable at the entrance to the Site which will replace the house at 248 Hart Road with a new vehicular access road allowing views into the new development and towards the open space to the south.
- 4.24 In conclusion, there will be an increase in built form on the Site as a result of the proposed development which will have a physical impact on the openness of the Site. In respect of the visual aspects, the Site is a clearly defined plot and is largely enclosed by existing vegetation and other buildings. The Site is only viewed, in its current form, from land immediate adjacent to it; from further afield it is largely indiscernible. The introduction of new houses will inevitably be experienced from the rear gardens of adjacent properties and from the school car park, however from public viewpoints, the change in visibility will only be experienced from close proximity to the proposed entrance, from elsewhere, the change in view will be largely imperceptible.

5. Overall Conclusion

Conclusion

- 5.1 In conclusion, having considered the contribution the existing Site makes to the 'five purposes' of Green Belt it was found that due to its location alongside surrounding settlement and 'urban fringe' characteristics, it makes a minor contribution to purpose a) 'To check the unrestricted sprawl of large built-up areas' and a very limited and minor contribution to purpose c) *'To assist in safeguarding the countryside from encroachment'*. The remaining three purposes where either not impacted or did not apply to the Site.
- 5.2 The proposed development for 44 new homes and associated roads and open space would introduce new built form on to the Site and in respect of the two purposes identified above, development would therefore have a minor and limited impact on the two purposes identified above.
- 5.3 In respect of assessing the impact on 'openness', the assessment concludes that whilst there will be a physical impact resulting from the increase in volume and area of built form and hardstanding respectively, the visual impact, however, will be limited to only the immediate surroundings adjacent to the Site. As a discrete parcel of land that is visually well contained, the perception of openness from locations in the surrounding area is limited and with the exception of views into the Site entrance from Hart Road, the introduction of new houses will be largely imperceptible in views from the surrounding streets. From the undeveloped land to the south and east views will similarly be limited and as a result of layout which will see houses set back from the boundaries and the existing and proposed boundary vegetation, the perception of the change will be limited. In conclusion therefore the introduction of houses on the Site on visual aspects of openness will be limited and localised with negligible effects on the wider surrounding area.

APPENDIX A – Castle Point Green Belt Assessment 2019 – Parcel 6

Green Belt Parcel 6



Parcel Description

The parcel is located in the north of the borough and represents a tract of predominantly open land largely encircled by the urban settlement of Thundersley. It is an area characterised by a mixture of plots of land which are divided into lateral strips. There are a number of uses within the parcel including residential dwellings, a school, a leisure centre and playing fields.

The northern, southern and western boundaries follow residential curtilages and the boundaries of school grounds associated with development in Thundersley. The eastern boundary follows the curtilage of a school and the boundary of West Wood.

Green Belt Purpose Assessment

Purpose	Comments	Assessed Contribution
1 - To check unrestricted sprawl of large built up areas	The northern, western and southern boundaries are adjacent to Thundersley whilst the south eastern boundary is adjacent to Hadleigh. Much of these boundaries are formed by residential curtilages and are therefore not considered to be particularly robust. Nonetheless, high density residential development has been resisted across all of the parcel. There is however a small ribbon development along the A129 which cuts through the parcel on the eastern side, and further ribbon development taking the form of residential dwellings along The Chase and other roads that come off The Chase in the centre of the parcel. Much of the parcel is comprised of residential dwellings and their curtilages, a school and associated uses as well as a leisure centre and therefore there is a lack of a strongly defined edge between the built-up area and the parcel.	Moderate

2 – To prevent neighbouring towns from merging into one another	The parcel is almost entirely encircled by Thundersley, such that its development would represent infilling of land within Thundersley, apart from the south eastern boundary which is adjacent to Hadleigh. However, it is assessed that the parcel does not contribute to this purpose as the strategic gap between Thundersley and Hadleigh is comprised of a school, playing fields and a leisure centre and as such is already largely developed. Further, there has already been a significant degree of merge between Thundersley and Hadleigh in proximity to the parcel, with all of the undeveloped land within the parcel being within Thundersley	None
3 – To assist in safeguarding the countryside from encroachment	The topography is gently sloping and the landscape is enclosed and compartmentalised with a variety of land uses. The landscape includes woodland, pasture, with hedgerows and grassed areas for formal and informal recreation. However, there are plotland developments across much of the centre of the parcel which amount to inappropriate development and a semi-rural perception through the main routes across the parcel, whilst the eastern portion contains a school and a leisure facility and displays no countryside character. The parcel is surrounded by residential or other built development uncharacteristic to a rural location across the entire length of its boundary which normally would create a perception of this parcel being in the countryside. The parcel is also poorly related to the wider countryside system.	Minor

Parcel Summary

The parcel is located in the north of the borough and is adjacent to Thundersley along its northern, southern and western boundary, with Hadleigh adjacent to the south east boundary. There is not a clear boundary between the urban settlement and the Green Belt parcel due to the presence of ribbon development along the eastern edge and through much of the centre of the parcel. Much of this development is inappropriate in the Green Belt and therefore the parcel is assessed as making a moderate contribution to Purpose 1 even though the development which exists in the parcel is of a much lower density than that included in the urban settlement. The parcel is surrounded by residential or other built development uncharacteristic to a rural location across the entire length of its boundary which, coupled with the development within the parcel itself, strongly influences the

perception of this parcel being in the countryside. A minor contribution is assessed under this Purpose.

The parcel is assessed as not making a contribution to Purpose 2 as development of the undeveloped parts of the parcel would result in the infilling of Thundersley and not result in the merging of Thundersley and Hadleigh, which in any event have already merged at other points outside of the parcel.

Strategic Contribution

At the strategic level this Green Belt parcel is restricting a small part of Hadleigh and Thundersley from merging, although this merge has already occurred to a significant degree in close proximity. It is a fairly isolated Green Belt pocket which is only linked to the surrounding Green Belt system to the east, but it has a role in providing a recreational resource to residents in Hadleigh and Thundersley.



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Rob Tinlin
Interim Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 14th June 2022 at 7.00pm

Venue: Council Chamber, Council Offices

N.B. This meeting will be webcast live on the internet.

Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, C. Mumford, Skipp, Taylor and J. Thornton.

Substitutes: Councillors Fuller, Riley, Savage, A. Thornton and Withers.

Canvey Island Town Councillor: S. Sach

**Officers attending: Ms Kim Fisher-Bright – Strategic Developments Officer
Mr Stephen Garner – Planning and Enforcement Officer
Mr Jason Bishop – Solicitor to the Council
Mr David Bland – Chartered Legal Executive Lawyer**

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 5th April 2022 is attached.

4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	21/1137/FUL	Land Rear of 248 Hart Road, Thundersley, Benfleet, Essex, SS7 3UQ	1
2.	22/0172/ADV	Waterside Farm Sports Centre, Somnes Avenue, Canvey Island, Essex, SS8 9RA	56

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 5TH APRIL 2022

PRESENT: Councillors Skipp (Chairman), Acott, Anderson, Fortt, Fuller, S. Mumford and Walter.

Substitute Members Present: Councillor A. Thornton for Councillor J Thornton and Councillor Dixon.

Canvey Island Town Council: Councillor Greig.

APOLOGIES: Apologies for absence were received from Councillors Blackwell, Gibson and J. Thornton, Canvey Island Town Councillor Sach also gave her apologies.

20. MEMBERS' INTERESTS

None

21. MINUTES

The Minutes of the meeting held on 2nd February 2022 were taken as read and signed as a correct record.

22. DEPOSITED PLANS

21/1090/FULCLO - TEWKES CREEK, DOVERVELT ROAD, CANVEY ISLAND, ESSEX, SS8 8EJ - (CANVEY ISLAND WINTER GARDENS WARD) - INSTALLATION OF LIGHTING COLUMNS AND LED LIGHTING TO LIGHT RUGBY TRAINING PITCH

The application sought permission for the installation of lighting columns and LED lighting to provide suitable floodlighting for the rugby training pitch at Canvey Island Rugby Football Club in accordance with the minimum luminance requirements of the Rugby Football Union.

The proposal would not constitute inappropriate development in the Green Belt and was recommended for approval.

The application had been submitted to replace the five previous floodlights within a playing field that were used by the Canvey Island Rugby Football Club but removed last year following a structural assessment, undertaken at the request of the Operational Services Team, which found the floodlights to be unsafe.

No responses have been received objecting to the application.

Councillor Greig representing the Canvey Island Town Council indicated there would not be an objection to the application.

Following the presentation Members took opportunity to ask questions of the Planning Officer regarding the output of the lighting, the previous installation, the siting of the columns and lighting controls.

In response it was confirmed the floodlights have been designed so that they are mounted horizontally which would result in low vertical overspill and a good uniformity on the playing field. Additionally, rear floodlight shields, front cowls and specific positioning of masts would reduce the impact and minimise overspill on the surrounding areas. None would extend as far as the neighbouring residential properties. Any disturbance caused by light was at ground level and not beyond the pitch.

Regarding the control of the lights, the lighting would be controlled by way of an automatic 7-day 24-hour with timings for the lighting automatically adjusted for daylight hours. It was confirmed that no objections or complaints have been received.

Following debate on the recommendation a vote was taken and it was:

Resolved Unanimously – That the planning application be approved subject to the conditions set out in the Planning Officer's report.

23. 21/0688/FUL - WALSINGHAM HOUSE, LIONEL ROAD, CANVEY ISLAND, ESSEX, SS8 9DE (CANVEY ISLAND CENTRAL WARD) - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND OUT-BUILDINGS, PROPOSED 9 DWELLINGS, 7 NEW CROSS-OVERS AND NEW ROAD FORMING PHASE 1 OF THE DEVELOPMENT

The application sought planning permission, for the erection of nine dwellings and associated works and access road, on a brownfield site in the urban area, which was allocated for School and Worship purposes in the adopted Local Plan and residential purposes in the submitted Local Plan.

Government guidance as set out in the NPPF, was clear that where opportunities exist to provide housing on sustainable sites which are allocated for development purposes, (not necessarily residential development purposes), planning permission should not be unreasonably withheld.

Detailed consideration had been given to the proposal in the context of national legislation, Government guidance, the adopted policies and guidance set out in the adopted Local Plan, the policy and provisions of the merging Local Plan and the comments received in response to consultation, and for the reasons set out in the report, subject to appropriate conditions, the provision of residential development is considered appropriate on this site and was recommended for approval.

The applicant has already made the appropriate RAMS contribution.

The proposal sought to achieve 9 residential units on the site. Such provision was below the threshold for the attraction of any contribution towards the provision of affordable housing and no contribution was therefore provided within the context of the current application.

The applicant had acknowledged however that Phase 2 of the development would be required to meet the affordable housing need generated by the development of the whole of the Walsingham House site and that the affordable housing

calculations undertaken within the proposal for the development of Phase 2 would need to include the housing product of Phase 1.

Planning permission was sought for Phase 1 of a two-phase scheme which would eventually provide up to 42 dwellings. Phase 2 which would provide 20 houses and 13 flats was the subject of an extant planning application and was likely to be presented to the Committee later in the year. However while the application site formed part of a wider phased development Phase 1 must be considered on its own merits.

The recommendation was for approval subject to an amendment to condition No. 37 to require that prior to first occupation of Phase 2 of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority

A representation submitted by a member of the public Mrs Hann was read to the committee as the resident was unable to attend the meeting.

Councillor Greig, a representative for Canvey Island Town Council restated that Council's objection to the proposal.

Members took the opportunity to ask questions on the report regarding the adequacy of the parking provision, site access, whether the Developer could avoid his obligations to provide affordable housing, landscaping, drainage, infrastructure improvements and sustainability – the use of air source heat pumps or condensing boilers.

Debate took place on the recommendation during which it was confirmed that parking standards had been met. It was not possible on this application before the Committee to include a condition on the application requiring a play area be provided. At the conclusion a vote was taken, and it was:

Resolved – That the application be approved subject to the conditions as set out in the Planning Officer's report with the exception of Condition 37 which should be amended to read:

Prior to first occupation of Phase 2 of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority.....

Chairman

ITEM 1

Application Number:	21/1137/FUL
Address:	Land Rear Of 248 Hart Road Thundersley Benfleet Essex SS7 3UQ (Cedar Hall Ward)
Description of Development:	Demolish existing building and stables and construct 44. affordable dwellings including open space, playspace, landscaping and associated access, infrastructure and parking arrangements
Applicant:	L & G Affordable Homes
Case Officer	Ms Kim Fisher
Expiry Date	14.06.2022

Summary

Consideration of the proposal under the provisions of the NPPF and adopted Local Plan identifies that the proposal constitutes inappropriate development in the Green Belt. Prima facie the proposal should therefore attract a recommendation of refusal.

However, harm to the Green Belt may be outweighed by very special circumstances.

It is the view of Officers that very special circumstances, sufficient to outweigh the harm to the Green Belt, can be identified in this case as follows:

- (i) Castle Point has a significant unmet need for housing which analysis has confirmed cannot be fully met from within the urban area and must therefore, in part, be satisfied in areas beyond the urban edge.
- (ii) The site is allocated for residential purposes in the New Local Plan within Policy HO20. The Local Plan allocation is based on a detailed assessment of the strategic value of the site to the Green Belt and the requirement to identify sufficient land to meet identified housing needs.
- (iii) Detailed analysis of the wider HO20 site, within the context of the preparation of the Local Plan, identified that release of HO20 would give rise to limited harm to the objectives of the strategic Green Belt.
- (iv) This assessment has been found sound by the Inspector appointed to determine the soundness of the Local Plan.
- (v) The proposal meets the Master Plan requirements of HO20 of the New Local Plan and would not prejudice the development of the remainder of the allocation in accordance with the policy
- (vi) The proposal seeks to provide 100% affordable housing for which there is a significant unmet need in the Borough.
- (vii) The proposal will result in a significant increase in the biodiversity value of the site.

The weight that may be attached to these circumstances is considered to outweigh the harm to the Green Belt at this location.

Whilst it is acknowledged that Members have resolved not to adopt the Plan the evidence underpinning the Plan remains valid.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

Further it should be noted that the proposal satisfies all relevant policies within the adopted and New Local Plans and satisfies all relevant Residential Design Guidance.

Should Members resolve to approve the application it should be noted that by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application is identified as one which needs to be referred to the Secretary of State, in order that he might consider whether this is an application he wishes to call in for his own determination.

My RECOMMENDATION is: **APPROVAL** subject to:

- (a) referral of the application to the Secretary of State and his notification of the Local Authority that he does not wish to call the application in for his own determination
- (b) The applicant being willing to enter into a S106 agreement to secure:
 - (i) 100% affordable housing provision on the site with nomination rights in respect of the rented properties being passed the Local Authority and affordable market properties being subject to eligibility criteria to ensure that local needs are, where possible, prioritised over the needs of non-local parties and
 - (ii) Appropriate financial contributions towards:
 - highway improvements
 - healthcare provision
 - educational facilities
 - indoor sports facilities
 - improved bus facilities
 - provision of an off-site Multi-Use Games Area and
 - Recreation Avoidance and Mitigation Strategy (RAMS).
 - (iii) Travel Packs for new residents of the Site.
 - (iv) An Open Space Management Plan suitable to secure the management of land for recreational and ecological purposes in perpetuity
 - (v) A SUDS Maintenance Plan
 - (vi) On-site children's play equipment and management plan and
 - (vii) The provision of access rights up to the boundaries of the site, to ensure the potential for access to adjoining land, without ransom strips

and appropriate conditions as set out at the end of this report.

The Site

The proposal site encompasses some 1.7ha of land on the south side of Hart Road, comprising the curtilage of No. 248 Hart Road, located immediately to the east of the Cedar Hall School.

The site exhibits a fall of some 0.5m east to west and 4.7m north to south with a watercourse, Thundersley Brook, denoting the southern boundary.

A foul sewer and its 8m easement runs east to west across the site, just north of the watercourse.

The northern part of the site supports a detached dwelling and land in equestrian use with stables and a ménage located towards the northern boundary, adjacent to the residential uses.

The southern, eastern and western boundaries are demarcated by trees and hedgerows. None of these trees are the subject of a Tree Preservation Order.

The southern part of the site is designated a Local Wildlife Site.

To the north and east is existing residential development whilst to the west is Cedar Hall Primary School. To the south is an open field, beyond which lies further residential development.

The Proposal

It is proposed to demolish the existing dwelling and provide 44 two and three bedroomed affordable housing units as follows:

Affordable Rent

2-bed house	6
3-bed house	2

Shared ownership

2-bed house	13
3-bed house	23

The applicant advises that rents will be set below Local Housing Allowance caps to ensure they are genuinely affordable to local people.

Each dwelling will be provided with parking and access provision. Vehicular access to the site will be from Hart Road. Within the site non-vehicular access is provided to the southern and eastern boundaries of the site to facilitate pedestrian access to the wider allocated site with the potential for proposed internal roads to be extended to the east to serve adjoining land if required.

The scheme includes provision of communal open space; an attenuation basin; playspace, soft and hard landscaping and ecological enhancements focussed on the southern end of the site.

Site Visit

It is considered that Members should visit the site prior to consideration of the application.

Supplementary Documentation

The application is accompanied by:

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Assessment including Tree Protection Plan.
- Preliminary Ecological Appraisal
- Ecological Impact Assessment
- Biodiversity Impact Assessment
- Biodiversity Management Plan
- Invasive Species Management Plan
- Transport Assessment
- Geotechnical Report.
- Flood Risk Assessment
- Drainage Layout
- Suds Proforma
- Archaeology Report
- Construction Environment Management Plan.
- Schedule of Accommodation
- Specification for Soft Landscape works
- Statement of Community Engagement

The applicant has also submitted Heads of Terms for the S106 Agreement to include as necessary and appropriate:

Financial contributions towards:

- highway improvements
- healthcare provision
- educational facilities
- indoor sports facilities
- improved bus facilities and
- Recreation Avoidance and Mitigation Strategy (RAMS).

In addition, the applicant will provide

- Travel Packs for new residents of the Site.
- An Open Space and Management Plan/SUDS Maintenance Plan and
- On-site children's play equipment.

Relevant Planning History

21/0814/MAJPRE

Demolish existing dwelling and construct 47 affordable dwellings with associated access and infrastructure.

15/0746/PREAPP

Demolish existing dwelling and construct 16 No. dwellings and associated access.

CPT/1150/89/OUT

Outline - Five Detached Five Bedroomed Houses and Garages

Refused 27.02.1990

CPT/311/88/OUT

Outline - Five Detached Houses and Garages'

Refused 12.04.1988

CPT/923/87/OUT

Outline - Twelve Houses and Garages'

Refused 28.07.1987

BEN/512/73/OUT

Outline - residential development'

Refused 15.08.1973.

Pre-Application Engagement

As part of the pre application engagement the applicant has undertaken consultation with the wider community. This took the form of a newsletter distributed to some 1,065 households in the area, a dedicated website and a virtual exhibition. The newsletter contained information about the proposed development and the applicant and provided the opportunity to engage in both a virtual and physical environment.

This exercise elicited some 194 responses which identified concerns regarding:

- capacity of infrastructure;
- the loss of Green Belt;
- impact on traffic on Hart Road;
- impact on local wildlife and
- the impact on water pressure and flooding.

It also elicited support for the provision of affordable homes.

This closely reflects the responses to the consultation exercise undertaken by the planning authority in association with consideration of this application.

Relevant Policies and Government Guidance

The following policies are of relevance:

National Policy Planning Framework (2021)

Introduction and achieving sustainable development

Paragraphs: 2, 7-10, 11, 12, 14.

Decision making

Paragraphs 47, 49, 50, 54.

Delivering a sufficient supply of homes

Paragraphs 61.

Promoting healthy and safe communities

Paragraphs 92, 93, 98, 100.

Promoting sustainable transport

Paragraphs 107, 108, 110.

Making effective use of land

Paragraphs 119, 120,

Achieving well designed places

Paragraphs 126, 130.

Protecting Green Belt land

Paragraphs 137, 147, 149.

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 154, 162-165, 167.

Conserving and enhancing the natural environment

Paragraphs 174, 180, 183, 184, 186.

Adopted Local Plan

The site is partly allocated for Green Belt purposes on the adopted Local Plan with the frontage allocated for residential purposes.

Part of the site also forms part of Local Wildlife site CPT23 Thundersley Plotlands.

The following policies of the adopted Local Plan are of relevance:

EC2:	Design
EC3:	Residential Amenity
EC4:	Pollution
EC13:	Protection of Wildlife and their Habitats
EC14	Creation of new Wildlife Habitats
EC22	Retention of Trees Woodlands and Hedgerows
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
T8:	Car Parking Standards
H17	Housing Development – Design and Layout
RE4	Provision of Children's Playspace and Parks
CF1:	Social and Physical Infrastructure and New Developments
CF14:	Surface Water Disposal.

The New Local Plan

In October 2020, the Council submitted its new Local Plan (2018-2033) to the Planning Inspectorate for examination.

This Plan identifies the wider area of the Chase, of which the proposal site forms part, as Site HO20, an area suitable for release from the Green Belt for residential purposes.

Policy HO20 envisages the development of the whole of the allocated site within the context of a comprehensive Master Plan.

In considering the New Local Plan the Inspector identified that the site was currently allocated for Green Belt purposes, but stated that whilst the release of the site for development purposes:

“would cause some limited harm to the Green Belt through the loss of openness, increasing urban sprawl and loss of countryside. The site would have a short boundary with the Green Belt on the A129 Rayleigh Road which would be readily recognisable and is likely to be permanent. In addition, the Council has taken into account the need to promote sustainable patterns of development, which is reflected in the policy requirements. Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for removing this site from the Green Belt”.

The Inspector also considered that the capacity of HO20 should be increased from 340 to around 412 with the actual number to be determined through the Master Plan process (para 107 of the Inspector’s final report).

Such modification was made in accordance with the Inspector’s recommendations and the Local Plan was subsequently found sound.

Despite this finding Members resolved on the 23rd of March 2022, not to adopt the New Local Plan.

Nevertheless, the findings of the Inspector represent a material consideration which carries substantial weight in the determination of any application.

Policies within the New Local Plan which will be given consideration, as appropriate, in this report are:

- SD1 Making Effective Use of land
- SD2 Development Contributions
- HO3 Housing Mix
- HO4 Securing More Affordable Housing
- HO20 The Chase
- HS1 Strategy for Healthy Communities
- HS3 Opportunities for Outdoor recreation
- TP6 Highway Impacts
- TP7 Safe and Sustainable Access
- TP8 Parking Provision
- DS1 General Design Principles
- DS2 Landscaping
- CC1 Responding to Climate Change
- CC3 Non-Tidal Risk Management
- CC4 Sustainable Buildings
- NE4 Local Wildlife Sites
- NE5 Ecologically Sensitive and Designated Sites
- NE6 Protecting and Enhancing the Landscape and Landscape Features

NE7 Pollution Control
NE8 Contamination
NE10 Ensuring Capacity at Water Recycling Centres

Adopted Residential Design Guidance (RDG)

Relevant guidance includes:

RDG1	Plot Size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy and Amenity
RDG6	Amenity Space
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage

Other Relevant Documents

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- The Castle Point Borough Green Belt Review 2018
- Addendum to the South Essex Strategic Housing Market Assessment (2017)
- Addendum to the South Essex Strategic Housing Market Assessment (2020)
- Habitats Regulations Assessment (Screening Report and Appropriate Assessment) Sept 2020.
- Safer Places: The Planning System and Crime Prevention 2004
- Developer Contributions Guidance SPD – Adopted 1st October 2008
- Castle Point Open Space Appraisal Update 2012
- Technical Housing Standards – national described space standard (DCLG March 2015)
- DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)
- Essex Coast Recreational Disturbance and Mitigation Strategy (RAMS) 2020

Consultation

Essex County Council Highways

No objection subject to conditions

Essex County Council Fire and Rescue

No objection

Essex County Council Infrastructure Planning Officer

Contributions towards education and library provision sought.

Essex County Council Lead Local Flood Authority

No objection subject to conditions.

Environment Agency

No comment

Anglian Water

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity.

Advisory requested.

Essex Police Architectural Liaison Officer

Seeks formal accreditation of Secured by Design for the scheme and the provision of an appropriate lighting strategy.

NHSEngland

Financial contribution required to fund necessary improvements to health care provision to meet the needs of the development.

Invertebrate Conservation Trust (Buglife)

No response

Essex Wildlife Trust

No response

Essex Badger Patrol

No response

Essex Bat Group

No comment on proposal.

CPBC Environmental Health Officer

Additional Noise survey requested subsequent to which no objection raised.

CPBC Legal Services

No observations on proposal.

CPBC Streetscene

No objection

CPBC Housing Manager

Affordable rented homes within the borough are always in high demand, the proposed construction of 2 and 3 bed properties fits with the demands within the area, whilst we would welcome a higher proportion of rented homes, we are pleased to see an increase in the number of affordable homes being available and as a housing provider are happy to work with L&G Homes in any way we can.

Public Consultation

Some 67 letters had been received identifying the following issues and concerns:

- Loss of Green Belt
- Loss of open space
- Impact on wildlife
- Site is too close to a school
- Lack of need for additional houses/people
- Increased traffic and potential for congestion and accidents
- Increased pollution
- Potential for light pollution
- Potential for increased surface water runoff and flooding
- Inadequate infrastructure to serve development and exacerbation of poor water pressure
- Impact on residential amenity and potential for overlooking
- Overdevelopment of the site
- Loss of view
- Impact on property values

In addition, 1 letter of comment had been received, requesting consideration of:

- Impact on air quality and pollution
- Impact of noise
- Impact on wildlife
- Provision of adequate parking
- Minimisation of use of artificial light
- Energy conservation

It should be noted that concerns over the potential impact of the proposed development on house values and loss of view are not valid planning considerations.

Evaluation of the Proposal against adopted policies and guidance

The Principle of Development

Planning law requires that applications for planning permission be determined in accordance with the Development Plan currently in force unless material considerations indicate otherwise (paragraph 2 of the NPPF). The adopted development plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

The NPPF further states that where the relevant Development Plan policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework provide a clear reason that development should be refused (paragraph 11 of the NPPF).

Footnote 7 to the NPPF identifies that land allocated for Green Belt purposes is an example of where the Policies in the Framework can provide a clear reason for refusing the development proposed.

The Development Plan for Castle Point is the adopted Local Plan (1998). This identifies part of the site as Green Belt and part for residential purposes.

The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a general presumption against inappropriate development. Such development should not be approved, except in very special circumstances.

Paragraph 140 states that once established Green Belt boundaries should only be altered in the most exceptional circumstances, through the preparation or review of the Local Plan.

Paragraph 147 of the NPPF clearly states that inappropriate development in the Green Belt, which includes residential development, is by definition harmful to the Green Belt and should not be approved, except in very special circumstances and paragraph 148 of the NPPF states that when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless they qualify for consideration under one of the stated exceptions.

Part (f) of para 149 identifies that the provision of affordable housing for community need may constitute an exception to the usual presumption against development in the Green Belt.

The NPPF is however most specific that for development of this type to be acceptable in the Green Belt, it must be in accordance with policies set out in the development plan. The adopted Local Plan contains Policy H7 which is concerned with the provision of affordable housing; however, this Policy simply identifies that the Planning Authority will seek the provision of affordable housing in appropriate circumstances and does not identify that such provision may be made on specific sites or on land allocated for Green Belt purposes.

The New Local Plan similarly makes no statements in respect of affordable housing which would identify this proposal as being one which would benefit from this particular exemption to Green Belt policy.

The final exception identified within the paragraph 149 identifies the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development: or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and would contribute towards meeting an identified affordable housing need within the area of the Local Authority, may not be inappropriate in the Green Belt.

That part of the site currently allocated for Green Belt purposes hosts a number of buildings associated with the use of the site for equestrian purposes. These buildings are located within the northern part of the site and a significant area of open land is retained to the south.

Given the presence of development on the site it is considered that, in part at least, the site represents previously developed land.

It is intended to replace these buildings with a development extending across the whole site, comprising 44 two storey dwellings with associated parking provision, access and landscaping, arranged in a suburban style layout.

Applying paragraph 149(g) to the proposal identifies that redevelopment of the previously developed part of the site with affordable housing would only need to satisfy the lesser test, however the greater proportion of the development site is not previously developed land and in this area, to be considered acceptable, the development is required to have no greater impact on the openness of the Green Belt.

It is clear that redevelopment of the site in the manner proposed would have a greater impact the openness of the Green Belt.

The current proposal cannot therefore benefit from the exception cited in para 149(g).

Consequently, the proposal represents inappropriate development, representing definitional harm.

Having determined the existence of definitional harm, consideration must be given to any other harm that might arise from the development of the site.

Paragraph 138 of NPPF sets out the five main purposes of Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.

The Castle Point Borough Green Belt Review 2018, (Updated 2019) identified the wider area of land, of which the application site forms part, as Parcel 6 and confirmed that whilst this parcel did not lie within a Locally Important Strategic Green Belt area it did perform the Green Belt functions of checking unrestricted sprawl and safeguarding the countryside. The proposed development would result in the intensive development of a currently largely vacant site. Such development represents a physical and visual encroachment into the Green Belt, in conflict with purposes 1 and 3. This carries weight against the proposal.

Prima facie, given the identified harm to the Green Belt, to which substantial weight is attributed, in accordance with Government guidance, the proposal should attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances, either in isolation or combination, which would outweigh that harm and justify a departure from the policy requirements.

The Authority must also consider whether there are other material considerations which would justify inappropriate development in the Green Belt.

The existence of Very Special Circumstances (VSC)

The applicant has identified the following VSC:

- (i) The site's lack of contribution to the Green Belt
- (ii) The identification of the site as suitable for release for residential purposes within the New Local Plan
- (iii) The lack of harm to matters other than the Green Belt
- (iv) The provisions of the New Local Plan Inspector's Post Hearing letter
- (v) The housing land supply shortage
- (vi) The significant affordable housing need
- (vii) The inability of the Council to meet housing needs without developing on Green Belt land and
- (viii) The high quality of proposed design and speed of delivery.

In response, it should be noted that through the preparation of the New Local Plan it has been established that insufficient opportunity exists within the urban areas to accommodate the Borough's identified housing need. Opportunities beyond the urban areas were therefore sought where residential development could be accommodated with limited harm to the Green Belt and its strategic objectives.

The Castle Point Green Belt Review 2018 (Updated 2019), identified that land around the Chase, Thundersley, identified as Parcel 6, of which the application site forms part, whilst performing a Green Belt function, was of limited value and that given the isolation of the parcel from the wider Green Belt by development, the provision of houses on the site would result in only limited harm and would not prejudice the objectives of the wider strategic Green Belt. The site was duly allocated for residential purposes in the New Local Plan under Policy HO20.

The fact that the Green Belt in this area has been robustly scrutinised by this Authority and by the Inspector appointed to consider the soundness of the New Local Plan, and assessed to be of only limited value to the strategic Green Belt, and therefore capable of being released from the Green Belt without significant harm the strategic Green Belt, is of significance in the determination this application.

Whilst Members have resolved not to adopt the sound Local Plan, its provisions remain a material consideration of substantial weight in the determination of this application.

In terms of housing land supply, evidence collated through the Local Plan process has identified that the Borough has historically experienced a significant shortage of deliverable housing sites and consequently has demonstrated poor performance in housing delivery in both the market and affordable housing sectors. This has led to significant unmet housing need.

Whilst in isolation housing need is unlikely to justify inappropriate development in the Green Belt, case law and planning appeals have confirmed that a housing land supply shortfall can, in association with other considerations, contribute to the provision of sufficient weight to outweigh the harm to the Green Belt.

This attracts moderate weight in favour of the proposal.

Further it is considered that the provision of a scheme providing 100% affordable housing represents an unusual circumstance which may also contribute towards the achievement of very special circumstances.

The Castle Point Strategic Housing Market Assessment Addendum 2017 identifies a net annual affordable housing need of 353 dwellings. The New Local Plan proposes to deliver 355 net additional dwellings per annum. Thus it can be seen that the identified need for affordable housing almost matches total housing provision. Given the opportunities available for the provision of affordable housing, the likelihood of this Authority fully meeting its affordable housing needs is remote.

In this context, it is considered that the proposed development of the site to provide 100% of dwellings as affordable housing represents a significant benefit.

This attracts moderate weight in favour of the proposal.

In further support of the proposal, the applicant identifies that the proposed development will be of high quality and of modular form, facilitating speedy provision.

High quality would be required of any development and does not represent a very special circumstance.

Speed of delivery attracts some minor weight.

Finally, the applicant suggests that the lack of harm to matters other than the Green Belt represents a circumstance that should weigh in favour of the proposal.

It is not considered that a lack of harm beyond the Green Belt represents a very special circumstance and no weight is attached to this consideration.

Conclusion on the presence of very special circumstances.

The application site is partly allocated for Green Belt purposes in the adopted Local Plan.

Residential development of the Green Belt element of the site represents inappropriate development which would permanently reduce the openness of this part of the Green Belt and conflict with the purposes of designation, namely the prevention of sprawl and encroachment and the protection of the countryside.

However, evidence collated by the Authority in its preparation of the New Local Plan identifies that the harm to the Green Belt occasioned by the release of site HO20, of which the application site forms part, and its development for residential purposes, would be limited and outweighed by the need to identify land to meet housing needs.

This view was supported by the Inspector appointed to consider the soundness of the New Local Plan.

Whilst HO20 is not the adopted policy of this Authority, the evidence underpinning the policy has been identified as sound by the Inspector .

This is considered to attract substantial weight in favour of the proposed development.

The fact that the proposal seeks to provide 100% affordable housing, of significant benefit to the community, is considered to attract moderate weight in favour of the proposal.

The ability to provide such housing speedily as a consequence of the modular design, in the light of the identified extreme need for such accommodation, attracts minor weight.

In conclusion, it is considered that the identified lack of harm to the objectives of the strategic Green Belt, the weight that may be attached to the Inspector's findings in respect of HO20 of the New Local Plan and the community benefits derived from the provision of a 100% affordable housing scheme, outweighs the harm to the Green Belt at this location.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

Integration into the Master Plan for the Area

Proposed main modifications to HO20 required the site to be developed in accordance with a Master Plan prepared for the area, to ensure that the development was attractively designed, contributed positively to environmental quality and was supported by appropriate infrastructure.

The modification acknowledged that the multiplicity of owners present within the wider allocation would result in individual parcels coming forward with different proposals but identified that all should conform to the provisions of the Master Plan.

The current proposal has been submitted in advance of the completion of the Master Plan. As modified the New Local Plan addresses this issue by stating in paragraph 4 that "applications for individual parcels within the allocated site must have regard to the Master Plan and must contribute towards those elements of the Master Plan which are necessary to make the proposal for development acceptable in planning terms. Any applications received in advance of the Master Plan must incorporate the requirements of part 3 of this policy and must not undermine the comprehensive development of the wider site".

Part 3 of the Policy states:

"Each development parcel should have regard to the master plan which will secure:

- a. Urban design which echoes the principles of the Arcadia approach as defined in Appendix 2, to create an attractive, green, parkland environment, integrated into the existing landscape;*
- b. An approach to wildlife that results in a measurable net gain in biodiversity;*
- c. The retention of existing Public Rights of Way through the site, and the provision of greenways through the site, linking to the existing network of green infrastructure;*
- d. The provision of open space and where appropriate, playing fields within the site consistent with the requirement of policy HS3, delivering additional accessible natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;*
- e. An approach to playing pitch provision which fully compensates for any losses arising on site or in an accessible location nearby, and provides for any additional need arising from growth at the site, in consultation with Sport England and the relevant sport governing bodies;*
- f. Main vehicular access to the south of the Chase from Kiln Road, and land to the north of the Chase from Runnymede Chase or Rayleigh Road;*

g. Coordinated access to the development areas within the site without the creation of a motorised vehicular through route. As appropriate, the need for highways improvements, including to unmade sections of highway within the site will be secured to enable access to new development;

h. Active travel connections through the site linking through the new development to the USP College and Council Offices and adjoining leisure uses off Kiln Road;

i. The provision of a new stand-alone 26 place Pre-school, and the provision of a building to accommodate 1,000sqm of space for healthcare services. This may be provided in-kind, or through the provision of land comprising 0.058ha for the pre-school and 0.3ha for the healthcare building, with proportionate financial contributions towards the delivery of the facilities;

j. Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties; and

k. The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified on site”.

The proposal must also have regard to the adopted Residential Design Guidance.

Consideration will be given to each of these requirements:

a. Urban design and the principles of the Arcadia approach

Appendix 2 to the New Local Plan identifies that appropriate elements of an Arcadia approach will secure:

- housing laid out according to landscape dominated principles;
- creating the illusion of a rural environment in a residential area;
- layout allows houses to appear at intervals among trees and landscape features as surprise hidden features in the dominant landscape;
- 'leafy' suburbs concealing houses among mature trees so visual appearance is of a landscape setting rather than housing;
- typified by layout of parks of great country houses;
- front gardens should be enclosed by hedges in order for the landscape to dominate the housing;
- most suitable sites are those which already have significant density of mature trees and hedges;
- consideration of how to enhance existing tree cover with new planting, and to establishing new patterns of substantial tree and hedge cover where existing vegetation is sparse; and
- plant material should not be alien to naturally occurring species

In terms of layout, whilst the site will benefit from new tree and hedge planting, the retention of trees and hedges around the boundaries of the site and the provision of open space at its

southern end and at the entrance to the site, the current scheme seeks to secure a relatively dense form of development which from most public vantage points will not present a landscape-dominated setting to the dwellings. The current layout therefore fails to achieve an Arcadia approach and prima facie would be inconsistent with the requirements of the proposed Master Plan.

It must be conceded however that the current landscape value of the site is limited in impact comprising primarily poor grassland and that across the wider allocated site, variations in density and style of development should be anticipated.

It must also be noted that in his post hearing letter the Inspector identified that across the wider site the number of dwellings to be provided should be increased. This has clear implications for densities across the site with a corollary impact on setting.

In order to protect the most valuable and sensitive landscapes in the allocation, densities in less sensitive locations will need to be increased. This site, by virtue of its close relationship with the adjoining urban area and lower landscape sensitivity, lends itself to a higher density, less landscape dominated development, than might be considered appropriate on other parts of the allocated site and as a matter of principle, therefore, it is not considered that an objection could be sustained in respect of a more urban form of development on the site.

That the proposal is equally acceptable in terms of other considerations and matters of detail will be dependent on the level of compliance achieved with the Council's adopted Residential Design Guidance and the remaining provisions of policy HO20.

b. An approach to wildlife that results in a measurable net gain in biodiversity:

Policy EC13 of the adopted Local Plan states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

Policy EC14 is considered consistent with the NPPF, particularly in respect of paragraph 179. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 180 of the NPPF.

Policy NE4 of the New Local Plan states at para 3:

Development proposals which would result in harm to either a Local Wildlife Site or a potential Local Wildlife Site will not normally be permitted unless it can be demonstrated that every reasonable effort has been taken to minimise the harm arising through avoidance. Any harm arising must be fully mitigated, or compensated, resulting in a measurable net gain in biodiversity.

Policy NE5 of the New Local Plan states that the Council will support proposals which can demonstrate a measurable net gain in biodiversity.

Policy NE6 states that all development proposals should contribute positively towards creating a visually attractive environment and should seek to protect and integrate key natural and semi-natural features including field boundaries, hedgerows, trees, woodlands and watercourses.

The southern portion of the application site was identified as forming part of Local Wildlife Site (LoWS) CPT23 – Thundersley Plotlands in the 2012 Wildlife Site Review. This identified the complex of land parcels forming the larger wildlife site, as an area which represented the last remaining blocks of old plotland habitat within urban Thundersley, comprising a mosaic of grassland, woodland and scrub with a characteristic suite of habitats and species with conservation interest in their own right.

The LoWS was also identified as a stepping-stone between the Daws Heath woodlands to the east and the Local Wildlife Site complex to the south of Kiln Road.

Woodland present within the LoWS are generally dominated by Pedunculate Oak with lesser amounts of Ash, Birch, Hazel, Hawthorn and Holly and with a few of the older boundary ditch and bank features supporting larger Oaks with coppiced Hornbeam.

The ground flora is described as generally poor with a high proportion of Bramble Common Nettle and Cow Parsley although pockets of more interesting flora such as Pendulous Sedge, Bush Vetch, Bluebell and Sanicle are present.

The quality of grassland blocks varies according to management.

Common Lizard, Slow Worm and Badger were identified as present in various parts of the wider site.

The Wildlife Sites Review was reviewed in 2019. This amended the extent of the LoWS to remove land to the east of Wensley Road and south of the Chase to reflect land lost to housing development. The field notes accompanying the Review identify the condition of the LoWS as declining as a consequence of development and that the woodland and grasslands required positive management to achieve conservation outcomes.

The application site forms the northern extent of LoWS CPT23 and is characterised by open grassland with hedgerows to the eastern, western and southern boundaries. The site does not however contain any priority habitats.

Recent surveys undertaken on behalf of the applicant have identified that as a consequence of the management of the site (horse grazing), its ecological value has been significantly downgraded and opine that under review it is likely that the site would be deselected as a LoWS. The site however does retain significant potential around the margins.

Within the context of Policy H020, the enhancement of biodiversity represents a key objective.

Such enhancement is required to be measurable however the New Local Plan does not identify the scale of enhancement required.

The NPPF similarly remains silent on this particular aspect of the policy. However, the Environment Act seeks to secure a net 10% increase in biodiversity (Biodiversity Net Gain – BNG) on development sites and it is considered that this should be the minimum standard sought in respect of all proposed development.

The applicant has undertaken an assessment of the site within the context provided by the Defra Metric (the required mechanism for the calculation of BNG) and has determined that whilst development of the site will result in the loss of part of a Local Wildlife Site comprising poor quality modified grassland and scrub, which will not be replaced, it will secure a 2.94% increase in habitat units through the provision of meadow grasslands, the removal/management of invasive species, the provision of a 'tiny forest' and the installation of bird and bat boxes and a 96.5% increase in hedgerow units through improvements to the existing hedgerows around the site.

The proposed scheme therefore achieves a significant increase in habitat biodiversity on the site, consistent with the requirements of HO20 and considered more than adequate to compensate for the loss of the degraded grassland and scrub within the LoWS designated area.

In terms of the impact of the proposed development on the species present on the site, the grassland habitat provided at present is not suitable for reptiles whilst the hedgerows are to be enhanced, thus improving habitat for reptiles.

Consequently, it is considered unlikely that any population of reptiles would be adversely impacted in the long term. Impacts during clearance will be minimised using precautionary clearance methods. Habitats available after development will be similar in size to that present before, with a possible small increase in area, as some rough grassland habitat is proposed.

Overall, there is unlikely to be any residual long term negative impact on reptiles on site.

With regard to Badgers, there are no setts on the site and analysis of the ground conditions has identified a low density of earthworms, suggesting that the site provides poor foraging. It is clear however that Badgers cross the site to get to other parcels of land where food sources may be more abundant.

The submitted layout seeks to retain the opportunity for Badgers to cross the site by retaining areas of hedging and access paths along the boundaries. This measure, coupled with the provision of fruit and berry bearing trees is likely to enhance the Badger diet whilst the provision of the 'tiny forest' and new grassland will improve the opportunity for foraging within the site, resulting in no significant adverse impact on the Badger population.

It should be noted that the local Badger group has not sought to object to the proposal on the basis of impact on Badgers.

It is likely that hedgehogs are also present on the boundaries of the site and will similarly benefit from improvements to the habitat.

Bats are considered likely to forage along site boundary habitats. These are all being retained, thus impact on bats should be minimal. Further it is proposed to install bat boxes within the development, thus increasing the opportunity for roosting and a bat friendly lighting scheme will be used on site, minimising light spill onto boundary habitats. Overall, it is considered that the development will have no adverse impact on bats.

Finally with regard to birds, the proposed enhancement of the hedgerows, provision of the tiny forest and enhanced meadowlands and the provision of bird boxes, will ensure that opportunities for birds to nest and feed are maintained on the site.

The ecological survey undertaken identified Himalayan Balsam growing at the southern end of the site. This is a highly invasive species which has the capacity to smother native plants and thus impoverish biodiversity. Removal of this plant from the site will be a significant positive impact.

Proper management of the site to secure the biodiversity benefits identified can be achieved through the implementation of an appropriate Biodiversity Management Plan.

The applicant has submitted a Construction Environment Management Plan (CEMP) for Biodiversity which identifies elements of good practice. These include preliminary checks of badgers, birds and reptiles prior to works commencing and the institution of appropriate exclusion zones to protect species, good housekeeping to avoid pollution incidents such as the generation of excessive dust emissions, the pollution of groundwaters and light pollution and the establishment of protective zones around trees, hedges and the watercourse at the southern end of the site.

If fully implemented it is considered that the provisions of the Biodiversity CEMP would assist in ensuring that wildlife on the site was adequately considered during the construction period.

Conditions to secure compliance with the provisions of the Biodiversity CEMP can be attached to the grant of any consent.

A management plan for the removal of the Himalayan Balsam has also been submitted and recommends treatment of the Himalayan Balsam with a suitable herbicide. This is considered to be an appropriate and acceptable response.

Further details on the ecology of the site in the context of the Habitats Regulations and the RAM Strategy will be assessed later in this report.

c. The retention of existing Public Rights of Way through the site, and the provision of greenways through the site, linking to the existing network of green infrastructure.

There are no existing public rights of way through the site, however the proposed layout does provide opportunities for new routes with the provision of a pedestrian link to the south and the potential for both vehicular and pedestrian access to the land to the east.

Acceptance of the current layout will, of necessity, influence any future layout of adjoining land to secure a cohesive movement network through the wider site, however it is considered that this may, at this stage, be readily incorporated into the overarching Master Plan and the current layout would not therefore prejudice the development of land to the east and south.

In the event of planning permission being achieved for this development however, it will be necessary to ensure that no ransom strips are retained within the site. It is considered that this can be secured through a S106 agreement.

d. The provision of open space and where appropriate, playing fields within the site consistent with the requirement of policy HS3, delivering additional accessible natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;

Local residents have objected to the proposal on the basis that it results in the loss of open space.

It should be noted that at the present time the site is private land which does not offer the opportunity for public enjoyment of open space.

Consideration of the proposal within the context of the provisions of the Castle Point Infrastructure Delivery Plan suggests that this site attracts a requirement for the provision of some 0.29ha of playspace, parks/gardens amenity greenspace and semi natural and natural green space.

The proposal includes the provision of some 2,500m² of open space at the southern end of the site, providing a play area, 'mini forest' and semi-natural and amenity open space together with natural space provided along the eastern and western boundaries and an amenity space at the northern end of the site. Such provision totals some 0.32ha and is considered adequate to meet the daily recreational needs of new residents and divert and assist in deflecting visitors from ecologically sensitive areas. To further assist in this, the applicant will be required to make a financial contribution to the mitigation of recreational disturbance within the European designated sites under the RAM Strategy.

With regard to the provision of playing fields within the site, this is inappropriate in the context of the current site, however the applicant will be required to make a financial contribution towards the provision of an off-site Multi-Use Games Area. This can be secured through a S106 Agreement.

- e. An approach to playing pitch provision which fully compensates for any losses arising, on site or in an accessible location nearby, and provides for any additional need arising from growth at the site, in consultation with Sport England and the relevant sport governing bodies;

The proposal does not result in the loss of playing pitch provision. This requirement is not therefore relevant in the context of the current proposal.

- f. Main vehicular access to the south of the Chase from Kiln Road, and land to the north of the Chase from Runnymede Chase or Rayleigh Road;

The application site currently benefits from an existing vehicular access from Hart Road which will provide the sole vehicular access to the site.

Whilst the provisions of the Master Plan identified in HO20 requires access to land to the north of the Chase to be obtained from Runnymede Chase or Rayleigh Road, this site is isolated from these roads by land in different ownership. Access from these roads is not therefore practical and indeed is unnecessary given the access available from Hart Road, which, in the context of this application, has been found acceptable by the Highway Authority.

Further it is considered that provision of access from the south would have adverse consequences for the provision and retention of land suitable for biodiversity enhancement and recreational provision. Access the south is not therefore recommended.

It should be noted that in his conclusions on HO20, the Inspector appointed to consider the soundness of the submitted Local Plan advised that whilst it was

“clear that the main vehicular access would be from Kiln Road to the south of The Chase, and from Runnymede Chase or Rayleigh Road to the north of The Chase, [but that] there may be limited access taken from other roads to small pockets of development as appropriate. Taking

limited access in this way from roads such as Hart Road could be considered in the development management process”.

- g. Coordinated access to the development areas within the site without the creation of a motorised vehicular through route. As appropriate, the need for highways improvements, including to unmade sections of highway within the site will be secured to enable access to new development.*

The proposal does not facilitate the provision of a vehicular route through the wider allocated site and does not necessitate highway improvements within the site.

- h. Active travel connections through the site linking through the new development to the USP College and Council Offices and adjoining leisure uses off Kiln Road;*

The site offers the opportunity for pedestrian access to be provided through the site to the south, thus facilitating access to the College and Council Offices in the longer term as other parcels of land come forward within the Master Plan framework. Securing such links can be achieved through a S106 Agreement.

- i. The provision of a new stand-alone 26 place Pre-school, and the provision of a building to accommodate 1,000sqm of space for healthcare services. This may be provided in-kind, or through the provision of land comprising 0.058ha for the pre-school and 0.3ha for the healthcare building, with proportionate financial contributions towards the delivery of the facilities;*

Development of HO20 will create demands for new infrastructure to meet the needs of future residents. The application site is too restricted to provide land capable of supporting a preschool or health care centre and indeed such provision on this site could be considered unreasonable given the level of facilities identified. It is considered appropriate however for the site to meet its needs through appropriate financial contributions towards the provision of such facilities in the locality. This can be secured through a S106 Agreement.

- j. Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties;*

Local residents have identified that they experience surface water flooding during heavy rain.

Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

This is currently reflected in Policy CF14 of the adopted Local Plan and Policy CC3 of the New Local Plan.

To this end the Planning Authority requires applicants to demonstrate the flood risk associated with the development of their site.

The application site is located within Flood Zone 1 and within Critical Drainage Area 3. The site is at low risk of tidal or fluvial flooding.

Within Table 2 of the NPPG: Flood Risk and Coastal Change, residential developments are considered to be 'more vulnerable' in terms of the impact of flooding. Table 3 of the NPPG: Flood Risk and Coastal Change, states that more vulnerable development is considered appropriate

within Flood Zone 1. The development therefore passes the flood risk Sequential Test and the Exception Test does not need to be applied.

An ordinary watercourse, Thundersley Brook, traverses the southern boundary of the site and the Environment Agency Maps for Flooding identify that approximately a quarter of the site, adjacent the southern boundary and around the ordinary watercourse, is at high/medium risk of surface water flooding with predicted water depths of between 300mm and 900mm.

The applicant has submitted a surface water drainage scheme which has been considered by the Lead Local Flood Authority. Whilst a holding objection was initially raised, the submission of revised drawings and data has resolved the issues to the satisfaction of the LLFA which subsequently withdrew its objection subject to conditions being imposed on the grant of consent.

These conditions have been considered and are considered reasonable, proportionate and necessary to facilitate the proposed development. They may therefore be appended to the grant of any consent.

k. *The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified on site.*

A foul drain runs through the southern part of the site.

Retention of land as open space on the southern part of the site will secure access for maintenance purposes. This provision is therefore considered satisfied.

Conclusion on the Integration of the proposal into the Master Plan for the Area

Subject to the applicant entering into a S106 Agreement and accepting conditions as appropriate, it is considered that the proposed development would be broadly consistent with the Master Plan requirements for HO20.

No objection is therefore raised to the proposal on that basis.

Prematurity

In the context of the National Planning Policy Framework, and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and

b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

In the context of the current proposal, it is not considered that the proposed scheme is so substantial, or that development of the site in the manner proposed is so inconsistent with the provisions of the sound New Local Plan, that approval would undermine the Plan making process or the objectives of HO20. The site has been identified as suitable for residential development within the New Local Plan and the submitted scheme seeks to fulfil that aspiration.

No objection is therefore raised to the proposal on the basis of prematurity.

The Scale and Form of Development

The issue of scale in terms of its impact on the openness of the Green Belt has already been discussed and that discussion will not be repeated here.

In terms of more generalist comments in respect of the scale of the development, it is noted that all of the units are proposed to be two storeys in height.

The surrounding area is characterised by predominantly bungalows to the north and east and houses to the west.

The degree of separation achieved between the proposed and existing development, and the fact that the proposal essentially represents the development of a backland site, combine to ensure that there is no strong visual relationship between the proposed development and that in the surrounding area. The character the surrounding development is not harmed by the scale of the development proposed, consequently it is not considered that an objection can be raised to the proposal on the basis of its scale.

The Density and Mix of Proposed Housing

Policy H9 of the adopted Local Plan requires the optimum density of housing to be achieved on any site whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the building and ensuring that the proposal accords with all appropriate policies. Policy SD1 of the New Local Plan seeks, inter alia, to maximise the use of development land whilst ensuring that proposals are of high quality and compatible with the character of the area.

A proposed modification to policy HO20 of the New Local Plan identified a new paragraph which states that development within HO20 will adopt an urban design approach which echoes the principles of the Arcadia approach (as defined in Appendix 2), to create an attractive, green, parkland environment, integrated into the existing landscape. Development should be integrated into the landscape, with trees and hedges being dominant features.

Within the context of HO20, maximisation of the use of land is not therefore the overriding consideration.

It should be noted however that in his post hearing letter the Inspector considered that HO20 could accommodate a greater number of dwellings, stating:

“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. The Council’s Large Site Capacity Study update (H-013) identifies a potential capacity for the site of about 430 dwellings (gross). 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, which do not appear to have been applied consistently with other proposed site allocations. The site capacity should be amended taking into account existing commitments, to be around 412 new homes net (MM24). The actual number of new homes provided however will be determined through the master planning and development management processes having regard to factors such as the site characteristic, infrastructure needs and the housing mix”.

This increased capacity has clear implications for the character and appearance of development on the wider site.

In order to protect the most valuable and sensitive landscapes in the allocation it is considered that higher densities of development will need to be accommodated on parts of the wider policy site and the application site, by virtue of its close relationship with the adjoining urban area and lower landscape sensitivity, lends itself to a higher density, less landscape dominated development, than might be considered appropriate on other parts of the allocated site.

It is acknowledged that the current layout does not fully achieve an arcadian layout, however the layout does retain trees and hedges present on the boundaries of the site as well as providing additional trees and hedges both at the entrance to and within the development.

In addition, the scheme seeks to provide significant new planting at the southern end of the site.

As such it is considered that the layout achieves a reasonable balance between the need to provide housing and the need to retain and enhance natural elements of the site.

As such it is considered that in principle the layout provides an acceptable density of development on the site.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a vague policy which is inconsistent with the requirements of paragraph 62 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy HO3 of the New Local Plan similarly seeks a range of housing provision.

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

In preparing the New Local Plan, work was undertaken within the context of the Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020) to review the

need for different house sizes and types to meet the changing needs of the Borough's population. This Addendum concluded that there will be demand from a range of different household types, although demand will be particularly strong from families with children and people of retirement age.

The Addendum identifies the potential demand for different housing types and sizes as follows:

Type of Accommodation required			
Houses	Bungalows	Flats	
68%	25%	7%	
Size of Accommodation required			
1 bed	2 bed	3 bed	4+ bed
6%	22%	43%	29%

The proposed development identifies the provision of 19 two bed units (43%) and 25 three bed units (57%).

As can be seen the composition of the proposed development is inconsistent with identified needs, however, the Council's Housing Development and Finance Manager has confirmed that the dwelling type fits the demands present in the local area.

As such no objection is raised to the proposed housing mix.

The applicant has advised that all of the dwellings will be compliant with Part M4(2) of the Building Regulations which means that they will be capable of being accessed by most people and will incorporate features that will make them suitable for a wide range of occupants including older people, those with reduced mobility and some wheel chair users.

It is considered that such provision would satisfy the requirements of Policy H11, however as Part M4(2) is an optional provision within the Building Regulations, it will be necessary to impose a condition on the grant of any consent to secure such provision.

Design and Layout

Adopted Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals with particular regard paid to the scale, density, siting, design, layout and external materials which should be appropriate to the setting, and which should not harm the character of, the surroundings. Proposals should take account of all elements of the local design context.

Policy DS1 of the New Local Plan reflects the provisions of adopted policy EC2 and seeks to secure high quality design, healthy and active lifestyles, the integration of development with the natural environment and the achievement of sustainability requirements.

The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 and New Local Plan policy DS1 are consistent with the NPPF.

Local Plan Policy H17 states that in designing proposals, regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan. Appendix 12 has been superseded by the adopted Residential Design Guidance (RDG).

In terms of the provisions of the adopted Residential Design Guidance, it should be noted that RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes.

The application site lies outside the existing built up area, but its proximity to adjoining residential development and the need to ensure that the development of this site properly integrates with the surrounding area strongly suggests that consideration should be given to the proposal in the context of RDG1.

The area immediately to the north and east of the site is characterised by pairs of semi-detached bungalows set on plots 7m – 7.5m in width, with plot depths of some 36m. To the west the site is immediately abutted by a pair of semi-detached houses, on plots some 8m wide, beyond which is a terrace of three storey dwellings on plots some 5m wide with plot depths of some 50m.

The current proposal seeks to provide semi-detached dwellings on plots some 8m – 10m wide and terraced properties on plots some 5m – 10m wide. Plots depths for both types of property are approximately 26m.

Whilst plot depths are shallower than those prevailing in the wider area, plot widths are reflective of the character of the adjoining development. Plot depth makes only a limited contribution to the character or appearance of an area and whilst it is acknowledged that those provided within the development are less than found elsewhere it is not considered that this feature detracts from the character of the area. No objection is therefore raised to the proposal under RDG1.

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the building. At least 1m should be provided between the property and the boundaries of the site. Where dwellings are located adjacent to public open space or other areas of land which serve as a buffer to development less space may be considered acceptable. It is further stated that for new large scale developments, such as that proposed, a different character with varying degrees of space around dwellings can be created, however this should be accompanied by a robust design rationale.

With the exception of mid-terraced properties, all dwellings are provided with a minimum of 1m isolation from side boundaries and in many cases the provision of parking spaces to the sides achieves far greater isolation and an acceptable rhythm of development. As a consequence the proposal is considered to satisfy the requirements of RDG2.

RDG3 essentially requires the establishment of appropriate building lines and seeks to ensure that development does not result in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposed development generally shares consistent building lines along each frontage and as a consequence no adverse overshadowing as a consequence of layout occurs.

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active and articulated frontages to all elevations that face the public realm.

Corner plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in all appropriate cases opportunities should be taken to create features on corner locations, which enhance legibility.

Plots 10, 12, 21, 23 and 44 are all considered to constitute corner plots. In each case the side elevation is punctuated by windows at ground and first floor level. Whilst limited in impact it is considered that such punctuation is enough to satisfy the technical requirements of RDG4.

RDG5 states that for all residential development a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level. This requirement is satisfied in all cases.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. For dwellings, 15m² per habitable room is required. Where three or less rooms are provided an area of 50m² will be required. Habitable rooms do not include bathrooms, ensuites and utility rooms. All other rooms are included.

Where rooms are combined to create single living areas, it is the practice of this Authority to consider whether such combination of space represents an attempt to limit the requirement for amenity space provision. Where it is determined that such combination is contrived to achieve this purpose, the Authority will calculate amenity space on the basis of subdivision of such spaces.

Within the current proposal the three bedroomed properties each have a combined kitchen/dining area which might be considered to constitute two rooms. However, the combined space is not considered excessive, being only some 3.2m by 5.9m and as a consequence it is considered that each three bedroomed property may reasonably be concluded to provide five rooms and require the provision of 75m² of amenity space. All achieve this.

The proposed two bedroomed properties each have four rooms and require the provision of 60m² of amenity space. All achieve this.

RDG8 requires the design of all development to result in well-proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

The proposed dwellings are of modular form and all present well balanced and well-proportioned elevations. No objection is raised to the proposal under RDG8.

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy.

Policy CC4 of the New Local Plan requires all development to minimise its impact on climate change arising from energy consumption and incorporate measures to achieve water efficiency.

The applicants have advised that the proposed development can incorporate the use of air source heat pumps as the primary source for heating and hot water and photovoltaic panels are identified on each south facing roof slope, these will reduce energy costs and carbon emissions for the dwellings.

Further the applicant advises that all off street parking spaces will be provided with electric and ultra-low emission vehicle charging points, that appropriate glazing will be used to secure passive solar heating and that flow restrictors will be fitted to all taps and dual flush systems provided.

Incorporation of such measures into the development will assist in securing energy and water efficiency and can be secured by condition.

Subject to such a condition, no objection is raised to the proposal on the basis of RDG9.

RDG10 provides guidance in respect of boundary treatments and states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high-quality materials, appropriate in terms of appearance and ongoing maintenance, to the location.

The submitted boundary treatment plan indicates the use of a mix of 1.8m high close boarded fences and brick walls to screen private amenity areas, with the latter being used to screen those gardens immediately adjacent to the public realm. Such brick walls will be complemented with low level planting, which will also extend around the front gardens of the dwellings, providing an element of separation from the public realm. The boundary treatment is considered acceptable.

RDG11 of the Residential Design Guidance is concerned with landscaping.

Policy DS2 of the New Local Plan requires the provision of appropriate hard and soft landscaping in all development proposals.

The applicant has submitted a substantial soft landscaping scheme comprising the provision of some 831 trees, 644 shrubs, 2092 hedge plants and some 83 herbaceous specimens.

This is in addition to the retention of existing trees and hedging around the site.

The scheme is heavily biased towards native and wildlife friendly species and includes Maples, Hawthorn, Beech, Holly, Flowering Cherry, Oak and Willow tree species, Lavender, Hebe and Buddleia shrub species and Maple, Hawthorn and Dog Rose hedging.

The provision of such a scheme will ensure year round interest as well as a significant and varied foraging resource for birds and mammals.

In addition, it is identified that the amenity area to the south of the site will be seeded with flowering lawn and tussock mixes which will enhance habitat provision for invertebrate species.

The scheme is accompanied by a robust specification for works and a 10 year management plan, the implementation of which can be secured by condition. No objection is raised to the proposal on the basis of landscaping.

It should be noted however that any works provided as part of the measures to secure biodiversity net gain will need to be managed for no less than 30 years.

RDG13 is concerned with the provision of appropriate refuse and recycling storage facilities.

Details of purpose built refuse storage facilities have been submitted and are considered acceptable.

Kerbside collection will be operated within the development. To facilitate this all areas to be accessed by refuse vehicles must be constructed to accommodate the weight and manoeuvres of a 32 tonne vehicle. This can be secured by condition.

Access

Policy TP6 of the New Local Plan requires developers to prepare Transport Assessments demonstrating how the impacts of the proposed development can be cost effectively mitigated to limit significant effects on highway and junction capacity and safety.

The applicant has submitted such documentation.

The issue of access to the site will be considered from 2 perspectives: that related to the construction phase and that related to the development phase.

The Construction Phase

It is self-evident that the construction phase will generate traffic and that such traffic will change during the various stages of the build programme. The applicant suggests that commercial vehicles likely to visit the site will include skip lorries, ready mix lorries and large rigid and articulated flatbed delivery lorries delivering materials to the site. It is estimated that projected average movements for such vehicles will be in the region of 5 -10 a day. A banksman will control all movements into and out of the site.

All materials will be unloaded and stored on the site and a delivery booking system will be operated by the site manager to avoid delivery vehicles queuing or waiting outside the site.

Nominated waiting areas for delivery vehicles will be identified in the locality to allow safe waiting where necessary.

It is considered that these should be agreed with the Planning Authority prior to the commencement of development on the site.

Wheel washing facilities will be available for vehicles exiting the site to ensure that mud and detritus is not brought out onto the highway.

All vehicle parking for site staff and visitors will be contained within the site boundary. To maintain the free flow of traffic the applicant advises that no parking by site staff or visitors will be permitted on Hart Road outside the site.

All access to the site will be from Hart Road via the A127 with the junction with Hart Road being provided with adequate sight splays and warning signs.

A turning area will be provided on site to ensure that all vehicles can access and egress the site in a forward direction and the applicant advises that should there be any exceptional loads and the site turning facilities are of insufficient size to enable vehicle turning, temporary traffic management would be utilised on Hart Road to temporarily stop the flow of traffic and allow loads to be delivered onto site.

Any temporary traffic management scheme would be subject to ECC approval.

Prior to commencing any construction works on site, a suitable Highways Condition Survey Report of the construction vehicle routes to/from the site to the A127 would be undertaken. This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey would be undertaken post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.

Any identified damage or further defects would be mitigated or improved to the standard identified at the pre-construction stage.

Compliance with this requirement can be secured by condition.

The Operational phase

It is noted that Policy HO20 of the New Local Plan seeks to secure all access to development land within the allocation from either Rayleigh Road or Kiln Road.

The application site has no frontage to either Kiln Road or Rayleigh Road and is currently served by an access point from Hart Road which is to be retained to serve the proposed development.

It is noted however that some Members have raised concern in respect of the intensification of the use of this access given its proximity to the school.

The applicant has submitted a Road Safety Assessment which has been considered in detail by the Highway Authority which has raised no objection to the proposed access point.

Under the circumstances no objection is raised to the proposal on access grounds.

It should be noted that the continued use of the existing access point onto Hart Road provides the opportunity to better maintain and enhance the ecological features of interest in the site.

Parking

Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the Essex Planning Officers Vehicle Parking Standards 2009. This provision is reflected in Policy TP8 of the New Local Plan, which also introduces a requirement for all new development to have the infrastructure capacity installed to provide for the charging of electric and other ultra-low emission vehicles in safe, convenient and accessible locations.

Policy EC2 of the Adopted Local Plan and Policy TP7 of the New Local Plan highlight the need to ensure that all modes of movement are safe and convenient.

Standard C3 of the adopted parking standards is relevant to the proposed development and requires one space to be provided for all dwellings having one bedroom and 2 spaces for each dwelling having more than one bedroom.

Each parking space should be a minimum of 2.9m wide and 5.5m deep.

No garage provision is made within the scheme which relies on the provision of on site or adjacent parking spaces. All parking spaces satisfy the spatial requirement.

It should be noted that RDG12 requires that parking provision should not dominate the public realm and should be sited so as not to have an adverse impact on visual or residential amenity.

As originally submitted the proposal identified significant areas where the provision of parking would result in a streetscape dominated by parked vehicles. Following discussion the applicants have significantly revised the layout and reduced the number of units proposed, to secure a greater proportion of parking at the side of dwellings, resulting in only one small enclave now being entirely dependent on frontage parking. This enclave is contained within the core of the site and will have limited impact on the character and appearance of the area and as such it is not considered that the parking arrangements now represent a robust objection the proposal.

No objection is raised to the scheme on the basis of RDG12.

Affordable Housing Provision

Policy H7 of the adopted Local Plan and Policy HO4 of the New Local Plan both seek to secure a proportion dwellings from large residential schemes as affordable housing.

The Council's Developer Contributions Supplementary Planning Document provides the latest adopted guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 16 affordable housing units on this site.

Under the provisions of Policy HO4 of the New Local Plan up to 40% of the units should be provided as affordable housing units. This would equate to the provision of 18 affordable units on site.

Of these the Council will expect 50% of the units to be affordable rent properties.

The proposal seeks to provide 100% affordable housing with 8 units (18% of the properties) provided as affordable rent and 36 units (82%) as affordable home ownership products. Whilst the level of affordable rented property is less than required by HO4, it is considered that this is adequately compensated by the achievement of a further 36 affordable home ownership units. This exceeds the NPPF requirement of 10% of the total number of homes to be available for affordable home ownership and will assist in addressing an acute need for affordable home ownership properties in the Borough.

The Council will seek nomination rights in respect of the rental properties. This can be secured by a S106 Agreement.

Ecology

Some consideration has already been given to the ecology of the site in the consideration of the very special circumstances identified by the applicant in respect of the principle of development in the Green Belt and in respect of the capacity of the proposed development to satisfy the requirements of HO20. This section of the evaluation seeks to consider wider issues pertaining to the ecological implications of the proposed development.

The site is within the zone of influence associated with the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site and the Outer Thames SPA.

The Pre submission Local Plan 2018-2033 (including modifications) Habitats Regulations Assessment 2020 identified that release of the site for residential purposes under Policy HO20 had the potential for likely significant effects (LSE) on the designated areas.

‘Significant effects’ has been defined through case law. A significant effect is any effect that would undermine the conservation objectives for the qualifying features of Habitats Sites potentially affected, alone or in combination with other plans or projects. There must be a causal connection or link between the proposal and the qualifying features of the site(s) which could result in possible significant effects on the site(s). Effects may be direct or indirect and a judgement must be made on a case-by-case basis. The decision as to whether or not a potential impact is significant depends on factors such as: magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. What may be significant in relation to one site may not be in relation to another. An effect which is not significant can be described as ‘insignificant’, ‘de minimis’ or ‘trivial’- i.e. it would not undermine the conservation objectives.

Given the identified potential for adverse impact there is a need for a Habitats Regulations Assessment (HRA) to be undertaken in respect of the current proposal in order to identify that potential and any appropriate mitigation.

There is a wide range of potential impacts and in the context of the current application the following impacts are considered most likely to cause Likely Significant Effects:

- Habitat loss and fragmentation / land take as a result of development.
- Loss of functionally linked land (land outside the SPA and Ramsar site).
- Increase of any type of disturbance,
- Changes in water availability or water quality as a result of development and increased demands for water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc.

Each will be considered in turn:

Habitat loss and fragmentation / land take as a result of development

The designated sites are characterised by wetland features. It is this typography that makes them of significance to the birds that use them. Loss of such habitat, even if not within the confines of the designated area, could result in a shift in usage pattern by birds and a subsequent deterioration in the quality of the designated areas as a consequence of over grazing/use.

Assessment of the site has identified that this is not a wetland area and consequently the development of the site would not result in habitat loss or fragmentation likely to have an adverse effect on the designated site.

Loss of functionally linked land (land outside the SPA and Ramsar site).

The site is considered sufficiently inland to be confident that the land would not be functionally linked to the designated sites.

Increase of any type of disturbance

Disturbance concerns species rather than habitats and the intensity, duration and frequency of repetition of disturbance are important parameters

Any event, activity or process contributing to the:

- The long-term decline of the population of the species on the site.
- The reduction, or the risk of reduction, of the range of the species within the site or
- The reduction of the size of the available habitat of the species,

can be regarded as significant disturbance.

Factors such as noise, light, dust and vibration and even invasive species, are all capable of causing significant disturbance.

The current proposal seeks to provide residential development which has the potential to adversely affect the designated site through increased recreational pressure.

In 2020 Castle Point adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This identifies that within Castle Point any new residential development will be likely to generate recreational activity within designated areas.

It further identifies that such impact can be mitigated through investment in the management, education and control of visitor numbers.

In order to fund such investment every net dwelling provided within the Borough will be expected to make a financial contribution.

This can be secured through a S106 agreement.

Changes in water availability, or water quality

The quality of the Habitats Sites (wetlands) is dependent on water quantity and quality. Any changes in water quantity and quality therefore has the potential to significantly impact them. Consequently, impacts could be caused if developments cause increased demands for water, water treatment or changes in groundwater regimes because of increased impermeable areas.

It should be noted that following the expansion of the Abberton Reservoir there is sufficient capacity to meet water demand for the foreseeable future. No further consideration need therefore be given to this aspect of the development.

At the present time a significant proportion of the site is permeable. Development will inevitably limit permeability as a consequence of the provision of a greater area of hardsurfacing. This has implications for surface water runoff not only in terms of surface water flooding, but also through nutrient enrichment of water and potential lowering of dissolved oxygen as well as increased water velocities and levels, all of which could adversely impact on the designated sites as a consequence of their relationship with the Thames and associated tributaries.

All runoff is treated at one of three water recycling centres (WRC) operated by Anglian Water. All discharge into the Thames or its tributaries and each has the capacity to adversely impact in the designated sites if wastewater generated by development exceeded capacity and untreated wastewater was allowed to enter the ecosystem.

Anglian Water has not identified a deficiency in capacity within the WRCs to accommodate the proposed growth. This, coupled with the requirement for all new development to limit pollution through the implementation of Construction Environmental Management Plans and to secure

sustainable drainage methods which limit the quantity and/or speed of water reaching the WRCs, will sufficiently mitigate impacts to avoid significant effects.

Changes in atmospheric pollution levels.

There are a number of atmospheric pollutants which can result in direct or indirect impacts to Habitats sites. These impacts are usually caused when the qualifying features are plants, soils and wetland habitats although some species may also be indirectly impacted from air pollution causing changes in habitat composition.

The main source of air pollution in the Borough has been identified as traffic emissions, particularly along the major routes. The Highways Agency Design Manual for Road and Bridges (DMRB)¹⁶ assumes that air pollution from roads is unlikely to be significant beyond 200m from the road itself.

The application site is considerably further than 200m from the designated sites and it is not considered that any pollution generated by the normal use of the site would lead to significant impacts on those sites. However, the proposed development is indirectly capable of impacting the sites through the generation pollution associated with the construction period and the construction and post construction generation of traffic emissions.

During the construction period precautionary air quality mitigation can be secured through the Construction Environment Management Plan. This will ensure that the proposed development will not, either individually or cumulatively lead to an unacceptable risk to air quality.

The applicant advises that dust extraction equipment will be fitted to grinding machinery and that masonry and silica-based materials will be cut using water suppression / wet cut methods. Concrete / mortar batching if required to be carried out on site will be done so in an area as far as possible away from neighbouring properties or public areas; Any such batching area will be kept clean to prevent build-up of potentially dust emitting waste.

During dry weather and in the absence of any local or national water restrictions in place, water suppression / sprays will be used for the damping down of any process likely to generate airborne dust.

Compliance with these practices will ensure the limitation of any potential pollution event and can be secured by condition.

The applicant advises further that good working practices will be put in place to minimise generation of noise, vibration and dust and that the site manager will ensure that all waste generated by the construction operations is dealt with appropriately so as to avoid nuisance and litter and that all waste will be segregated in appropriate waste containers, such that recycling opportunities may be optimised.

During transportation, all waste containers will be covered, wheels will be cleaned prior to leaving site.

No bonfires will be permitted on the site.

Cumulative Impact

In the preparation of the New Local Plan Appropriate Assessment was undertaken which included comprehensive identification of all the potential effects of the Local Plan likely to be significant,

including development of the application site, taking into account the combination of the effects of the Local Plan with those of other plans or projects.

The current proposal seeks to develop part of a larger site identified in the New Local Plan.

In considering the larger site, the Appropriate Assessment concluded that subject to amendments, which have been incorporated into the New Local Plan, development of the site would not, for the most part, have an adverse impact on the designated sites or any functionally linked land. The only area of concern which has been identified is the potential for additional recreational disturbance arising from the proposed residential development. It is considered that in respect of development currently proposed, that impact could be resolved through the provision of a financial contribution towards measures for the mitigation of such impacts under the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).

Conclusion on Habitat Regulations Assessment

It is considered that the development proposed will **not** have an adverse impact on the integrity of the designated sites, provided an appropriate contribution towards the mitigation of recreational disturbance is secured and the provisions of the submitted Construction Environment Management Plan, which addresses pollution and water quality/quantity impacts during the construction phase of the development, are fully implemented.

Trees

Policy EC22 of the adopted Local Plan is concerned to ensure the appropriate retention of trees, woodland and hedgerows in all new proposals for development.

Policy NE6 of the New Local Plan seeks to ensure that development proposals protect and integrate key natural features including established field boundaries, hedgerows and tree lines, established trees with high visual amenity value and established areas of woodland.

The submitted arboricultural report identifies that there are some 37 individual trees and 16 groups of trees, generally located on the boundaries of the site. Most are Category B (moderate value) and C (low value) trees.

The proposed development requires the removal of 13 trees from the central portion of the site together with two groups which are to be removed from the boundaries.

All other trees are to be retained and it is advised that during the construction phase all retained trees will be protected from mechanical damage to their trunk, branches and roots by the installation of 2m high protective fencing to create a construction exclusion zone (CEZ). Site workers, machinery and storage of materials will not be permitted within this zone. Given the size of the site it is considered that such restrictions should not impair operations on the site. Conditions can be imposed to secure these objectives.

Whilst the loss of trees is regrettable, it should be noted that the proposed landscaping scheme seeks to provide some 831 trees and 2092 hedge plants.

Such planting is considered adequate to compensate for the loss of trees incurred by the proposal.

No objection is therefore raised to the proposal on the basis of loss of trees.

Sustainability

Policy CC1 of the New Local Plan seeks to secure climate sensitivity and sustainability by locating development in locations which do not rely heavily on private vehicles for access to services and facilities, providing opportunities for the provision of multi-functional green infrastructure and encouraging high levels of energy and materials conservation.

The NPPF seeks to ensure that new development is sustainable and within paragraph 8 identifies three overarching objectives:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure,
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF is clear that whilst these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged.

They are however worthy of some consideration in the context of the current proposal.

In terms of the sustainability objectives, economically it is acknowledged that the construction period of the proposed development will result in some economic gain through direct employment, the supply chain, and in the long-term stewardship of the development, including the school and healthcare, plus services provided to new residents and by new residents to the local area. The new development will be a pool of labour for local businesses and the public and voluntary sectors.

The applicants have prepared a Social Value Statement which seeks to quantify the value of the scheme to the local community.

This suggests that the scheme has the potential to create:

- Over 50 FTE (full-time equivalent) job opportunities for local people
- Over 13 FTE job opportunities for people from disadvantaged backgrounds
- Over 395 weeks' worth of training opportunities including apprenticeships, work experience and work placements
- 920 hours' worth of volunteer time to support local community programmes, local schools and small businesses
- Over £2M spend in the local area (Castle Point)
- Over £27K spend with the Voluntary, Community and Social Enterprise sector

Overall this will create up to £1.7M of social and local economic value over the construction period

In addition, socially, the provision of 44 affordable dwellings would have a positive impact on housing supply and the provision of a range of housing sizes and open space, with potential access to further areas of open space and a robust green network as the allocation is developed in accordance with an adopted Master Plan, has the potential to support a strong, vibrant and healthy community.

Given the nature of the housing, the applicant anticipates that the new homes will be taken up by people already living in the Borough. This will potentially reduce the impact on local economic and social infrastructure, as the proposed development would potentially serve people who are already living the area.

Notwithstanding this, the proposed development, through the associated s106 legal agreement, would contribute to new and improved community infrastructure which would not only meet the needs of the development but could potentially have wider public benefit.

Environmentally, the site is within 300m of local retail and entertainment facilities, some 65m from the nearest primary school and some 650m from the nearest secondary school.

Employment sites at Rayleigh Weir and Manor Trading Estate are some 1.1km and 2.2km distant respectively.

Whilst the railway station is approximately 3km away, access to bus routes is good and provides links to all local facilities.

In addition the proposal provides the opportunity for the extension of the footpath network through the wider area, facilitating access by foot to local services and education and recreation facilities.

The site does therefore offer the opportunity for alternative means of travel than the private car.

In terms of the form of construction, 70% of the construction will be delivered off-site via L&G Modular Homes. L&G Modular Homes are constructed in a factory with the modular product being delivered to site as a complete unit, with the electrical, plumbing, wiring, kitchens and bathrooms all in place. The on-site construction work then includes groundworks, construction of façades and roofing.

The benefits created through the use of off-site modern methods include:

- Reduced carbon emissions through the construction process, through measurement and monitoring energy use at construction sites to ensure emissions are minimised
- Greater consideration of whole-life environmental impact and
- Reduced disruption to the local community with the construction period on-site reduced to approximately one year.

In terms of the layout of the site and the physical design of dwellings, the scheme secures significant net biodiversity gains whilst the use of factory produced modular elements enables the use of materials with a lower life cycle environmental impact and a high recycled content which will assist in mitigating climate change.

Measures that have been considered, include improved thermal and acoustic insulation levels and the use of an Air Source Heat Pumps (ASHP) as the primary source of heating and hot water and photovoltaic panels , rainwater collection system/grey-water recycling for watering gardens and landscaped areas, the incorporation of electric and ultra-low emission vehicle charging points to all off-street parking spaces and consideration of additional charging points for other parking areas, effective orientation and layout to maximise solar-passive strategies, Integrated energy management controls and information systems within individual units and control of water consumption through the use of conservation measures such as flow restrictors fitted to all taps, dual flush cisterns and a preference for showers over baths.

Implementation of these measures will ensure the development is as energy and water efficient as possible.

When viewed in the round it is considered that the proposal represents a sustainable form of development, consistent with the requirements of the NPPF.

No objection is therefore raised to the proposal on that basis.

Security

The proposed development has drawn on the principles of Manual for Streets, Safer Places: The Planning System and Crime Prevention and Secure by Design to create a layout which secures ownership of the public realm by residents which good access to all parts of the site and good levels of natural surveillance.

The Police Architectural Liaison Officer has commented that the proposal has been well thought out and that the layout lends itself to Secured By Design accreditation, should the applicant wish to apply.

On that basis it is not considered that an objection to the proposal on the basis of concerns over security could be supported.

Contamination

Para 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed uses taking account of any risks arising from contamination.

Policy NE8 of the New Local Plan requires the appropriate remediation of contaminated land prior to the implementation of any planning consent.

The site has been used for equestrian purposes for many years and contamination may therefore be present.

A Stage 1 desk study has identified the following potential contamination sources:

- Possible made ground.
- Possible asbestos within existing buildings.
- Possible harmful gases from an infilled pond in the southeast of the site:

The subsequent Stage 2 Study identified that provided the former pond was not disturbed (which is likely as this area of the site is not the subject of development), the risk to future residents from

this source is negligible, however as a consequence of hardsurfacing across part of the site, some materials would need to be removed from rear garden areas to less sensitive areas of the site, or capped with topsoil, to ensure a safe growing environment for residents.

The Report also confirmed that any asbestos identified within existing buildings should be removed by specialist contractors prior to the commencement of development, to limit risk to site operatives.

The proposal has been considered by the Council's Environmental Health Officer who has raised no objection to the proposal on the basis of contamination.

Site Waste Management

Paragraph 8 of the NPPF recognises the importance of using natural resources prudently and minimising waste to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.

Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development/ redevelopment. Not only does this reduce the need for mineral extraction, it also reduces the amount sent to landfill. Clause 4 specifically requires:

"The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site."

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF and relevant development plan documents.

To ensure compliance with these requirements provisions in respect of site waste management have been incorporated into Construction Environment Management Plan. This however is focussed on the construction phase and does not consider the demolition phase. Further the submission does not establish strategic forecasts in relation to expected waste arisings for construction, include waste reduction/recycling/diversion targets, and monitoring against these, and does not advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Consideration of these matters can however be secured by condition.

Archaeology

Policy EC38 of the adopted Local Plan seeks to ensure that the historic record of the Borough as presented by its Heritage Assets is appropriately protected.

Policy HE1 of the New Local Plan similarly seeks to conserve and enhance the historic environment.

The site contains no designated heritage assets but is described in the Essex Thames Gateway Historic Environment Characterisation Report (ECC 2007) as being in Historic Environment Character Zone 84.1, Thundersley, the character of which is recorded as a 20th century residential development retaining some earlier buildings from the original dispersed settlement pattern and some historic, rectilinear field boundaries and secondary woodland.

The site is known to lie within a medieval deer park.

Work undertaken by Archaeology South-east has identified that no recorded archaeological work has previously taken place within the boundaries of the Site and that undertaken within 1km of the site has not identified any archaeological remains. The desk survey undertaken by the applicant has revealed that the northern boundary of the site is consistent with the post medieval boundary and that within the wider area, spot finds, extending from the roman period to post medieval have been found. In this context the site would appear to have low archaeological potential.

However, the significance of any heritage assets that may exist on the site cannot be determined in advance of confirmatory fieldwork. Consequently, it is considered that a programme of archaeological trial trenching should be undertaken to better determine the presence or absence of archaeological remains.

A condition to secure an appropriate scheme of trial trenching can be attached the grant of any consent.

Other Considerations

A number of objections and comments have been made in respect of the proposed development, by interested parties. Whilst many of the concerns and comments have been addressed in the foregoing, a number remain to be considered. These are as follows:

Inadequate infrastructure to support proposal

Policy CF1 of the adopted Local Plan seeks to ensure that the infrastructure requirements generated by development are met by developers.

Policy SD2 of the New Local Plan similarly seeks to ensure that appropriate contributions are sought from development proposals to deliver new or improved infrastructure to meet the needs of the development.

Policy NE10 of the New Local Plan requires all new development to demonstrate that adequate foul water treatment and drainage capacity to support the proposal exists or can be provided in time to serve the development.

It should be noted that a developer cannot be required to remediate existing deficiencies in service provision.

Where service providers identify a need for service enhancements to secure the capacity to support the proposed development, such enhancements can be secured through a S106 Agreement.

Several residents have objected to the proposal on the basis that existing services such as doctors, dentists, schools etc are currently stretched to capacity and that further development would exacerbate the existing situation.

Concern has also been expressed that the proposed development will also exacerbate water pressure issues.

The Planning Authority has consulted all relevant service providers including Anglian Water, Essex Fire and Rescue, Essex Infrastructure (Education and libraries) and the NHS to determine the capacity of existing resources to meet the needs of the proposed development.

Contributions towards the enhancement of health service provision and educational capacity has been identified and appropriate contributions for the provision of the requisite capacity can be achieved through the provisions of a S106 Agreement.

It should be noted that no issues in respect of water pressure have been identified by the water supplier. No improvements in this area may therefore be requested.

Surface and foul drainage systems inadequate.

The Planning Authority has consulted Anglian Water, the EA and the LLFA. None have advised of any deficiencies in drainage infrastructure provision arising from the proposed development which cannot be appropriately mitigated.

The loss of Open space

Policy RE4 of the adopted Local Plan states that the Planning Authority will seek to provide and facilitate the provision of additional children's playspace and parks.

Policies HS1 and HS3 of the New Local Plan seeks to secure public access to open space in order to support active and healthy communities and to manage recreational pressure on areas of nature conservation interest.

It should be noted that at the present time the site is in private ownership and there is no right of public access. The site does not therefore contribute to the provision open space and development of the site cannot therefore result in a loss of open space.

The South Essex Strategic Green and Blue Infrastructure Study identifies that in respect of parks and gardens and provision for children and young people, the Borough exhibits a deficit of provision. The proposal provides some 0.32ha of open space which will meet the informal recreational needs of future residents as well as provide the opportunity for ecological enhancement. This facility will be available to the wider community.

Management and maintenance of the land for recreation and ecology purposes will be required in perpetuity and can be achieved through a S106 Agreement.

Subject to such provision no objection is raised to the proposal on the basis of the loss of open space.

Lack of need for additional houses/people

The New Local Plan clearly demonstrates that there is an acute housing shortage in Castle Point with particular pressure in the affordable housing sector. The proposed development will assist in mitigating this situation by providing family homes for individuals unable to enter the housing market.

It is anticipated that as affordable housing units, focused on local housing needs, the dwellings will meet the needs of local residents. Accordingly, it is not anticipated that the proposal would lead to significant levels of 'additional people' in the borough.

Increased traffic and potential for accidents

Whilst it is inevitable that development of the site will result in increased traffic in this part of Benfleet, the Highway Authority has not identified a lack of capacity in the highway network to accommodate the traffic flows associated with the proposed development. No objection may therefore be raised to the proposal on this basis.

Site is too close to school

Proximity to schools is desirable for many homeowners, particularly those occupying family homes.

Whilst concern may be expressed in respect of the need for construction vehicles to move in close proximity to the adjoining school during the construction phase, the proposed vehicle routing plan identifies that large vehicles should not be required to pass the site. It must also be considered that the construction phase represents a transitional stage of the development, the impact of which can be mitigated by the implementation of the submitted Construction Management Plan.

No objection may be raised to the proposal on the basis of proximity to the school.

Increased air pollution

Paragraph 174(e) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 185 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Policy EC4 of the adopted Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air or by reason of dust, vibration, light or heat will be refused.

Policy NE7 of the New Local Plan seeks to ensure the management and reduction of pollution through energy and water efficient design, the installation of sustainable drainage systems and the delivery or enhancement of green and blue infrastructure.

The policy requires development proposals to be located, and designed and constructed in such a manner as to not cause a significant adverse effect upon the environment, the health of new and existing residents or surrounding residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to, noise, light, odour, heat, dust and vibrations and development proposals adjacent to, or in the vicinity of, existing businesses or community facilities will need to demonstrate that the ongoing use of the existing businesses or community facilities would not be prejudiced by the proposed development, and that the impact of the continuing operation of the existing businesses or community facilities on the amenity of occupiers of the new development can be satisfactorily mitigated.

There is no evidence to support the premise that the use of the site for residential purposes will give rise to unacceptable air pollution.

The potential for air pollution during the construction period can be adequately mitigated through the implementation of the provisions of the submitted Construction Environment Management Plan.

No objection is therefore raised to the proposal on this basis.

Noise and disturbance affecting amenity of existing and future residents and adjoining school

Policy EC3 of the adopted Local Plan is concerned with residential amenity and states that development that would have a significant adverse effect the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment.

The potential for noise and disturbance affecting amenity of existing and future residents and adjoining school during the construction period can be adequately mitigated through the implementation of the provisions of the submitted Construction Environment Management Plan.

In terms of the operational phase of the development, there is no evidence to suggest that the noise generated by the occupiers of the proposed dwellings would be significantly different from that generated by the occupiers of the adjoining dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

Consideration must be given however to the impact of adjoining uses on future occupants of the proposed development. The site immediately abuts the Cedar Hall School to the west, which has the potential to generate noise.

The applicant has submitted an acoustics report which has been considered by the Environmental Health Officer who has raised no objection to the proposal, but has sought the imposition of conditions on the grant of any consent to ensure the achievement and retention of an appropriate acoustic environment.

Such conditions may be imposed on the grant of any consent.

Light pollution

At the present time the site is largely unlit at night. New development will necessitate the provision of an appropriate lighting system; however, the applicant will be required to submit a lighting strategy which mitigates the impact of light spill from any lumens provided to an acceptable level.

The operational phase lighting strategy will be secured by condition.

Lighting required during the construction phase can be adequately mitigated by the implementation of the Construction Environment Management Plan

Summary and Conclusion

Consideration of the proposal under the provisions of the NPPF and adopted Local Plan identifies that the proposal constitutes inappropriate development in the Green Belt. Prima facie the proposal should therefore attract a recommendation of refusal.

However harm to the Green Belt may be outweighed by very special circumstances.

It is the view of Officers that very special circumstances, sufficient to outweigh the harm to the Green Belt, can be identified in this case as follows:

- (i) release of HO20, of which the application site forms part, would give rise to limited harm to the objectives of the strategic Green Belt.
- (ii) the Borough exhibits a critical housing land deficiency which prejudices its ability to meet its identified housing needs.
- (iii) These conclusions have been found sound by the Inspector appointed to determine the soundness of the Local Plan.
- (iv) The proposal meets the Master Plan requirements of HO20 of the New Local Plan and would not prejudice the development of the remainder of the allocation in accordance with the policy
- (v) The proposal seeks to provide 100% affordable housing for which there is a significant unmet need in the Borough.
- (vi) The proposal will result in a significant increase in the biodiversity value of the site

The weight that may be attached to these circumstances is considered to outweigh the harm to the Green Belt at this location.

No objection is therefore raised to the proposal on that basis.

Further it should be noted that the proposal satisfies all relevant policies within the adopted and New Local Plans and complies with all relevant Residential Design Guidance.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

It must be noted however that by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application is identified as one which needs to be referred to the Secretary of State, in order that he might consider whether this is an application he wishes to call in for his own determination.

My **RECOMMENDATION** is **APPROVAL** after referral to the Secretary of State and the applicant being willing to enter into a S106 Agreement to achieve:

- (i) 100% affordable housing provision on the site with nomination rights in respect of the rented properties being passed the Local Authority and affordable market properties being subject to eligibility criteria to ensure that local needs are, where possible, prioritised over the needs of non-local parties and
- (ii) Appropriate financial contributions towards:
 - highway improvements
 - healthcare provision
 - educational facilities
 - indoor sports facilities
 - improved bus facilities
 - provision of an off-site Multi-Use Games Area and
 - Recreation Avoidance and Mitigation Strategy (RAMS).
- (iii) Travel Packs for new residents of the Site.
- (iv) An Open Space Management Plan suitable to secure the management of land for recreational and ecological purposes in perpetuity
- (v) A SUDS Maintenance Plan
- (vi) On-site children's play equipment and management plan and
- (vii) The provision of access rights up to the boundaries of the site, to ensure the potential for access to adjoining land, without ransom strips

And the following conditions:

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 Prior to commencing any construction works on site, a suitable Highways Condition Survey Report of the construction vehicle routes to and from the site to the A127 shall be undertaken. This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey shall be undertaken post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.

Any identified damage or defects shall be mitigated or improved to the standard identified at the pre-construction stage.

REASON: To ensure that any damage sustained to the highway network as a consequence of the approved development is fully remediated by the developer.

- 4 No works except demolition shall be begun on the excavation of the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority prior to excavation of the site.

Any works identified shall be undertaken in accordance with the approved details.

REASON: In order to ensure the preservation of the historic record if present on the site, in accordance with Policy EC38 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- 5 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - o Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event.
 - o Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - o Final modelling and calculations for all areas of the drainage system.
 - o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - o Detailed engineering drawings of each component of the drainage scheme.
 - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 6 No works except demolition shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 7 Prior to the commencement of development, works identified within the submitted Invasive Species Management Plan dated 9th October 2020 (3545) shall be commenced to ensure the appropriate control and eradication of Himalayan Balsam and False Virginia Creeper on the site.

Notification of completion of such works shall be submitted to the Local Planning Authority within two years of commencement.

REASON: In order to ensure the appropriate control and eradication of invasive species on the site.

- 8 Prior to the commencement of development, a Site Waste Management Plan detailing strategic forecasts in respect of expected waste arisings from demolition operations undertaken on site and the measures to be used to ensure that all waste arisings are appropriately reduced/recycled or diverted and legally disposed of, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to secure the efficient use of resources and the proper control of waste arising from the development of the site.

- 9 All appropriate access roads within the site shall be constructed in a manner suitable to accommodate the weight and turning manoeuvres of a 32 tonne refuse vehicle.

REASON: In order to ensure that an appropriate refuse collection service can be operated within the site.

- 10 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the sur-face water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 11 Prior to their first use on site, full details of all energy and water efficiency measures to be incorporated within the development shall be submitted to, and approved by, the Local Planning Authority.

Any approved measures shall thereafter be installed into the dwellings and thereafter permanently retained as such unless alternative energy and water efficiency mechanisms are agreed with the Local Planning Authority.

REASON: In order to ensure the achievement of an energy and water efficient development on the site, in the interests of sustainability.

- 12 Prior to their first use on site, details or samples of all materials to be used on the external surfaces of the proposed development shall be submitted to, and formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 13 The proposed dwellings shall, as a minimum, meet the requirements of Part M4(2) of the Building Regulations 2010.

REASON: In order to ensure the provision of a range of dwellings capable of meeting the needs of a wide range of users including the elderly and mobility challenged.

- 14 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan (Biodiversity) Reference: OS 2244-21 Doc 5 Rev A dated December 2021 and the Construction Environment Management

Plan (Construction) Reference: 21255-002 dated December 2021, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 15 The proposed development shall be undertaken in accordance with the provisions of the submitted Arboricultural Impact Assessment (Reference: OS 2244-21 Doc 2 Rev A dated November 2021) from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In the interests of the future health and amenity value of the trees/shrubs/hedges.

- 16 Prior to occupation of the development, the access point at Hart Road shall provide a site access road at a minimum of 5.5m in width with 2m wide footways on either side. As shown in principle on AMA Drawing AMA/21255/SK001. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 43m in both directions, shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 17 Prior to first occupation of the 44th dwelling, all tree planting and landscaping works shall be carried out in accordance with the provisions of the Specification for Soft Landscape Works and 10 year Management Plan (Reference OS 2244-21 Doc 4 dated December 2021) from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 18 Prior to first occupation of the 44th dwelling, the proposed amenity areas shall be made available for use and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents.

- 19 Management of the open spaces shall be undertaken in accordance with the provisions of the submitted Biodiversity Management plan (Reference: OS 2244-21-Doc 3 December 2021), from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to ensure the appropriate management of the open space areas within the site.

- 20 Prior to first occupation, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of any vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety

- 21 Prior to first occupation of the dwellings hereby approved, the approved parking spaces shall be provided and made available for use.

REASON: To ensure adequate off-street parking provision to meet the needs of future occupiers.

- 22 Details of any external lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. Such approved lighting strategy shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land.

- 23 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 24 The proposed development shall not be occupied until such time as the visitor vehicle parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 25 Prior to first occupation, each dwelling shall each be provided with the infrastructure necessary to facilitate the provision of electric vehicle charging points.

REASON: To facilitate the use of electric vehicles by occupiers of the development in the interest of sustainable transport.

- 26 Any tree, shrub or herbaceous plant contained within the approved landscaping scheme identified within document OS 2244-21-Doc 4 and drawing number OS2244-21.3 Rev B dated 03/12/2021, dying or being damaged, removed or becoming seriously diseased within 10 years of the date of this permission shall be replaced by a tree of a similar size and species

by the applicant or the applicant's successor in title, as formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 27 Where car parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on-site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 28 During the construction period any security fencing around the site must include appropriate gates to allow for the passage of wildlife such as badgers and hedgehogs.

REASON: In order to facilitate the movement of wildlife across the site.

- 29 Any garden fences or walls provide to demarcate the extent of private amenity areas within the scheme shall be provided prior to first occupation of the dwelling it serves and shall incorporate appropriate hedgehog gates. Such measures shall thereafter be permanently retained as such.

REASON: In order to facilitate the movement of wildlife across the site.

- 30 Any gates, walls or means of enclosure provided to the open land on the boundaries of the site shall incorporate the means to allow free access by badgers. Such measures shall be installed prior to first occupation of the development hereby approved and thereafter permanently retained as such.

REASON: To ensure that Badger corridors are maintained around the boundaries of the site, in the interests of maintaining the nature conservation value of the site.

- 31 Ecological management of the open spaces shall be undertaken in accordance with the provisions of the submitted Biodiversity Management Plan (Reference: OS 2244-21-Document 3 December 2021) from which there shall be no deviance without the formal consent of the Local Planning Authority.

The Biodiversity Management Plan shall be reviewed on a ten yearly basis and any alterations to the management regime shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of securing appropriate ecological management of the site in perpetuity.

- 32 Any windows provided in a side elevation at first floor level shall be obscure glazed to at least level 3 on the Pilkington scale and fixed to a height of 1.7m from the finished floor level of the area it serves. Such windows shall be installed and glazed prior to the first occupation of the building and shall thereafter be permanently retained as such.

REASON: In order to protect the privacy and amenity of adjoining residents.

- 33 There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 34 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

REASON: To ensure that the amenities of future occupiers are protected.

- 35 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 36 The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for every household for sustainable transport, to include six one day travel vouchers for bus travel approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives

Essex County Fire and Rescue Service

Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

- " There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Essex County Police

The developer is formally requested to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2, March 2019. The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence .

of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team [REDACTED]

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on [REDACTED]

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on [REDACTED] the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Lead Local Flood Authority

Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [REDACTED]

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Highway Authority

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at [REDACTED] or by post to:
[REDACTED]
[REDACTED]
2. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
3. Prior to any works taking place in the public highway the developer shall enter into the appropriate legal agreement with the Highway authority under the Highways Act 1980 to regulate the construction of the highway works.
4. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

ITEM 2

Application Number:	22/0172/ADV
Address:	Waterside Farm Sports Centre Somnes Avenue Canvey Island Essex SS8 9RA (Canvey Island West Ward)
Description of Development:	1 fascia sign on front elevation of building
Applicant:	Castle Point Borough Council
Case Officer	Mr Keith Zammit
Expiry Date	03.05.2022

Summary

Advertisement consent is sought for the display of window vinyls to promote a soft play facility at the leisure centre. In all the circumstances the proposal is not felt to be visually detrimental to the surrounding area and no reasons for refusal can be found. The proposal is therefore recommended for APPROVAL.

The application is presented to the committee as the council owns the building to which the proposed advertisements would be affixed.

Site Visit

It is not considered necessary for members to visit the site prior to determining the application as the site will be familiar to most. Members may, of course, undertake their own independent inspection of the site. It is not necessary to enter the building to view the location, and there is plenty of parking.

Introduction

The application relates to a part single, part two storey building in use as a leisure facility. It contains a swimming pool as well as a gym and other sports facilities. Externally, there are playing pitches and outdoor sports facilities, as well as the aforementioned parking. Access to the site is from the B1014 Somnes Avenue.

The Proposal

Consent is sought for the display of a vinyl advertisement in a front-facing window at first floor level. The total area of the display is 4.36m wide by 1.64m tall, with the picture split into three sections to accommodate the glazing divisions. The floor plan of the building shows that the window to be covered serves a 'Judo room'.

Supplementary Documentation

None

Planning History

In 2015 there were grants of advertisement consent for a new welcome sign (15/0058/ADV) along with a fascia sign to the café (15/0110/ADV) and a fascia sign to the bungalow (15/0571/ADV)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (The Framework, 2021)

Local Plan (LP, 1998):

S12 – Siting, design and illumination of advertisements

S13 – Proliferation of advertisements

S14 – Advertisements and public safety

Emerging Local Plan (March 2022):

DS3 - Advertisements

Consultation

Legal Services

No observations

Canvey Town Council

No comments received

Public Consultation

No representations received

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

In October 2020, the council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The New Local Plan, with main modifications, has been found sound, satisfying the requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004.

The New Local Plan was considered by the council on 23rd March 2022, however, members resolved not to adopt the plan. This resolution limits the weight that can be attributed to the policies in the New Local Plan, however, they remain a material consideration.

The Framework states at paragraph 136 that the consent process within the planning system for controlling the display of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The council's LP policy S12 states that advertisements shall be well designed and sited and relate to the character of the building or site on which they are to be displayed, as well as the surrounding area. Regard will be had to the location, size, materials, design, intensity of illumination and relationship with the building or site concerned. These considerations come under the heading of 'amenity' and are therefore consistent with the Framework.

LP policy S13 states that the council will exercise strict control to prevent a proliferation of advertisements. The precise wording of the policy is not entirely consistent with the Framework as it is negative, but the spirit of it seeks to ensure that the cumulative impact of advertisements is considered, which is something that the Framework says should be taken into account.

LP policy S14 states that the council will not grant consent for advertisements which would have an adverse effect on the safe operation of traffic or transportation or the safety of pedestrians. This is consistent with the Framework objective of considering public safety when operating the advertisement consent process.

The council's emerging LP policy DS3 basically consolidates existing LP policies S12 to S14.

Turning to the proposal in hand, the window display of vinyls concerned would be non-illuminated. It would be some 40m from the highway and would not be distracting to traffic or a danger to highway users.

In aesthetic terms, the proposed advertisement would add a splash of colour to what is an otherwise utilitarian building. It would not lead to an excessive number of advertisements on the building, and no visual harm can be identified as arising from its provision.

The proposal would accord with national and local policies and guidance and it is therefore recommended that consent be granted.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My **RECOMMENDATION** is: that advertisement consent be GRANTED.



New Castle Point Local Plan

2018-2033

March 2022

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WITHDRAWN

1. Foreword

To be replaced by a foreword at the point of adoption

WITHDRAWN

2. Introduction

2.1 Castle Point Borough Council has prepared this Plan in order to set out how the development and growth requirements of Castle Point for the period 2018 to 2033 will be met. It also sets out the policies that will be applied to ensure that individual development proposals contribute positively towards the achievement of the vision set out in this Plan. The *Policies Map* supporting the Plan illustrates the policies presented within this document spatially and should be read alongside it to fully understand the location of growth and development in the borough. It covers all planning matters except for waste and minerals development which are planned for separately by Essex County Council as the waste and minerals planning authority.

2.2 This Plan, along with the current *Essex Minerals Local Plan* and *Essex and Southend-on-Sea Waste Local Plan*, form the Development Plan for Castle Point Borough. Policies in this plan will replace in their entirety the 2007 saved policies from the *Castle Point Borough Local Plan* adopted in 1998.

2.3 These documents comprise the full suite of strategic policies, allocation policies and development management policies. The vision and objectives for future development and change within the Castle Point Borough are accompanied by policies that set out the strategic approach to growth and distribution of development across the borough in order to achieve sustainable development.

2.4 The **strategic policies** within this plan set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision housing, employment, retail, leisure, infrastructure, and other developments. They provide a borough-wide approach for guiding development to designated parts of the borough, and for putting in place mechanisms for delivering infrastructure and protecting and enhancing the built and natural environment.

2.5 The **local policies** within this plan identify the specific location where development and change will occur within the borough

2.6 The policies in the Local Plan may in turn, be supported by **Supplementary Planning Documents (SPD)** which will provide further local guidance on specific elements of development (such as the application of Vehicle Parking Standards or the use and design of Sustainable Drainage Systems) or may assist in coordinating or managing development in specific areas, such as Town Centres or Conservation Areas. An SPD can be prepared at any time to supplement the Local Plan and its delivery.

2.7 In order to ensure that this plan is robust and responds positively to local issues, policies are supported by evidence. This evidence includes studies and assessments undertaken in order to understand both the need for development and growth, their likely impacts, and the physical constraints on development and growth in the borough.

2.8 The evidence for the Local Plan does, where appropriate, take account of that prepared for previous draft plans in 2014 and 2016. The New Local Plan has also been informed by the responses received during its preparation and examination. Having regard to the consultation responses, the Council aims to secure improvements to road infrastructure and community facilities alongside the delivery of new development.

2.9 The Local Plan identifies locations where there are constraints on growth in the borough, including areas of specific nature conservation value, areas of higher landscape value and areas at risk of flooding. Castle Point Borough's settlements are also enveloped by a substantial swathe of

Green Belt that has worked positively to maintain the separation between towns within and beyond the borough. The retention of strategic corridors of Green Belt continues to present a constraint on development and how future growth can reasonably be accommodated.

2.10 Whilst there are notable constraints to development within the borough, sites have been identified for inclusion within this plan to meet the development needs identified. This requires some land which was identified by the *Castle Point Adopted Local Plan, 1998* as falling within the Green Belt to be reallocated for development purposes. In reallocating such land great care has been taken to identify sites which are less constrained, and which allow for the strategic corridors of Green Belt to continue to fulfil their important and valued function, whilst meeting local need.

2.11 This Plan will run alongside the South Essex emerging *Joint Strategic Plan (JSP)*. The strategic area includes input from Essex County Council, Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock District and Borough Councils. The *JSP* will provide large scale housing, employment and infrastructure to support growth in the South Essex sub-region.

2.12 Along with consultations with the public and local residents, ongoing engagement on a wider strategic scale with relevant public bodies under the Duty to Cooperate has been undertaken. This has included neighbouring authorities, the County Council, infrastructure providers, site promoters and key statutory consultees such as the Environment Agency, Historic England and Natural England. This has enabled the Council to plan more effectively for development, whilst being fully aware of the range of infrastructure, environmental and delivery considerations surrounding the proposals in the Local Plan.

Strategic Priorities

This plan has been prepared in a positive manner with the aim of supporting sustainable economic growth.

This plan supports sustainable development in the Borough aimed at meeting the needs of current and future residents and businesses. It has however been prepared in a way that reflects the Borough's environmental capacity, taking into account the need to protect and enhance areas of nature conservation and the unique landscape of the Borough. It also has regard to the environmental limits the Thames Estuary places on the Borough.

The Strategic Priorities for the Plan are:

- Maximising the use of available and deliverable urban land for new development.
- New development is supported by the provision of infrastructure improvements including transport, education and services and facilities that communities need for their wellbeing.
- Promote sustainable development through the effective use of land and ensuring appropriate infrastructure, including flood and transport infrastructure, supports development.
- Provide high quality mix of suitable and affordable homes to meet the needs of all residents.
- Provide attractive employment spaces and create additional employment opportunities for local residents.
- Seek to ensure vitality of town centres, by improving the retail offer and supporting a diverse mix of uses and keeping them vibrant, attractive places to visit.

- **Protect, enhance and encourage healthy, active and safe communities, by supporting community resilience and inclusion and opportunities for people to flourish through maximising the quality and provision of open spaces.**
- **Promote active and sustainable modes of travel (including public transport) and reduce travel times by enhancing existing transport infrastructure, facilities, and services.**
- **Promoting improvements in digital communications and connectivity for residents, businesses and public services.**
- **Ensure attractive design that accentuates the positive features in the natural, built and historic environment and results in well-designed beautiful and safe places.**
- **Prioritising the use of brownfield land for future development but recognising that it is a finite resource and therefore managing the release of Green Belt land for development in a way that prevents urban sprawl, prevents towns merging together and safeguards the most valued countryside.**
- **Promote resilience to flooding and climate change through sustainable development and design; creation of new green infrastructure; and the encouragement of renewable energy production.**
- **Protect and enhance the environment to ensure that there are measurable net biodiversity and environmental gains.**
- **Conserve, and where possible improve, important heritage assets.**

3. Policy Context

3.1 The context of Castle Point is vital in the preparation of this Local Plan. There are many drivers, internationally, nationally and at a sub-national level that influence Castle Point and will continue to do so into the future. By understanding these drivers, it is possible to maximise the benefits, and limit their impacts, through the New Local Plan.

3.2 The Council have considered any national planning policy and guidance and regional statutory documents in the preparation of the Local Plan.

3.3 This Local Plan will supersede all the Policies and proposals set out in the *1998 Adopted Castle Point Local Plan* and the *Saved Policies 2007*.

Legislative Context

3.4 The Local Plan has been prepared in accordance with the requirements of the *Town and Country Planning Act 1990* (as amended), the *Planning and Compulsory Purchase Act 2004*, and the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended).

3.5 Since 2010, the Government has been reforming the planning system, major changes of which were brought into effect by the *Localism Act 2011*, and subsequent Regulations. Through the *Localism Act*, communities have been given the power to have a greater influence over what happens to the areas where they live and work. They can bring forward Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders, which must conform to the Local Plan and national planning policy but do allow for communities to have a greater say over managing development.

National Policy Context

3.6 The *National Planning Policy Framework (NPPF, 2021)* sets out the Government's planning policies for achieving sustainable development, plan making and taking decisions on planning applications. Local Plans are key to delivering sustainable development and must therefore be prepared in accordance with the principles and policies set out in the *NPPF*. The *NPPF* is supplemented by *National Planning Practice Guidance (NPPG)* which consolidates and updates technical advice and guidance on planning matters.

3.7 In accordance with the *NPPF*, Local Plans should create a vision for the future of the borough and a positive framework for addressing housing, economic, social and environmental priorities. In particular, they should include strategic policies to deliver:

- An overall strategy for the pattern and scale of development;
- The homes and workplaces needed, including affordable housing;
- Appropriate retail, leisure and other commercial development;
- Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- Community facilities (such as health, education and cultural infrastructure); and
- Climate change mitigation and adaption, and
- Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure.

3.8 The *NPPF* requires Local Plans to be prepared positively, in a way that is aspirational but deliverable. Local Plans should cover, as a minimum, a 15-year period to anticipate and respond to long term requirements and opportunities. Local Plans should be prepared using a proportionate and up to date evidence base addressing cross boundary strategic matters with neighbouring authorities.

3.9 At the heart of the *NPPF* is the presumption in favour of sustainable development. The achievement of sustainable development requires consideration of several themes, including but not limited to economic growth, infrastructure, housing, biodiversity and health. When read as a whole this Local Plan responds positively to the presumption in favour of sustainable development by positively seeking to meet the development needs of the borough in a way which takes local circumstances into account. The Local Plan addresses these development needs through themed policies throughout the Plan. These themed development policies should be read in conjunction with one another, and in conjunction with those policies that are intended to protect and enhance the environment and achieve sustainable outcomes.

3.10 Alongside the *NPPF* the Government published a separate *Planning Policy for Traveller Sites (PPTS)*. As with the *NPPF*, this Plan sets out the requirements for local planning authorities when preparing Local Plans and taking decisions on planning applications. The requirements of this separate document are drawn out in the housing section of the New Local Plan.

Sub-national Policy Context

The South East Local Enterprise Partnership

3.11 The South East Local Enterprise Partnership (SELEP) was established in 2010 and it is the largest in England covering East Sussex, Essex and Kent, including the unitary authorities of Medway, Southend and Thurrock. The area has a combined population of over 4 million people, with over 344,300 businesses. The SELEP forecasts 105,000 job growth by 2020, which they anticipate doubling in the same period. Roughly 10.7% of the working age population work in London, this figure significantly increases in the districts closest to London.

3.12 The SELEP exists to enable the conditions for business growth at a strategic level by bringing together leaders from business, local government and further and higher education providers to articulate strategic priorities for the area and work in partnership to “create the most enterprising economy in England”.

3.13 The SELEP has an important role to play in allocating Government resources including funding from the Department for Transport and the Growing Places Fund. It also provides a mechanism for coordination on strategic matters. A *Strategic Economic Plan* for the SELEP area identifies the funding priorities for the SELEP area and sets out a programme for delivering economic growth and change, therefore SELEP will be a key partner in helping the Council in the delivery of the plan.

3.14 Opportunity South Essex (OSE) is a business-led partnership which supports the delivery of regeneration and economic growth projects as set out in the SELEP Growth Deal and associated Strategic Economic Plan in South Essex. The South Essex local authorities comprising Basildon, Castle Point, Rochford, Southend-on-Sea and Thurrock, as well as Essex County Council (ECC) sit on that partnership.

3.15 In respect of Transport infrastructure, the Cities and Local Government Devolution Act (2016) introduced Sub-national Transport Bodies (STB). Government sees STBs delivering improved collective transport planning and decision making over areas larger than current transport authorities. Essex and Castle Point fall within the area covered by Transport East. Transport East is responsible

for the development of a high-level transport strategy linked to the delivery of economic growth and prosperity and has a functional link with spatial planning. To deliver its strategy Transport East will seek to:

- Work with Highways England to “Co-create” the future Road Investment Strategy (RIS) programme for the strategic road network
- Define and prioritise investment programmes for the new Major Road Network.
- Influence Network Rail investment by the “Co-creation” of an investment programme via the new Rail Network Enhancements Pipeline (RNEP).
- Seek to Influence future rail franchise specifications.
- Advise Government on other major transport scheme funding decisions.
- Provide regional co-ordination and best practice across the East of England.

The County Policy Context

3.16 Castle Point Borough is a two-tier authority area, with ECC providing a range of services and infrastructure such as (but not limited to) highways and transportation, education and social services, and surface water management at a county-wide level. The County Council focuses the provision of services to achieve the greatest benefit to delivering a buoyant economy for both the existing and future residents and businesses in Essex. ECC has also published several strategic policies and guidance documents in relation to ECC services and infrastructure provision and delivery, which are relevant to development and growth in the borough. These are referenced throughout the Local Plan where relevant.

Essex Minerals Local Plan and Essex Waste Local Plan

3.17 The *Essex Minerals Local Plan* was adopted in July 2014 and sets out a county wide approach to the use of mineral resources and the protection and extraction of mineral deposits in a sustainable way. There are no significant minerals deposits in Castle Point that require protection or extraction. However, sustainable building methods are essential to ensuring that there are sufficient resources at sustainable levels.

3.18 ECC is the waste planning authority for the borough, and is responsible for preparing planning policies, and for assessing applications for waste management development. The *Essex and Southend-on-Sea Waste Local Plan (2017)* is a statutory Plan which should be read alongside the New Local Plan. It sets out where and how waste management developments can occur and is the planning policy against which waste management development planning applications are assessed.

Essex Local Transport Plan

3.19 ECC is the Local Highway Authority, with a responsibility to manage and maintain the highway network, and the Local Transport Authority, with transport planning responsibilities for the administrative area of Essex. Under the Transport Act 2000 (as amended by the Local Transport Act 2008), ECC must develop a transport strategy that includes policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within their area, that are required to meet the needs of persons living or working in the authority's area, or visiting or travelling through that area, including those required for the transportation of freight. The transport strategy and supporting transport policies are contained within the Local Transport Plan (LTP) and it is the responsibility of ECC as the Local Transport Authority to produce, maintain and update the LTP.

3.20 The County Council's current statutory transportation strategy is contained in its third Local Transport Plan (LTP3), the "Essex Transport Strategy" that was adopted formally in July 2011. In this document, ECC states that "Our Vision is for a transport system that supports sustainable economic growth and helps deliver the best quality of life for the residents of Essex."

3.21 The LTP identifies that effective transport networks are essential to ensure the efficient and effective movement of people and goods necessary to support a thriving economy, and that it is essential that transport networks are developed in an integrated way that not only supports growth and increased prosperity but does this in a way that creates great places to live, work and visit and also enables people to live independently and make the most of the opportunities available to them. The LTP prioritises the effective use of the current network including support for less infrastructure intensive and more sustainable forms of transport. Investment is then targeted at local improvements such as addressing pinch points, improving sustainable transport and providing access to new developments; before considering investment in more significant new infrastructure.

3.22 The LTP is supplemented by delivery strategies for public transport, highways, cycling and public rights of way. ECC's published *Sustainable Modes of Travel Strategy* supports different modes of transport and seeks to create a sustainable framework to provide residents a real choice in the way in which they travel.

3.23 As Thurrock and Southend are unitary authorities with their own Local Transport Plans, ECC and these two neighbouring authorities work closely on projects in the South Essex area. South Essex is subject to national and strategic highway improvements which are being developed on a cross boundary basis. These include:

- a. A127 Corridor for Growth: An Economic Plan (March 2014) and the A127 Route Management Strategy.
- b. The A127 Task Force.
- c. South Essex strategic route network including the A13 corridor, A130 and A127/A130 Fairglens Interchange.
- d. National road network including the M25, A13 and the Lower Thames Crossing.

Essex Prosperity and Productivity Plan

3.24 The Essex Prosperity and Productivity Plan (2020) sets out the framework for an economy in which productive businesses create high-value, sustainable jobs and in which everyone benefits from growth. Looking forward 20 years and setting out priorities for the next five, it is flexible in the light of technological change, collaborative in its approach to delivery and optimistic about the potential of businesses, people and communities. The document identifies four 'Missions' for the Essex economy:

1. Dynamic: Driving the creation and adoption of new ideas and opportunities – leading to higher value employment over the long term
2. Resilient: Adaptable for the long term – in the context of climate change, new technology and changing markets
3. Inclusive: Supporting a growing and changing population, investing in new and existing communities and quality of life
4. Connected: Creating better, more sustainable networks within Essex – and open to our neighbours, the UK and the world

Essex Green Infrastructure Strategy

3.25 The Essex Green Infrastructure Strategy (2020) sets out a positive approach to the delivery of green infrastructure in Greater Essex. It aims to enhance the urban and rural environment through creating better connected, multi-functional green infrastructure that delivers multiple benefits to people and wildlife. The strategy provides an understanding of, and the opportunities to improve, the quality and value of our green infrastructure. It identifies a clear vision and associated principles that will inform and contribute to a range of national, regional and local goals and objectives. It outlines an approach that requires a change to the way we think about and value our green and blue infrastructure. A carefully planned green infrastructure network is crucial for the environment, our health and well-being and will help support a thriving, sustainable economy.

Strategic Policies for the Thames

3.26 Castle Point sits on the banks of the lower Thames Estuary, and as such plans and strategies related to the Thames are relevant to plan-making in Castle Point. The *South East Inshore Marine Plan*, and any adopted South East Inshore Marine Plan that supersedes it, covers the area below mean high water spring level, from Felixstowe to Dover, including the tidal extent of all rivers such as the River Thames. It is a statutory marine plan prepared under the framework provided by the *Marine and Coastal Access Act 2009* and the *Marine Policy Statement* and provides the strategic approach for decision-making in the marine environment within the South East Inshore Marine area. It sets out a vision for the area to 2041, recognising the role of the Thames as a maritime gateway to the world with numerous ports of local and national significance. The vision also seeks to secure resilience around climate change and bring about improvements to environmental quality in recognition of the significant habitats that exist within the area.

3.27 The *Vision for the Tidal Thames*, developed by the Port of London Authority in conjunction with stakeholders, meanwhile covers just the river itself and sets out a positive 20-year strategy for the use of the river for trade, for freight, for transport and for sport and recreation, whilst protecting and improving its environmental assets and engaging with adjacent communities. It establishes targets for increasing jobs in sectors associated with the river, for increasing freight movements including short-shore shipping, promoting increased use of the river for passenger transport and encouraging greater participation in sport on and alongside the river. In terms of the environment, it is intended to achieve this whilst aiming to make the river cleaner. This links into targets for the Thames set out under the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations and will bring about biodiversity improvements as a consequence. The *Thames River Basin Management Plan* published by the Environment Agency establishes in more detail the approach being taken to meeting the requirements of these Regulations in the Thames.

3.28 The Environment Agency has also prepared the *Thames Estuary 2100 Plan* which establishes how flood risk will be managed for the river over the remainder of this Century.

Strategic Policy for South Essex

3.29 The South Essex local authorities of Basildon, Brentwood, Castle Point, Rochford, Southend on Sea, Thurrock and ECC formed the Association of South Essex Local Authorities (ASELA) in 2017.

3.30 ASELA has developed a high-level vision for South Essex entitled South Essex 2050, which considers the future of the enlarged South Essex area, disregarding internal administrative boundaries. The focus of this vision is to secure growth through a process of place-making, and for

that growth to be supported by significant upgrades to strategic infrastructure. Additionally, there is a focus on ensuring that more local people can benefit from that growth by removing barriers to employment. Several work streams have been established to deliver the South Essex 2050 vision. The work streams most relevant to the New Local Plan are those regarding spatial planning, industrial strategy and infrastructure.

3.31 The South Essex 2050 vision identifies six main growth locations in the area, and it is now intended that the local planning authorities and Essex County Council will work together to prepare a *Joint Strategic Plan (JSP)* for South Essex. This will be accompanied by a separate *Joint Infrastructure Delivery Plan (IDP)*. A Memorandum of Understanding (MOU) has been developed and signed which sets out the framework for delivering a joint plan, and various shared key principles have been agreed including a protocol for engaging with each other on strategic planning matters.

South Essex Joint Strategic Plan

3.32 Part of the South Essex growth ambition will be realised through the preparation and adoption of a *JSP*. 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 96,000 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.

3.33 In accordance with the *NPPF*, a statement of common ground has been prepared to 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.

South Essex Productivity Programme

3.34 ASELA also intend to address the broader elements of growth, beyond planning. This includes supporting a more productive economy. The ASELA Productivity Programme (2019) lays out four programmes that will deliver significant additional economic activity within the area. The ambitions of this set of programmes are rooted in the intention to drive productivity in South Essex whilst ensuring that the people who live there are able to both contribute to, and benefit from, that growth.

1. Vibrant places
2. Enterprise growth
3. Future work
4. Data transformation

South Essex Green Grid Strategy

3.35 The *South Essex Green Grid Strategy* established a long-term vision to develop a network of open spaces and green links throughout South Essex. The strategy seeks to enhance confidence in South Essex as a high-quality place to live, work and invest through embracing different habitats and land uses across rural and urban boundaries, connecting new communities with existing neighbourhoods and providing improved 'access for all'.

3.36 The Vision of the Green Grid Strategy remains relevant today, and under the auspices of ASELA, a *Green and Blue Infrastructure Strategy* has been developed to deliver high quality green

and blue infrastructure across the area as part of both Local Plans and the emerging Joint Strategic Plan. A key component of this strategy is the creation of an estuary park which integrates with existing and proposed communities within South Essex to enhance wildlife and the connectivity of habitats and provide wider opportunities for access and recreation for residents and visitors.

Local Policy Context

3.37 As with the sub-national level, Castle Point works with a number of partners to address policy matters at a local level. Again, the following section identifies those fundamental cross-cutting areas of policy that impact on the wider plan-making context. Thematic policies are addressed separately as part of the relevant section in this report.

Castle Point Regeneration Framework

3.38 The *Regeneration Framework* for Castle Point was published in 2011 and sets out how partners will work together to deliver regeneration ambitions in Castle Point in the period to 2021. The framework addresses a range of themes including town centre regeneration, regeneration of employment areas, skills development and environmental improvements. The Castle Point Regeneration Partnership has already made considerable progress in delivering against the framework and has begun work on an updated Framework to support the delivery of the Local Plan.

Castle Point and Rochford Local Strategic Partnership

3.39 Castle Point and Rochford share a strategic partnership with a joint vision for communities within this part of South Essex. The partnership comprises different parts of the public sector, as well as representatives from the business community and voluntary sectors, so that different initiatives and services support each other and work together.

3.40 The work of the partnership is co-ordinated under several thematic strands, including 'health and wellbeing' 'crime and anti-social behaviour', 'children and young people' and 'business, skills and training'.

Castle Point Leisure and Recreation Strategy

3.41 The Council has undertaken renovations to Runnymede Swimming Pool and built a new gym and fitness facility, a complete refurbishment of Waterside Leisure Centre, refurbishment of the borough's community halls, and the provision of new children's play areas across the borough. The Council has achieved a Green Flag award and brought more land into use as public open space.

3.42 Issues associated with the quality of provision have been addressed. The Council is now moving forward with a *Leisure and Recreation Strategy* that will ensure that these assets are maintained to a good standard, and residents are encouraged to use facilities to the benefit of their health and well-being.

4. Spatial Portrait

4.1 Castle Point is a relatively small local authority area just 45 square kilometres in size, with a population of 88,000 people. It sits at the heart of the South Essex sub-region on the northern bank of the Thames Estuary between the larger settlements of Basildon and Southend. It is these larger settlements, along with London, on which Castle Point relies for a great deal of its employment, services and leisure opportunities.

4.2 Castle Point is well connected within the wider Essex area and London by the strategic highway and railway network. The A13, A127 and A130 pass through Castle Point linking the borough with opportunities in South Essex, mid-Essex and London. The railway service meanwhile is well rated for customer satisfaction and provides fast, direct connections to Basildon, London and Southend, and connecting services to employment growth locations in Thurrock.

4.3 The Thames Estuary is a significant feature in the landscape of Castle Point. It has, and will continue to play, an influential role in the natural environment and scope of development within the borough. It also acts to separate the towns in South Essex with those in north Kent, with data indicating that there is a low level of connectivity between these places despite being relatively close in proximity.

4.4 Castle Point Borough comprises of the towns of Canvey Island, South Benfleet, Hadleigh and Thundersley.

Canvey Island

4.5 Canvey Island is separated from the other towns in Castle Point by a series of creeks and other natural features which provide it with a unique character. The western part of the Island is largely undeveloped and largely covered by an ancient marshland system recently enhanced by the Royal Society for Protection of Birds (RSPB) as a nature reserve. Holehaven Creek is designated as a Site of Special Scientific Interest (SSSI) and has been identified as a potential Special Protection Area (SPA). Canvey Wick is also designated as an SSSI. There are also several Local Wildlife Sites (LoWS) to the west of Canvey Island, making it an important location for rare species. These areas of nature conservation importance contribute towards the quality and diversity of the Greater Thames Marshes Nature Improvement Area (NIA).

4.6 Canvey Island is the largest town in Castle Point with a population of around 40,000 people with the borough's largest town centre and largest employment estate (Charfleets Industrial Estate). However, there are significant levels of commuting off the Island to access jobs and services.

4.7 Compared with other parts of the borough Canvey Island is relatively more deprived, with pockets of income and employment deprivation, and wider issues associated with the education and skills of residents. However, there is a robust community spirit, and this has been recognised by partner organisations who have worked together to deliver infrastructure on Canvey Island to address deprivation issues. This includes a healthcare centre, two secondary schools, a vocational college and works to improve the quality of the public realm within the employment area.

4.8 Investment has also been secured for projects related to the well-being of the community on Canvey including the creation of a new nature reserve covering a large area of west Canvey and the refurbishment of Waterside Farm Leisure Centre. At present opportunities are also being explored to deliver regeneration of Canvey Town Centre to ensure it better meets the needs of residents.

4.9 Whilst the level of bus service provision on Canvey Island reaches up to 20 buses per hour in the peak, the Island is peripheral to the public transport network resulting in long journey times.

Therefore, many residents rely on the private car to access jobs and services. East-west routes across the Island are heavily congested. Additionally, there are only two single carriageway routes on and off the Island which converge at a single junction (Waterside Farm). This results in peak time congestion and is a significant issue for residents.

4.10 The Island is flat and largely below sea level. As a result of severe flooding of the Island in 1953 which resulted in the loss of many lives, the Island now benefits from a very high standard of tidal flood risk management infrastructure. Whilst it is the intention of agencies involved to maintain and improve the sea defences on Canvey Island, funding needs to be secured for this purpose. There is also a need to ensure that the residents and the properties on Canvey Island are resilient to any residual risk that may remain.

4.11 The flat, low lying topography of Canvey Island also creates issues associated with surface water management and the ability to drain water away during heavy rainfall events. As a result, Canvey Island is identified as a critical drainage area which experiences localised issues of surface water flooding during heavy rainfall events.

4.12 Canvey Island has two port facilities namely the Oikos and Calor Gas facilities. Both are registered as upper tier Control of Major Accident Hazards (COMAH) Installations. These facilities are the receptors of fuel products entering the UK and are of national significance. Due to their proximity to the resident population there are certain constraints on development within defined consultation zones around these sites.

South Benfleet, Hadleigh and Thundersley

4.13 These towns sit on the mainland between settlements in Basildon and Southend boroughs and have a combined population of 48,000 people. Included within the landscape are several ancient woodland and grassland systems including three sites of SSSIs and the Benfleet and Southend Marshes SPA/Ramsar site, important for its assemblage of migratory bird species. Due to its elevated topography, tidal flood risk is less of an issue in Hadleigh and Thundersley compared to Canvey, although there are some low-lying areas still at risk in South Benfleet. Surface water flood risk however presents a more significant issue, particularly in parts of South Benfleet and Thundersley.

4.14 Each of these towns has its own shopping area, which in the main are relatively successful in terms of local shopping provision. There has however been a need identified to regenerate Hadleigh Town Centre in order to improve the quality of the shopping experience for residents. There are also two main employment areas at Manor Trading Estate in Thundersley and at Stadium Way in Thundersley. Stadium Way is also the location of the borough's main out of centre shopping area.

4.15 Compared with Canvey Island, South Benfleet, Hadleigh and Thundersley are relatively less deprived, with some pockets of significant wealth. However out-commuting rates are high, and as a result highway infrastructure capacity is also an issue in this part of the borough. There has been notable investment in improvements to the road network and community wellbeing projects including the refurbishment of Runnymede Pool in Thundersley and through various projects to enhance public open space provision including the creation of an Olympic Legacy mountain biking course at Hadleigh Farm.

4.16 Whilst there has been substantial investment in the highway network over the last few years, there remain capacity issues around the A13 and A129 Rayleigh Road in particular. Furthermore, the highway network is highly sensitive to incidents and adverse conditions which can result in

severe congestion if occurring at peak times. This congestion impacts not only on people in private vehicles but also on the reliability of public transport provision. This is a significant issue for residents.

WITHDRAWN

5. Key Drivers of Change

5.1 The Local Plan will consider impacts or changes that are likely to occur within the borough over the plan period and beyond. In order to do so a number of key drivers are set out below.

Economic Growth

5.2 The Government is pursuing an economic growth agenda in order to ensure that Britain has an innovative and open economy. Local Plans are expected to help create conditions in which businesses can invest, expand and adapt. Boosting the economy and increasing productivity are major drivers for change in the emerging South Essex Plan and clearly laid out in the Statement of Common Ground agreed by the Association of South Essex Authorities (ASELA).

5.3 The borough is not a major economy compared with other locations within Essex, but it has a large pool of labour. Residents out commuting is focussed primarily on London, Basildon and Southend On Sea. There are three major commercial areas (B1 to B8) at Stadium Way (close to the A127); Manor Trading Estate in Thundersley; and the Charfleets Trading Estate on Canvey Island. Planning permission has also been granted for two further employment areas on Canvey Island called Thames View 130 and Gateway 130. These will be the focus for economic growth within the B use sector.

5.4 There are four town centres – Canvey, Hadleigh, Tarpots and South Benfleet. Each is convenience shopping focussed with a high level of independent stores. The Council purchased the Knightswick Shopping Centre in Canvey town centre in 2019 to support regeneration of that town centre. There is a limited retail offer by national multiples with larger scale comparison shopping needs being met at sub-regional centres such as Basildon, Southend, Lakeside and Chelmsford.

5.5 Retail warehousing is provided at Stadium Way and at the Canvey Retail Park, opened in 2018.

5.6 The Council is seeking to retain more employment within the Borough and providing opportunities for start-up businesses and commuters seeking to work closer to home. The location of the USP College SEEVIC Campus, together with South Essex College's Procat Campus on Canvey Island are catalysts for improving further, higher and vocational training.

5.7 To improve connectivity the Council is participating in the roll out of a local full fibre network across the Borough initially connecting key public buildings and facilities – council buildings, health, CCTV, care homes, education and blue light services. This government funded project aims to increase business connectivity into the full fibre network.

5.8 A key driver for local businesses will be the provision of improved infrastructure and to the strategic networks, such as access to and from Canvey Island, where fuel ports of national importance are located.

5.9 Tourism is focused on Canvey seafront, and the Hadleigh Castle Country Park and Olympic Mountain Bike Centre at Hadleigh. There are further opportunities through the England Coastal Path which will provide greater connectivity across the South Essex Marshes into Thurrock, Basildon and Southend-on-Sea boroughs.

Demographic Change and Population Growth

5.10 The proportion of people over the age of 65 is expected to increase from 25% in 2018 to 27% in 2033. A population that includes a higher proportion of older people will need a different mix of services compared to that evident in the borough today. There will be a need for more specialist accommodation to be provided as the number of elderly people increases.

5.11 In the absence of the housing growth set out within this plan it would be expected that there would be an increasing level of vacant school places, whilst pressure on healthcare services, social services and daytime clubs and leisure facilities would grow.

Improving the Quality of Life

5.12 Engagement on this plan and other strategies have identified several issues that are important to residents in terms of ensuring a good quality of life.

5.13 There is frustration at the level of traffic congestion, particularly at peak times, in certain locations, including Stadium Way, Tarpots and Canvey, therefore a reduction in the levels of congestion should be a key driver for change. Opportunities presented through the *Local Transport Plan (LTP)*, *South Essex Joint Strategic Plan (JSP)* and development proposals in this plan will facilitate solutions to relieve congestion, spread development spatially across the borough so that growth is not concentrated and drive a modal shift.

5.14 There is a strong value attached to openness and greenness in the borough, and therefore this should be enhanced and protected as appropriate. The Green Grid Strategy provides a tool enabling this to occur. Greater use needs to be made of open spaces and through development increasing accessibility to the Green Belt.

5.15 There is strong loyalty to local services and town centres. This plan seeks to support their development and long-term, sustainability should be enhanced and protected as appropriate. Canvey and Hadleigh Town Centre Master Plans are tools which will enable this to occur.

Protecting the Environment

5.16 The environment in Castle Point is fundamental to the quality of life of residents as an amenity and is also intrinsically important for its ecological and heritage assets and landscape value.

5.17 Such enhancements may include opportunities to use green areas in a multi-functional way to, for example, reduce flood risk whilst also providing opportunities for recreation and biodiversity, as promoted in the *Thames Estuary 2100 (TE2100) Plan*.

5.18 The need to protect the environment meanwhile may drive changes to the way in which new developments are built and serviced in order to reduce the amount of pollution to the air and to watercourses. These changes are promoted through the Building Regulations and will also be required to ensure that water quality achieves the requirements of the *Water Framework Directive*.

Climate change and flood risk

5.19 It is clear from empirical evidence that the climate is changing, and that this has long-term implications for coastal locations such as Castle Point.

5.20 Sea-level rises are expected to increase the risk of flooding in low lying areas. The *TE2100 Plan* identifies Canvey Island as a policy P4 area. Policy P4 states that there is a need to 'take further action to keep up with climate and land use change so that flood risk does not increase'.

To this end, recommendations 6, 7 and 11 for action zone 7, in which Canvey Island is located, seeks to maintain, enhance, improve or replace the river defence walls and active structures throughout the period to 2100.

5.21 The risk of tidal flooding is a constraint on development on the island with developers having to provide mitigations, such as refuge areas. This impacts on development viability and limits the range of development.

5.22 As the sea-levels rise, coastal habitats become squeezed between the sea and any defences, resulting in their decline and eventual loss. There are legal duties to plan for, and where possible to limit, such losses.

5.23 There is also evidence of the occurrence of more extreme weather events. Extreme rainfall events for example have become more prevalent resulting in issues of surface water flooding and increase fluvial flood risk in Castle Point. The risk of surface water flooding due to extreme rainfall events is most heightened on Canvey Island where the combination of the low-lying topography, limited natural drainage and sea wall creates a bowl like effect and increases flooding risk.

5.24 There have also been prolonged dry spells in recent years resulting in water shortages. Such events will have effects on the health and well-being of people, particularly the elderly and vulnerable people. It will also impact on people's homes, businesses and on the cost of insurance. Additionally, it may impact on food supply. There is a need to ensure that development and communities are resilient to the impacts of extreme weather events.

6. Vision for the Future

6.1 Having regard to the context for Castle Point and the key drivers for change, a vision for the future has been developed that focuses on Castle Point's communities and high-quality natural environment.

By 2033, Castle Point will play a pivotal role in the South Essex sub-region by providing communities where people want to live and a high-quality environment, supporting economic growth opportunities in both Castle Point and neighbouring districts.

Communities will have been improved through appropriate, high quality development that creates beautiful and safe places and provides a good mix of homes to support citizens throughout the different stages of their lives. These communities will have good access to services and facilities that respond to the needs of all generations and local town centres and local shopping parades will provide a range of shopping facilities that local people want to visit.

The environment for business within Castle Point will have been improved through appropriate investment in education and training, the public realm, and new and improved business premises. Employment opportunities within Castle Point will be more competitive and support a good quality of life for those residents that need or prefer to work close to home.

In order to improve the quality of life within the communities in Castle Point, the public transport network will have been enhanced to provide links for all the borough's residents to education, employment, shopping and leisure opportunities within Castle Point and in neighbouring districts, so that public transport is a realistic alternative to the private car. It will also be possible to make more local journeys by foot or bicycle through enhancements to the network of footpaths and cycle ways.

Castle Point will benefit from an enhanced network of formal open spaces, accessible natural green spaces and open land. Where appropriate, having regard to nature conservation concerns, access to green and open spaces will have been increased so that the local communities, communities in neighbouring districts and visitors can further enjoy the diverse landscape of Castle Point and the Thames Estuary waterfront.

Important features in the natural and historic environment including wildlife, habitats, landscape features, historic buildings and archaeology will have been protected and enhanced. Opportunities to improve the quality of land, air and water will have been realised in order to ensure that the environment is healthy and more resilient to the risks of climate change.

The design and location of new development will have ensured that additional pressures on the natural environment are minimised, and that the threats posed to communities by climate change and all types of flood risk and man-made hazards, are suitably managed and reduced.

7. Objectives of the New Local Plan

7.1 In order to deliver the vision of this plan, the policies in this plan are designed to meet the following objectives:

Objective 1: To protect and enhance the range of services that support healthy and active communities within Castle Point and create beautiful and safe places.

Objective 2: To provide high quality homes in sustainable locations that meet the needs of local people through an appropriate mix of housing sizes, types and tenures.

Objective 3: To make the town centres in Castle Point places where local people want to visit and access community and local facilities.

Objective 4: To create an environment that supports business growth and creates local job opportunities.

Objective 5: To promote more active and sustainable travel patterns within Castle Point through the location of development, and the provision of active and sustainable transport infrastructure and services to complement and provide an attractive alternative to the existing highway network.

Objective 6: To protect and enhance the network of green infrastructure and high quality, accessible green and open space throughout Castle Point.

Objective 7: To protect and enhance the quality of the natural, built and historic environment within Castle Point, having regard to features of ecological, landscape and heritage importance with the aim of securing measurable environmental and biodiversity net gain and resilient ecological networks.

Objective 8: To promote high levels of sustainability and resilience to natural and man-made risks through the location and design of development, having regard to the implications of climate change, including flood risk from all sources.

8. Achieving Sustainable Development

Making Effective Use of Land and Creating Sustainable Places

Policy Context

8.1 The *National Planning Policy Framework (NPPF)* expects local plans to promote the effective use of land in order to meet identified needs and strategic policies should describe a strategy for meeting those needs by making the most of previously developed or brownfield land.

Reasoned Justification

8.2 The Council affords significant weight to the principle of developing brownfield land in order to make the most efficient and effective use of land in sustainable locations. It has carried out a *Strategic Housing Land Availability Assessment (SHLAA)* each year since 2011, all of which have taken a forensic approach in examining all potential sites regardless of size, particularly in the built-up area, to ensure that all opportunities are identified.

8.3 This Plan sets out how the identified needs of the borough can be met. Employment need is met through the two new employment zones on Canvey Island – Thames View 130 and Gateway 130, plus redevelopment and reuse of other existing employment areas and the regeneration of the town centres, particularly in Hadleigh and Canvey Island, where regeneration plans are being implemented.

8.4 However, in meeting housing need, the Council's strategy is to promote development within both existing urban areas and through limited urban extensions. The latter involves the re-designation of land identified as Green Belt in the 1998 Local Plan. The Council is committed to ensuring that opportunities to make greater use of the Green Belt are explored by improving accessibility without destroying its intrinsic open and attractive character.

8.5 In considering the location of new residential development the Council has prioritised development within the existing urban areas and previously developed land. Accordingly, together with extant planning permissions and sites development since the 1st April 2018, urban or previously developed sites account for over 50% of the total land supply during the plan period. This includes sites on the brownfield register; sites promoted in the *SHLAA* that are policy compliant but too small to include as allocations in this Plan and allocated sites within the urban areas. It is assumed that due to Green Belt policy constraints most of the expected windfall will also be within urban areas.

8.6 The Plan acknowledges that there is a limited urban capacity within the borough. Castle Point is typified by suburban residential development around Hadleigh, South Benfleet and Thundersley (the 'Mainland'). Intensifying development within these areas will destroy the suburban character and the attractive character which makes them popular places to live. Within these areas, employment uses are limited to the Stadium Way / Rayleigh Road area and the three town centres. Large scale redevelopment of employment areas to residential will undermine the economic objectives of the plan, through large scale relocation of existing businesses and forcing employment into more isolated locations outside of the urban area, away from public transport and the local pool of labour or to adjoining boroughs, thereby increasing out commuting. Decentralisation of the economy is not a sustainable option for the Council.

8.7 Canvey Island is a high-density settlement based on shallow plots with a tight street pattern. Whilst there are several small sites identified in the *SHLAA* which are policy compliant for development, they do not make a significant contribution towards the overall housing need target. It is not therefore possible to secure significant levels of additional growth on Canvey Island through

urban intensification. As on the 'Mainland' the redevelopment of employment areas is not for consideration. Indeed, the main employment growth within the borough will be on Canvey Island and improved access will further extend the status of the Island as a business location.

8.8 The Council will work with developers, landowners of sites and infrastructure providers to put in place master plans or planning or development briefs to ensure that all policy requirements are delivered from key sites, including optimising the use of land. Master plans, prepared collaboratively with the local community and partners, are the best way to ensure that the use of land is maximised whilst balancing the need for development with creating high quality places and minimising the impact on existing communities.

8.9 The master plans for Hadleigh and Canvey Town Centres seek, inter alia, to diversify the range of uses to include residential. This plan identifies two sites within Hadleigh town centre for residential development and the Canvey town centre Master Plan will be reviewed following the acquisition by the Council of the Knightswick Shopping Centre which was acquired to assist regeneration and diversification

8.10 Therefore, the Council has optimised development within the urban areas. Strategic Policy SD1 sets out the general principles against which the Council will consider applications for new development which meet the objectives of this Plan, this includes the requirements of the Habitats Regulations and how place making objectives will be applied.

8.11 Strategic Policy SD1 sets out the requirement for development proposals to meet the requirements of the Habitats Regulations by avoiding adverse effects on the integrity of Habitats sites through an appropriate approach to development. The Habitats Regulations Assessment (HRA) which accompanies this plan identifies the potential for some of the proposals within the plan to cause adverse effects on the integrity of either the Benfleet and Southend Marshes SPA and Ramsar Site, or the Thames Estuary and Marshes SPA and Ramsar site, either alone or in combination with other plans or projects, unless appropriately mitigated. This is highlighted in the relevant policies. It will be necessary for those proposals which have been identified as having the potential to cause an adverse effect on the integrity to be subject to project level HRA to demonstrate that the necessary mitigation measures have been secured, and the proposal will not impact on the integrity of Habitats sites.

8.12 To ensure that development positively contributes to the borough by creating beautiful, healthy and sustainable places and spaces consistent with the NPPF, policy SD1 sets out key place making criteria. To support the Plan an Infrastructure Delivery Plan (IDP) has been prepared. This identifies the location, scale, timeframes for delivery and cost of infrastructure required within this Plan. The Council's approach to developer contributions to achieve these place making objectives are set out in strategic policy SD2.

Strategic Policy SD1

Making Effective Use of Land and Creating Sustainable Places

1. The Council will seek to make the most effective use of development land in the borough by:

- a. Approving development proposals that accord with the development plan where it can be demonstrated that there would be no adverse effect on the integrity of the Benfleet and Southend Marshes SPA and Ramsar site or the Thames Estuary and Marshes SPA and Ramsar site, either alone or in combination with other plans and projects. This should be demonstrated through project level HRA for all development proposals where the potential for adverse effects on integrity has been identified in this plan, or because of subsequent information about the condition of Habitats sites.**
- b. Favouring a design-led approach to establishing site density that maximises the use of land and ensures that proposals are of high quality and compatible with the character of the area.**
- c. Favouring a design-led approach to development, ensuring that proposals are of high quality and are compatible with the prevailing character of the area.**
- d. Recognising urban intensification and brownfield redevelopment as important sources of supply, the Council will support proposals for redevelopment and intensification in existing residential areas where appropriate and development on previously developed land, including land within the Green Belt where those proposals are consistent with Green Belt policies in this Plan and the provisions of the NPPF.**

2. In order to ensure that new development contributes positively towards the quality of the borough as a place to live and do business, and enable communities and businesses to be sustainable and thrive, the Council will require the following place making objectives to be delivered as part of all proposals in a proportionate way having regard to their scale:

- a. The delivery of development must be aligned with the provision of necessary infrastructure;**
 - b. High standards of design that create places people want to live in and work in now and in the future;**
 - c. High standards of sustainability within the design and construction of new buildings so that residents and businesses can enjoy a low cost, healthy living environment;**
 - d. The provision of integrated public open space and the enhancement of the green infrastructure network to offer a range of health and environmental benefits; and**
 - e. High levels of accessibility by public transport and active modes of travel to employment, education, services and recreation opportunities, in order to promote inclusion and encourage community cohesion.**
-

Development Contributions

Policy Context

8.13 The *NPPF* makes it clear that plans should set out the contributions expected from development for the infrastructure, including education, health, transport, flood and water management and green infrastructure.

Reasoned Justification

8.14 The *Castle Point Borough Infrastructure Delivery Plan* sets out the infrastructure required to support the delivery of growth within the borough. The *Whole Plan Viability Assessment* shows that the proposals sites are viable and the policies in the plan do not undermine this. Contributions to infrastructure will therefore be sought.

The *Infrastructure Delivery Plan* lists the type of infrastructure sought:

- Footways, cycleways, bridleways and highways
- Public transport
- Drainage and flood protection
- Waste recycling facilities
- Education and childcare
- Healthcare
- Sports, leisure and recreation facilities
- Community and social facilities, cultural facilities, including public art, emergency services
- Green infrastructure and open space
- Digital connectivity and utilities
- Facilities for specific sections of the community such as youth or the elderly
- Renewable energy

8.15 The types of contributions that will be sought from qualifying development will vary according to the nature of the development and from site to site. Further guidance is set out in the Council's *Developer Contributions SPD 2008* which will be updated during the Plan period to reflect the *Infrastructure Delivery Plan* and the introduction of the Community Infrastructure Levy.

8.16 The Council will have regard to Essex County Council's (ECC) published *Developers Guide to Infrastructure Contributions 2016*. ECC play an important role as an infrastructure provider in Castle Point and the Guide sets out what the likely infrastructure requirements for matters such as schools and transport could be.

8.17 The infrastructure delivery mechanisms will be identified through the master planning or development briefs. However, in order to ensure that appropriate infrastructure is in place to serve the development needs identified in this plan, planning obligations will be sought.

8.18 The Council will implement a Community Infrastructure Levy (CIL) charging schedule to enable contributions to be made towards infrastructure and services from all new development, including those schemes below the threshold set out in National Planning Practice Guidance for the use of planning obligations.

8.19 This Plan together with the requirements in the *Infrastructure Delivery Plan* have been tested through a *Whole Plan Viability Assessment*. That assessment concluded that the requirements of

the plan are viable and therefore, as far as sites allocated in this plan, plus windfall sites which will be subject to Community Infrastructure Levy or as yet unidentified Section 106 Agreements, are viable and deliverable.

8.20 The *Infrastructure Delivery Plan* sets out the infrastructure needs to meet the growth within the borough. However, if through monitoring of this plan it is found that there are unforeseen infrastructure deficits which even with the implementation of the *Infrastructure Delivery Plan* cannot be met, development may be delayed until such a deficit is resolved. It would be unreasonable for existing communities to be harmed or at risk by growth stretching infrastructure (health and education in particular) to an unsustainable level. In this context, infrastructure capacity will include ensuring enough staff and not just facilities.

Strategic Policy SD2

Development Contributions

1. The Infrastructure Delivery Plan identifies the infrastructure required to meet the demands of new development.

2. Where necessary, the Council will seek contributions towards the provision of infrastructure required to make a development proposal acceptable in planning terms, in accordance with the tests set out in the National Planning Policy Framework and the provisions of the Community Infrastructure Levy Regulations and having regard to the provisions of the Infrastructure Delivery Plan.

3. The mechanism for providing new infrastructure must be agreed with the Council and where necessary, the appropriate infrastructure provider. Such measures, will be set out in Section 106 Agreements and may include :

- financial contributions towards new or expanded facilities;
- on-site construction of new provision;
- off-site capacity improvement works;
- the provision of land;
- financial contributions to the future maintenance and management of new infrastructure; and/or
- Local Management Organisations to maintain and manage public open space and public realm within developments.

4. Developers and landowners are expected to work positively with the Council, neighbouring authorities and infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time.

9. Delivering a Sufficient Supply of Homes

Housing Strategy

Policy Context

9.1 The *National Planning Policy Framework (NPPF)* requires local planning authorities to significantly boost the supply of housing. It expects the Objectively Assessed housing Needs (OAN) for market and other forms of housing, including affordable housing, is met in full through planning policy, as far as is consistent with the policies in the *NPPF*.

9.2 The *NPPF* also sets requirements for securing an appropriate mix of housing. Local planning authorities need to identify the size, type and tenure that is required, reflecting the expected range of local housing need for different groups within the community.

Reasoned Justification

Housing Need

9.3 Although the *NPPF* requires local planning authorities to set housing targets on the basis of OAN, this assessment is balanced with the constraints and capacity of the borough to accommodate the target figure. Where it cannot do so the local authority must demonstrate that the need will be accommodated outside of the borough area.

9.4 The Addendum to the *South Essex Strategic Housing Market Assessment (SHMA Addendum) (2017)* predicts that there will be an increase in the population in the Borough of 9,723 people between 2014 and 2037. However, population increase alone does not attribute to the OAN. Adjustments need to be made to ensure the housing meets the specific needs of new households, market signals, especially in relation to affordable housing, and an uplift to support job growth.

9.5 Since September 2018 the standard methodology has been used as a method to calculate objectively assessed needs. The standard methodology, as set out in national Planning Practice Guidance uses the 2014-based Subnational Household Projections and an adjustment capped at 40% arising from the median house price to workplace-based earnings ratio published by ONS. Due to affordability issues in Castle Point the full 40% applies to the standard methodology calculation, and consequently the need for housing in the borough derived using the Standard Method sits at **355 homes per year**. The *SHMA Addendum* was produced using the same Subnational Household Projections but tested different scenarios having been prepared prior to the introduction of the standard methodology. Nonetheless, that evidence also indicates that the need in Castle Point is of the order arising from the standard methodology calculation and the Council does not dispute this target and has used it for this plan. Therefore, this Plan will provide a minimum of 5,325 new homes over the Plan period.

Housing supply

9.6 The *NPPF* expects Local Plans to identify deliverable and developable sites to meet the needs of the borough for at least ten years after the adoption of the plan, and if possible, for the final five years of the plan period. This means that the housing supply identified in this plan needs to ensure that there is sufficient supply to meet needs to 2032 as a minimum. This would require a supply of at least 4,970 homes for the period 2018 to 2032. This Plan identifies land for 5,510 new homes, providing enough supply for the plan period to 2033, with a small margin for headroom. In the

meantime, the Council will continue to work with partners across South Essex through the preparation of the Joint Strategic Plan to identify a strategic approach to growth across the entire area over the longer term. This will enable the review of this Local Plan to establish how housing needs will be met in full to 2037.

Housing Capacity

9.7 This plan sets out how the supply of 5,510 will be met during the plan period. The priority has been to accommodate as much of this supply within existing urban areas. However, as set out in the *Housing Sites Topic Paper 2018*, developable urban land is a finite resource and not all the forecast growth can be met within the existing urban areas.

9.8 The *Housing Sites Options Topic Paper 2018* sets out the constraints in the borough in terms of being able to deliver housing. This paper concluded that due to the small size of Castle Point, the extent of environmental constraints within the borough, including nature conservation designations, significant areas of historic and natural landscape value and flood risk, and the importance of protecting the strategic functions of the Green Belt, it was not possible to meet the full, objectively assessed need for housing in Castle Point.

9.9 Subsequent work from the 2018 Housing Sites Options Topic Paper means that housing needs can be met in full. This includes the inclusion of existing planning consents or completions since April 2018 and several urban sites which were discounted from the *Strategic Housing Land Availability Assessment (SHLAA)* policy compliant schedule, as the landowner did not respond to the 2018 Call for sites. These are small sites which provide a total of 166 dwellings and if they come forward are likely to secure planning consent. These have been added to the housing supply towards the end of the plan period. Therefore, the work completed since 2018 highlights that the OAN can now be met in full.

9.10 Whilst the SHLAA identifies specific sites for the purposes of development, it is known that sites have come forward unexpectedly over time for the purpose of redevelopment, increasing housing provision. Typically, this has secured upwards of 20 homes per annum in Castle Point, normally on smaller sites where the intensity of built development can be optimised. It is also common for windfall sites to arise through changes in economic cycles. As an example, the retail sector is currently experiencing significant changes in the way people shop, impacting on the amount of built floorspace required in town centres. It is therefore anticipated that these economic changes will drive windfall provision up to around 60 homes per annum.

9.11 Therefore, the borough has capacity to accommodate in the region of 5,510 homes. The Council has prioritised capacity within urban areas and / or on brownfield sites from a variety of sources as set out in the table below. This capacity is drawn from the following:

- Housing completions from 1 April 2018 until 31 March 2021;
- Current extant planning permissions and prior approvals for net new dwellings;
- Policy compliant sites, which are small sites within the urban area that are featured in the SHLAA;
- The *Brownfield Land Register (BLR)* which is a document agreed by the Council which has a number of brownfield sites that are suitable and available for development in the borough;
- Windfall sites; and
- Strategic housing allocations, those within urban areas and those outside urban areas.

9.12 The total housing supply for the plan period is set out in Policy HO1. Of the total 5,510 new homes, approximately half are strategic allocations in non-urban areas:

Delivery and Viability

9.13 The approach taken by this Plan utilises the *SHLAA 2018* to identify the capacity of deliverable and developable sites in Castle Point. It is these deliverable and developable sites that are identified through this Plan.

9.14 The *SHLAA* identifies the likely time frame in which each of the deliverable and developable sites could come forward. However, such time frames are subject to change having regard to issues associated with constraints, the timing of ecological assessments, landownership arrangements and legal agreements. Build rates are also significant and can impact on the level of provision even once construction has commenced. In order to reduce the impact housing land supply has on the delivery of homes, a market led approach is advocated. In this approach the Council does not seek to phase site delivery, except in cases where it is required to ensure infrastructure provision or is otherwise advocated by national policy i.e. the sequential test for flood risk. This will allow the market to bring forward sites to respond to demand from the market.

9.15 In terms of viability, this plan identifies a range of sites and therefore the risks associated with viability causing non-delivery are reduced. The plan has been the subject of a *Whole Plan Viability Assessment* and overall, the policy requirements of the plan should not cause housing sites to become commercially unviable.

Housing Trajectory

9.16 The supply and delivery of homes over the Plan period and beyond has been established based on the *SHLAA*, a review of historic trends and, importantly, engagement with the development industry.

9.17 The table below, sets out the indicative housing trajectory for the strategic allocations and other sources of supply. This trajectory will be monitored and maintained as a live document and will be updated to take account of market conditions and to ensure that there is a sufficient supply during the plan period to meet the requirement for housing.

9.18 The trajectory considers the process through which the Council expects sites to be delivered. This includes making provision for master plans, or planning / development briefs, whether an outline application will be required (on phased or multiple developer sites), or straight to full application.

9.19 Due to the significant level of provision expected to be delivered on former Green Belt sites, there is an impact on the delivery of new homes and the housing trajectory over the plan period. This is because in the period prior to the adoption of the plan Green Belt sites are not available for development and it will take some time for them to come forward after the adoption of the plan.

9.20 The Council is however putting in place mechanisms to enable permissions on Strategic Allocation Sites come forward promptly after the adoption of this plan. Nevertheless, the report *Start to Finish Second Edition February 2020* indicates that it can take time for the first completions to be secured on larger sites. To this end, once the plan is adopted there will be stepped increase in housing supply within Castle Point, although ultimately, the level of housing required will be secured over the plan period. To this end the housing requirement set out in Policy HO1 is stepped, at a minimum of 291 new homes per annum for the years 2018/19 to 2025/26, and at least 430 homes per annum from 2026/27 and for the rest of the plan period.

Table 9.1 Housing trajectory

Ref	Site	Capacity	Losses	Extant Permission (as of 31.03.21)	2018/ 19- 2020/ 21	2021/ 22- 2025/ 26	2026/ 27- 2030/ 31	2031/ 32- 2032/ 33
HO9	Land west of Benfleet	850			0	150	500	200
HO9	Land west of Benfleet Care Home (60 bed)	33			0	0	33	0
HO10	Land between Felstead Road and Catherine Road	125	-12	24	0	65	60	0
HO11	Land off Glyders	30			0	30	0	0
HO12	Site of the former WRVS Hall, Richmond Avenue	39			0	15	24	0
HO13	Land east of Rayleigh Road	455			0	165	275	15
HO14	Land at Brook Farm	173			0	165	8	0
HO15	Land south of Scrub Lane	55			0	55	0	0
HO16	Land at Oak Tree Farm	65			0	65	0	0
HO17	Hadleigh Island	52			0	38	14	0
HO18	Land north of Grasmere Road and Borrowdale Road	30			0	0	0	30
HO19	Land at Glebelands	155			0	155	0	0
HO20	The Chase	430	-13	18	0	183	247	0
HO20	The Chase Care Home (60 bed)	33			0	33	0	0
HO21	Land fronting Rayleigh Road	60	-1		0	0	0	60
HO22	Land at Thames Loose Leaf	12			0	12	0	0
HO23	Land east of Canvey Road	300			0	150	150	0
HO24	Land west of Canvey Road	199	-3		0	0	150	49
HO24	Land west of Canvey Road Care Home (57 bed)	32		32	0	32	0	0
HO25	Land at Thorney Bay Caravan Park	820	-590		195	375	250	0
HO26	Land at The Point	100	-2		0	0	50	50
HO27	Walsingham House	32		32	0	32	0	0
HO28	Land at Admiral Jellicoe	14			0	14	0	0
HO29	Land south of Haron Close	24		24	0	24	0	0
HO30	Land at Haystack car park	14		14	0	14	0	0
HO31	Land at Kings Park	50			0	0	50	0
HO32	244-258 London Road	50	-5		0	0	0	50
Total from strategic allocations		4232	-626	144	195	1772	1811	454
Other Completions 2018 – 2021 (Net)		434	-88		434	0	0	0
Extant planning permissions at 1 April 2021 (Net)		502			0	475	27	0
Policy compliant sites		272			0	20	138	114
Brownfield Land Register		179			0	44	85	50
Windfall		600			0	180	300	120
Total from other sites		1987	-88		434	719	550	284
Total Supply		6219						
Losses		-709						
Total (Net)		5510						

Strategic Policy HO1

Housing Strategy

1. In order to deliver sufficient homes to meet housing need within Castle Point Borough during the period 2018 to 2033 the Council will:

a. Identify a specific supply of at least 5,325 homes for the period to 2033, comprising the following:

Source	Total	Percentage of net total
Completions (2018/2021)	434	6.9%
Extant permissions (31.3.2021)	502	37.8%
Brownfield Register	179	2.8%
Policy Compliant SHLAA	272	4.3%
Windfall	600	9.6%
Strategic Allocations on Urban or Brownfield sites	1,272	20.4%
<i>Total completions, consented, urban or brownfield</i>	<i>3,529</i>	<i>52%</i>
Strategic allocations outside urban areas	2,960	48%
<i>Gross total</i>	<i>6,219</i>	<i>100%</i>
Potential demolitions	-709	
Net Total Supply	5,510	

b. Prepare a Joint Strategic Plan in conjunction with partner authorities in South Essex to determine how longer-term housing needs will be secured across the area and review this plan to reflect the outcomes of the Joint Strategic Plan.

2. The housing requirement for the plan period as a whole is a minimum of 5,325 homes. For the years 2018/19 to 2025/26 an annualised housing requirement of at least 291 homes per annum applies. For the years 2026/27 and for the remainder of the plan period, the annualised housing requirement is at least 430 homes per annum.

Master Planning

Policy Context

9.21 The *NPPF* explains that local planning authorities should approach proposed development in a positive and creative way. It considers that early engagement has significant potential to improve the efficiency and effectiveness of planning and good quality pre-application discussion improves outcomes.

9.22 The *NPPF* also explains that the creation of high-quality buildings and places is fundamental to what the planning process should achieve. It goes on to state that design quality should be considered throughout the evolution and assessment of proposals. Early discussion between

developers, the local planning authority and the local community is important for clarifying expectations. Proposals that demonstrate early, proactive and effective engagement should be looked on more favourably, providing they accord with the Local Plan

9.23 Planning Practice Guidance further explains that master plans can set out a strategy for a new development, including its general scale. The process of developing master plans can include testing options and considering the most important parameters.

Reasoned Justification

9.24 Where proposals are supported by master plans or planning/development briefs it strongly supports the position set out in the *NPPF* regarding early engagement, since its experience has been that these proposals are generally better understood by local communities.

9.25 The Council will work with those promoting development, the local communities and infrastructure providers to ensure that master plans accurately reflect the policy requirements in this Plan but also local aspirations and preferences concerning layout, style, character and relationship to adjoining land uses. Master plans may be adopted as Supplementary Planning Documents where they affect a multi-phase or multi-developer scheme. This is to offer maximum weight to achieve the local plan objectives.

9.26 Where a site is too small for a master plan, a development or planning brief may be prepared to guide the development, ensure quality, engage the local community and meet the published guidance, plans and strategies of Infrastructure Providers.

9.27 The urban design objectives found in Appendix One should be considered in all development to ensure attractive, functional, and quality places are developed. The urban design approaches found in Appendix Two introduce various styles of design to aid in master planning and place making.

Strategic Policy HO2

Master Planning

- 1. The Council expects master plans or planning or development briefs for all allocations for housing development within this plan to be prepared having regard to local design guidance set out in the Essex Design Guide and, where relevant, the National Design Guide and National Model Design Code.**
- 2. The Council will expect entering into voluntary planning performance agreements (PPA) with promoters of such development, to cover matters such as master planning, the pre-application process and a timetable for key events and the nature of engagement with the Council and the community.**
- 3. In order to demonstrate its commitment to the master plan process, the Council will in appropriate cases, adopt master plans/planning development briefs as supplementary planning documents and will then accord significant weight to them in the determination of any subsequent planning applications. The Council will consider the complexity of landownership, the infrastructure requirements of the site, and the scale of development when determining whether to adopt a masterplan/development brief as an SPD.**

Housing Mix

Policy Context

9.28 The *NPPF* requires planning policies to deliver a wide choice of high-quality homes and create mixed and balanced communities. It expects local planning authorities to identify the size and types of new homes that are required locations, reflecting local demand.

Reasoned Justification

9.29 The *Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020)* reviewed the need for different house sizes and types to meet the changing needs of the Borough's population. This *Addendum* concluded that there will be demand from a range of different household types, although demand will be particularly strong from families with children and people of retirement age. This means that there is a strong demand for 3 or 4-bedroom properties reflecting the needs of growing families. It is important that these homes are provided as they will help to attract more professional and working aged people to live in the area. This is particularly important for both business growth and in sustaining public services, such as healthcare.

9.30 The *Addendum*, in identifying a housing pressure arising from the growing population of older people, highlights the desirability of bungalows in Castle Point. Bungalows make up 29% of the housing stock currently and it is expected that there will be demand for additional bungalows in the plan period, reflecting the characteristics of the local housing stock. It also identifies the need for specialist accommodation for older people, suggesting a need for around 45 units per annum of sheltered housing types. In addition to this, around 20 additional bedspaces are required each year in residential care/nursing accommodation. Despite the need for specialist accommodation, it is expected that the majority of older people will however live in bungalows or houses within the community and these will therefore require adaptations to remain fit for purpose. Where homes have been built to higher accessibility standards as outlined in Part M of the Building Regulations, these adaptations can be easier to deliver and ensure people can remain in their homes for longer. Properties designed to such standards may also be suitable for other people who require support such as children and working aged adults with disabilities.

9.31 The *Addendum* identifies the potential demand for different housing types and sizes, as set out in Table 9.2 below. It is anticipated that by securing this mix of development across the borough, the future needs of the borough will be met, although it is noted that this demand may shift over time based on changes in the local market.

9.32 Given the mix of house types and sizes required, the Council will be seeking a mix of different housing types and sizes on appropriate sites in order to ensure that development proposals are contributing to sustainable, mixed, socially inclusive communities. The Council will therefore expect developers to have regard to Table 9.2 in making provision for a housing mix on an individual development site. To remain flexible and reflect changes in local market factors, the most recent SHMA outputs will guide the appropriate mix in future.

Table 9.2 Housing Mix requirements in the SHMA

Type of Accommodation Required			
	Houses	Bungalows	Flats
	68%	25%	7%
Size of Accommodation Required			
1-bed	2-bed	3-bed	4 or more bed
6%	22%	43%	29%

9.33 The evidence base indicates that there is a clear need for a diverse mix of house sizes and types in Castle Point in order to respond to demographic trends in the borough including an increasing number of older people. By securing an appropriate mix of homes on development sites, these needs can be met.

9.34 In addition, the housing mix should also reflect the local context of the site, as it is recognised that it will not be possible to secure a full mix of house sizes and types on all sites. Very small sites will be constrained by site capacity and the existing street scene. However, larger sites will be able to make an increasingly more significant contribution to the mix within the local housing market. In taking the local context into account it is recognised that some sites may provide mainly flatted developments, whilst others will potentially provide more houses and bungalows. Consideration will be made on an individual site basis.

9.35 Some sites in highly sustainable locations, such as near railway stations and town centres, should secure a significant uplift in density, consistent with the requirements of the NPPF. This may see more flatted developments and alternative house types such as town houses and maisonettes provided in these locations. The *Essex Design Guide* considers densities for sustainable development, areas that are located within sustainable locations such as these and should be referred to when seeking to prepare proposals which produce a higher density. The *Castle Point Large Site Capacity Assessment 2018* assesses various sites within Castle Point and evaluates the optimum density based on constraints and the surrounding environment. This provides an indication of the house types that may be appropriate on the strategic allocations set out in this plan. For other sites, a context appraisal will be required.

9.36 Within this plan are two allocations which are expected to come forward for the provision of park homes, aimed at retirees. These will make a substantial contribution to addressing the needs of this age group but may not be a form of development which is desirable or appropriate for all, especially those requiring additional support. To this end, there will remain a need for accommodation for older people to be met on sites across the borough, through more traditional or formalised forms of accommodation.

Strategic Policy HO3

Housing Mix

1. In order to achieve a local housing supply that responds to local housing need, the Council will require a mix of different sized and type homes to be secured within developments, contributing to the creation of sustainable communities. In determining if a sufficient and appropriate mix has been achieved, the Council will have regard to the most recent SHMA outputs (currently set out in Table 9.2), and the location and context of the site.
 2. Where a site is 1ha in size or larger, the Council will expect developers to have considered how homes specifically aimed at older people can be accommodated within the site and, where appropriate, made provision for such homes as part of the overall housing mix. Such homes could take the form of bungalows, specialist accommodation or houses which meet Part M4(2) of the Building Regulations. In determining an appropriate form for older people's accommodation regard should be had to the requirements of policy CC2 on Canvey Island.
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Securing more Affordable Housing

Policy Context

9.37 The *NPPF* expects local planning authorities to plan for a range of tenure types and to set out policies for meeting affordable housing needs on development sites. Such policies should be flexible to account for changes in market conditions.

Reasoned Justification

9.38 There is a continued demand for affordable housing. Indeed, the *SHMA 2017 Addendum* concludes that 110% of new homes delivered in the borough should be affordable. To achieve such a target is unrealistic given constraints on development land. Therefore, the Council must seek the appropriate level of affordable housing and affordable housing products in both social rented and owner-occupied markets to ensure that there is a sufficient supply of new homes to meet need across all tenures.

9.39 The *Whole Plan Viability Assessment* identifies a viable level of affordable housing taking into account other infrastructure requirements and development costs. In the case of Canvey Island the additional groundwork costs indicate that the provision of affordable housing at the same level as the mainland, will affect the commercial viability of development. Therefore, separate rates are proposed for Canvey Island of between 15% and 40% and for South Benfleet, Hadleigh and Thundersley of 40%. Whilst the requirement for affordable housing can be applied to specialist accommodation for older people in the South Benfleet, Hadleigh and Thundersley area without affecting viability, the additional costs associated with building such schemes on Canvey Island is likely to render such development unviable. Therefore, specialist accommodation for older people on Canvey Island cannot provide affordable housing without affecting overall delivery.

9.40 This means that the full, objectively assessed need for affordable housing will not be delivered. It is therefore imperative that actions are taken to diversify the housing market in Castle Point to include more first-time buyer properties, improving supply for property types in high demand.

9.41 The Council's policy will do all it can to meet need, whilst maintaining viability and in accordance with the *NPPF* affordable housing will only be sought for proposals of 10 units or more. Although the Council is significantly increasing the provision of affordable housing through this Plan, it does not meet the recommendation in the *SHMA* of 110%. It is necessary to seek a mix of affordable housing provision that best meets the needs of the community, including social housing provision.

9.42 The *SHMA* indicates that there will be significant demand from young people who cannot access the housing market due to issues with the availability of first-time homes and wider issues in the housing market associated with mortgage availability. Diversification of the housing stock to include a greater number of smaller properties and the Government's mechanisms to support first time buyers will assist these people in accessing the general housing market.

9.43 The Council will therefore seek the affordable housing element of development proposals to provide at least 50% affordable housing for rent, as defined in the *NPPF*, available to those in need of social housing, and with the remainder provided in the form of affordable homes to buy, as defined in the *NPPF*, aimed at helping local first-time buyers access the housing market. Any national requirements aimed at improving access to affordable homes to buy, such as First Homes, should be met from that element of the affordable housing supply and does not affect the requirement for 50% of affordable homes to be affordable housing to rent. Affordable housing definitions may change over the life of this Plan and proposals should have regard to the latest definitions as set out in national policy.

9.44 It is necessary to secure affordable housing within the mix of development on each individual development site. Off-site provision will only be accepted where the total provision of affordable housing is equivalent to the affordable housing requirement of both sites combined.

9.45 Payment in lieu of on-site provision will only be accepted in exceptional circumstances. In such circumstances, the payment will be equivalent to the cost of on-site provision. Details on how off-site provision should be provided will be set out in a Developers Contributions Guidance Supplementary Planning Document.

9.46 In terms of the types and size of affordable housing that should be provided the *SHMA* indicates that 11% of affordable housing properties should be 1-bedroom units, 32% should be 2-bedroom units and 57% should be 3 or 4-bedroom units. However, it is recognised that it may not be possible to deliver this specific mix on each development site, particularly in high density schemes that do not include any 3-bedroom units.

9.47 Whilst the need for housing in the borough is high, simply making provision at current market values (or higher) will not address the issue, as average house prices within the Borough are in excess of six times the average income of the resident population. This makes it difficult for first time buyers to access the local property market and for families to meet their accommodation needs as they grow and change.

9.48 The *SHMA* identifies a need for a significant number of affordable homes, as defined by the *NPPF*, this need is identified as greater than the OAN but this cannot be achieved and is not

sustainable. The delivery of affordable housing depends on the development of key strategic sites, where market housing is needed to support the delivery of affordable homes. The quantum of affordable housing on such sites can affect viability. Viability evidence shows that market values are lower on Canvey Island than in South Benfleet, Hadleigh and Thundersley. This affects the viability of development and the ability to seek contributions to pay for infrastructure requirements.

9.49 It is therefore extremely important that those homes provided within the borough effectively respond to local demand issues, as there is no slack in the supply to allow for the provision of homes local people do not need or cannot afford.

Strategic Policy HO4

Securing more Affordable Housing

- 1. All proposals for housing development, and mixed-use proposals that include an element of housing, resulting in 10 or more net additional homes will be required to make provision for 40% affordable housing with the following exceptions:**
 - a. 0% affordable housing is required for standalone developments comprising solely specialist accommodation for older people on Canvey Island;**
 - b. 15% affordable housing is required for developments of less than 100 dwellings which comprise solely flats on Canvey Island; and**
 - c. 25% affordable housing is required for other developments of less than 100 dwellings on Canvey Island.**
 - 2. Affordable housing provision will normally be provided on-site. The Council will also consider proposals for off-site provision where the provision of affordable housing is equivalent to the level of requirement set out under part 1 of this policy. Payments in lieu of on-site provision will only be permitted in exceptional circumstances. Such payments should be equivalent to the cost of on-site provision.**
 - 3 The targets set out in Part 1 above represent the targets for all development of 10 or more units. In exceptional circumstances where there is evidence that a development is unviable at those levels, it will be the responsibility of the applicant to make the case to the satisfaction of the Council.**
 - 4 The Council will seek no less than 50% of all new affordable housing to be affordable housing for rent, with the remainder affordable home ownership products, as defined in the NPPF. The Council will seek nomination rights in the Section 106 Agreement.**
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Preventing Loss of Housing

Policy Context

9.50 Given the significant pressure for new housing in Castle Point Borough, it is important to retain existing residential uses. Planning applications for change of use from residential should not normally be approved whilst there remains an identified need for additional housing in the borough.

Reasoned Justification

9.51 The *SHLAA 2018* indicates that there is insufficient housing land supply in Castle Point to accommodate the identified housing target within the existing urban area. This is placing pressure on the Green Belt for development. Additional pressure can be avoided by keeping residential properties in residential use.

9.52 There are relatively few empty homes in Castle Point, and these empty homes are distributed across the borough and not concentrated. There is therefore no evidence of areas within Castle Point that are experiencing residential decline, where redevelopment for other uses would be appropriate.

Strategic Policy HO5

Preventing the Loss of Housing

The redevelopment of residential properties for alternative uses will only be permitted if the proposal furthers other sustainable development objectives promoted in this plan such as:

- a. employment proposals, where it can be demonstrated that the loss of residential accommodation in the location is outweighed by, and is critical to, the success of a significant business case and promotion/protection of local jobs which cannot be located elsewhere;
 - b. health and social care proposal, where it can be demonstrated that the loss of residential accommodation in the location is outweighed by, and critical to, the provision of a significant health or social care facility which cannot be located elsewhere.
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Caravan and Park Homes

Policy Context

9.53 The *NPPF* does not set out a specific policy in relation to planning for the need for caravan parks. It does however emphasise the importance of meeting the needs of specific groups and explains the size, type and tenure of housing needed for different groups in a community should be assessed and reflected in policies.

Reasoned Justification

9.54 There are currently four caravan parks in Castle Point. These are:

- Holehaven Caravan Park, Canvey Island
- Kingsley Park, Thundersley
- Kings Park, Canvey Island
- Thorney Bay, Canvey Island

9.55 Kings Park and Thorney Bay Park were originally holiday parks. However, in recent years there has been a decline in traditional holiday tourism on Canvey Island, and these parks have therefore converted to residential park homes. Holehaven Caravan Park and Kingsley Park have provided residential accommodation for a longer period.

9.56 Kingsley Park and Kings Park provide owner occupied accommodation in modern park homes within gated environments. Kings Park provides accommodation solely for those aged over 55. These two residential caravan parks operate and integrate into the wider community.

9.57 Holehaven Caravan Park provides a similar form of accommodation but in a more open format. It is relatively small scale and integrates with surrounding development.

9.58 Thorney Bay provides rented accommodation within previous holiday type caravans, as well as owner-occupied accommodation in modern 'park homes'. There are some health and well-being issues associated with the residential use of holiday-type caravans, particularly during winter months.

9.59 The evidence clearly indicates that residential caravan parks contribute towards the choice of accommodation, for those who are in a position to choose. However, the use of holiday type caravans for residential use can impact on the health and well-being of occupiers during winter months and they do not therefore represent an appropriate form of residential accommodation in the long-term.

9.60 It should be noted that Holehaven Caravan Park, Kings Park and Thorney Bay are located within Flood Risk Zone 3 and the policies set out in the *NPPF* and its technical guidance regarding flood risk therefore apply.

Strategic Policy HO6

Caravan and Park Homes

1. Proposals for new caravan parks and for extensions to existing caravan parks in Castle Point will only be supported where robust evidence can be provided that demonstrates a significant need for such additional provision in Castle Point, and that the proposed site is suitable for the accommodation of caravans in terms of access, layout amenities, flood risk and impact on the surrounding area. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
2. In the instance where the above requirements can be met, consideration will be given as to whether a condition should be used to restrict the winter use of caravans. Winter use will be restricted where:
 - a. The site has been exceptionally permitted following the application of the sequential and exception tests but is not suitable for permanent residential use due to its location in flood risk zone 3; or
 - b. The quality of the proposed caravans to be located on the site is not suitable for year-round occupation without risk to the health and well-being of potential occupiers.

Gypsy and Traveller Provision

Policy Context

9.61 The *NPPF* makes it clear that local planning authorities should consider the Government's *Planning Policy for Traveller Sites (PPTS)*, in conjunction with the *NPPF*, when preparing plans or making decisions on Traveller sites in their area. The *PPTS* makes clear that the Government's overarching objective is to ensure fair and equal treatment for Gypsies and Travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. To deliver this, it has established seven policies in the *PPTS*. In addition it sets out how the planning system defines Gypsies, Travellers and Travelling Showpeople.

9.62 For the purposes of planning policy, Gypsies and Travellers are defined in the *PPTS* as being:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

9.63 It goes on to say, when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. In terms of Green Belt, the *PPTS* reiterates the *NPPF* in that inappropriate development, including Traveller uses, is harmful to the Green Belt and should not be approved, except in very special circumstances.

9.64 Regard should also be given to the need for mixed use yards for Travelling Showpeople to allow residential accommodation and storage of equipment.

Reasoned Justification

9.65 The need for Gypsy, Traveller and Travelling Showpeople accommodation, is identified in the *Castle Point Borough Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2017*. This has been prepared in accordance with the Planning Policy for Traveller Sites and the Housing and Planning Act 2016, and forecasts the needs for Gypsies, Travellers and Travelling Showpeople in the Borough to 2034.

9.66 Due to the different requirements of the *PPTS* and the Housing and Planning Act 2016, the *Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2017* identifies two groups of Gypsies, Travellers and Travelling Showpeople, depending on whether they meet the 'planning definition':

Do not meet the planning definition: Those who should be planned for in accordance with their specific cultural needs for living accommodation, in accordance with the Equality Act 2010, the Children's and Families Act 2014 and the Human Rights Act 1998, but no longer exercise a nomadic lifestyle and where the *PPTS* does not apply (ethnic Gypsies, Travellers and Travelling Showpeople).

Do meet the planning definition: Gypsies, Travellers and Travelling Showpeople who continue to travel and for whom the policy requirements of the *PPTS* apply (nomadic Gypsies, Travellers and Travelling Showpeople).

9.67 Through the Essex Planning Officers Association, the Essex authorities have prepared a *Greater Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018* into which the findings of the *Castle Point Borough Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2017* have been integrated. At this time, it has not been possible to robustly assess the need for transit sites in Essex, with data on unauthorised encampments collected to date insufficient to establish a requirement. Changes have been made to the data collection process, but it will not be possible to undertake an assessment until 2020/21 at the earliest. Should that assessment identify the need for a transit site within the Borough in the future, this will need to be considered through the next review of the Local Plan

9.68 There are currently two existing Gypsy and Traveller sites within the borough these are called Janda Fields and Orchard Place. Since the publication of the *Greater Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment in 2018* an application for additional static caravans on the existing private Janda Fields site was allowed on appeal (PINS Ref: 3213684). At the Appeal Hearing the residents of the site confirmed that the additional static caravans would be sufficient to meet all of their current and future needs.

9.69 There was no need identified in the *Gypsy, Traveller and Travelling Showpeople Accommodation Assessment* for households that met the *PPTS* planning definition of a Traveller, other than that which has now been addressed through the additional static caravans at the site at Janda Fields. The remaining need in the *Gypsy, Traveller and Travelling Showpeople Accommodation Assessment* arises from households where it was not possible to complete an interview (undetermined households), and from households that did not meet the *PPTS* planning definition of a Traveller.

9.70 In order to meet the needs of Gypsies and Travellers in the borough and due to the size of Orchard Place, there is scope to provide further pitches. As a result, this site is allocated for Gypsy and Traveller accommodation needs only. This site, as identified on the Policies Map, is inset from the Green Belt and allocated for Gypsy and Traveller accommodation only. Applications for Gypsy and Traveller accommodation outside of this site and within the Green Belt would be inappropriate development and relevant Green Belt policies within this Plan would apply.

9.71 There were no Travelling Showpeople identified living in Castle Point so there is no current or future need for additional plots.

Strategic Policy HO7

Gypsy and Traveller Provision

1. Orchard Place as identified on the Policies Map, is allocated for Gypsy and Traveller accommodation only.

2. Applications for Gypsy and Traveller accommodation outside of the Gypsy and Traveller Site identified on the Policies Map will be permitted in Castle Point where proposals meet the following criteria:

- a. A project level HRA, where appropriate, may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1;**
- b. The proposed site location has good access to healthcare, schools and other community facilities;**
- c. The location of the proposed site is safe, achieves adequate living conditions and does not pose a risk to potential occupants from natural or man-made hazards, including but not limited to:**
 - i. Flood risk;**
 - ii. Proximity to hazardous installations or operations;**
 - iii. Air quality;**
 - iv. Excessive noise; and**
 - v. Highway safety.**
- c. The privacy and amenity of neighbouring properties would not be adversely affected; and**
- d. The proposed design and layout of the site should be sensitive to the local environment, setting and landscape in which the site is located.**

3. In order to protect the limited supply of lawful Gypsy and Traveller sites in the borough, proposals that would lead to the loss of sites will only be permitted where it is demonstrated that there is no longer an identified need for the site, or that replacement provision on a site that is equal or of better quality is provided subject to the policies in this plan.

Residential Annexes

Policy Context

9.72 One of the core planning principles contained within Chapter 12 of the *NPPF* is that planning policy should seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings. Furthermore, paragraph 130 of the *NPPF* expects local planning authorities to promote designs that encourage health and well-being, and which also have a high standard of amenity not just for the short term but over the lifetime of the development, that are sympathetic to the locality by means of good design.

Reasoned Justification

9.73 Limited housing supply, increasing house prices and an increase in the number of people in the community with care needs can result in extended families, including adult children, in some cases with children of their own, and elderly parents, all occupying a single residential property. Annexes for family members, particularly elderly relatives, can help to meet social needs whilst reducing pressure on other types of accommodation. However, such accommodation can have other implications such as on-site car parking provision, amenity space and local amenity.

9.74 Annexes may be created through the extension of host dwellings, the conversion of attached and detached outbuildings and the provisions of new structures within the curtilage of the host dwelling. In order to most effectively maintain a long-term ancillary link and to consolidate the built form, where possible, the Planning Authority will encourage the provision of annexes through the extension of the host dwellinghouse.

9.75 Where annexes are no longer required for their original purpose, some homeowners may seek to dispose of the Annexe as self-contained and independent accommodation. Such disposal can result in the creation of dwellings out of character with their surrounding pattern of spatial development which lack appropriate setting and amenities and place pressure on parking and infrastructure provision.

9.76 Where it appears likely that an annexe has the potential to be used in the future as self-contained and independent accommodation, and this would be inappropriate spatially or have a detrimental impact on character, amenity or infrastructure, where consistent with the statutory tests for planning obligations, applicants will be required to enter into a S106 Agreement to ensure that the permitted Annexe is retained as such.

Local Policy HO8

Residential Annexes

1. In the determination of any application for the provision of a residential annexe within the curtilage of an existing dwellinghouse, either through extension, conversion or new build, the Local Planning Authority will give weight to the following considerations:

(a) Ancillarity:

The proposed Annexe shall be ancillary to the host dwellinghouse. The applicant will be required to demonstrate a clear functional connection with, and degree of dependency on, the host dwellinghouse.

(b) Size:

The proposed Annexe shall be subordinate in size and scale to the host dwellinghouse and shall demonstrate a level and scale of accommodation that can be justified for its intended users.

(c) Design and Layout:

The design of the Annexe shall be sympathetic to the locality and the Annexe shall not be sited in a manner likely to result in an unacceptable loss of parking or amenity space for the residents of the host dwellinghouse, or the privacy and amenity of adjoining residents. There shall be no demarcation or subdivision of the garden areas between the Annexe and the host dwellinghouse and access to the Annexe shall be shared with the host dwelling.

2. Proposals for the provision of Annexes to dwelling houses in the Green Belt will also be considered within the context of Policies GB1, GB2 and GB3 of this Local Plan.

3. Where consistent with the statutory tests for planning obligations, applicants will be required to enter into a S106 Agreement to secure the retention of the Annexe for purposes ancillary to the host dwelling.

10. Strategic Housing Site Allocations

10.1 The sites identified in this Plan aim to achieve the total supply of 5,510 new homes by 2033.

10.2 The Plan utilises much of the capacity within the existing urban area. However, there is insufficient capacity within the urban areas to accommodate the forecasted growth. Therefore, land outside of the existing areas has been identified. This land is within the Green Belt as defined in the 1998 Local Plan and will be re-designated from Green Belt in this Plan.

10.3 The *National Planning Policy Framework (NPPF)* sets out the criteria for the consideration of amending Green Belt boundaries to accommodate new development. A thorough Green Belt assessment supported by a site capacity assessment and the sustainability appraisal establish the evidence to support the allocations.

10.4 The site capacities for the allocations within this chapter are a consequence of site capacity evidence work through the Large Site Capacity Assessments or the Strategic Housing Land Availability Assessment (SHLAA). For the purposes of plan making an indicative number of dwellings expected to be delivered on each site is stated, taking into account individual site constraints and infrastructure requirements. The specific number of dwellings expected on each site will however be determined through the development management process, having regard to site constraints, opportunities and housing mix.

Meeting longer term needs beyond the plan period

10.5 The *NPPF* states in paragraph 143, that 'when defining Green Belt boundaries, plans should (*inter alia*) ...where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.'

10.6 In previous draft versions of this plan, the Council had considered safeguarding 127 hectares of land to the North West of Thundersley as an 'Area of Search' for future development beyond the plan period. Whilst that area remains a potential location for longer term development, it is not proposed to be safeguarded land in this plan.

10.7 Land to the North West of Thundersley has been promoted by some landowners and is favoured by some residents as a development location. However, there are multiple landowners in this area, and there are currently no comprehensive development plans that are deliverable. Additionally, significant investment in infrastructure would be required to support growth in this location such as water supply, drainage and energy infrastructure and community services, affecting the viability and likelihood of development at this time.

10.8 The major barrier to delivery of housing development in this location is twofold: the site is presently significantly constrained by a lack of appropriate access and risks to the strategic network; and the land is within multiple ownership with no commitment yet to bring forward a comprehensive development. The major highway improvements which would be required to support development at North West Thundersley are yet to secure funding, although initial discussions have taken place between Essex County Council (ECC) as the Highway Authority, landowners and developers.

10.9 Furthermore, the government's commitment to the Lower Thames Crossing, which is to be built during the period of this Plan, will have a significant impact on the strategic highway network (A13, A127, A130). ECC have advised that further development which affects the network will not be supported until funding for the A127/A130 Fairglens Interchange is committed and in place.

10.10 At this stage there are too many unresolved strategic matters that would enable the Council to positively safeguard this area. The area is at a key strategic junction within South Essex and with limitations of access through existing residential areas in Thundersley and Benfleet, access would be required from the Fairglens interchange on the A127 or A130. This will be a major infrastructure undertaking and needs to be fully designed into the long-term plans for both routes and the junction. At this stage there is no guarantee this is feasible.

10.11 North West Thundersley will, therefore, be considered as a possible growth location in the South Essex Plan, and if so, the detailed nature of the proposal, together with the detailed changes to the Green Belt boundary, will be set out in a review of this plan. This will provide greater certainty to the post plan period and how future housing needs could be met. Until such time the land remains within the Green Belt.

Land west of Benfleet, Benfleet

10.12 This site is approximately 38.3ha that comprises mainly agricultural land divided into fields of varying sizes separated by hedgerows. An area of scrub is in the far northern section of the site and a complex of farm buildings is located centrally. The site is bounded to the east by residential development, allotments and public open space; to the west by the A130; to the north by the A13; and to the south by the C2C railway.

10.13 The topography of the site is undulating and varies considerably both along the north-south axis and east-west axis, resulting in parts of the central section of the site being highly prominent.

10.14 It is considered that given the diverse nature of the site, it should be developed through a master plan approach. Taking a plan-led approach to development in this location presents the opportunity to design and create a landscaped western gateway into the borough framed by a landscaped buffer along the whole of the western boundary of the borough, both to the north and south of the A130 creating an attractive, high quality development and environment. The master plan will also set out the detailed infrastructure requirements as outlined in the policy and the phasing.

10.15 The provision of a landscape buffer provides the opportunity to create a strategic greenway running north-south along the eastern boundary, which can incorporate accessible public footpaths and cycleways, linking to existing and proposed footpaths, cycle routes, open spaces, and natural features. It also provides the opportunity to effectively integrate biodiversity into the development through the creation of a community woodland which will also lessen the visual impact of the development. Due to the location of this site, and the scale of development proposed, it will be necessary for the master plan for this site to be accompanied by a project level Habitats Regulations Assessment which ensures that the detailed proposals do not pose a risk of adverse effects to the integrity of the nearby Benfleet and Southend Marshes SPA. On-site green infrastructure provision within this development is expected to play a significant role in ensuring harm is prevented to this off-site natural asset.

10.16 In terms of Green Infrastructure, it is expected that a master plan will establish how the public open spaces throughout the site are to be utilised. Furthermore, a master plan will need to consider how to integrate any development with the diverse topography of the site, as well as the existing landscape features and the strategic landscape buffer and greenway.

10.17 It will also be necessary to demonstrate integration of sustainable drainage techniques as part of the green infrastructure requirements, particularly given the site's topography and proximity to Flood Zones 2 and 3 to the south east of the site. This will be to ensure that surface water is managed

appropriately in order to prevent flooding of properties on, or nearby, the site. Furthermore, there is existing Anglian Water infrastructure within the boundary of the site. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repairs could be restricted. The layout of any development should ensure existing sewers are located within the highway or open space. If this is not possible a formal application to divert these assets may be required.

10.18 To support the scale of the development on this site community infrastructure provision is also required. The development will provide a residential care home, a new co-located primary school with early years and childcare nursery and medical facilities are also required as set out in the *Infrastructure Delivery Plan*. Community Infrastructure, including the residential care home, should be appropriately located on site to provide good access to residents, preferably via active travel modes. Guidance should be sought from the relevant infrastructure/service providers in this regard, with ECC setting out detailed guidance on the location for school sites in the *Developers Guide to Infrastructure Contributions*. The *Essex Design Guide* meanwhile provides guidance on the location of accommodation for older people within developments to support their ongoing wellbeing.

10.19 The *Transport Evidence for the New Local Plan* indicates that junctions in the proximity of this site already experience congestion issues and are expected to exceed their designed capacity with additional development in the area. The Tarpots junction is an issue in this regard. In order to overcome this issue, a new access and egress onto the A130 Canvey Way from this site will need to be provided as part of this development within the land of the highway authority and the landowner. This junction will need to take the form of a roundabout with a segregated northbound carriageway for existing traffic from Canvey Island. The provision of this access should also be complimented with the dualling of Canvey Way from Sadlers Farm to the new junction in order to facilitate congestion relief and improve traffic flows.

10.20 The principal access to the site will be from the A130, but the education and medical facilities will need to be accessible from the existing communities to the east. In providing such access from roads to the east, a no-through road shall be created to the A130, however this route will be accessible for public transport and emergency vehicles only. This is to avoid an alternative through-route being created to the detriment of the existing highway network and residential amenity of the area. It is expected that active and sustainable travel infrastructure, facilities and services will be secured alongside the highway improvements, including the provision of a bus service through the site, to which the development will be expected to contribute towards.

10.21 Given the location of this site on the borough boundary, the adjoining borough and parish Councils will be invited to be engaged in the master planning process. Due to the highway, education and social care infrastructure requirements it will also be critical to engage with the County Council and other relevant infrastructure and service providers.

Local Policy HO9

Land west of Benfleet, Benfleet

1. Land West of Benfleet, as identified on the Policies Map, is allocated for residential purposes, to deliver around 850 new homes; a primary school co-located with early years and childcare nursery; medical facilities; a residential care home; and, associated infrastructure as identified in the Infrastructure Delivery Plan.

2. A master plan should be prepared and submitted to the Council for its approval for this site to ensure that the development is attractively designed, contributing to environmental quality, and that enough infrastructure is provided. The master plan must include the following:

a. An urban design framework using a mix of urban design approaches for all development having regard to the local context to create an attractive, green, parkland environment, integrated into the existing landscape and topography;

b. A landscape, ecology and biodiversity strategy for the site that includes:

i. The provision of a landscaped buffer along the whole of the site's western boundary, to create a green and attractive character to the entrance into the borough;

ii. The provision of a strategic greenway running along the whole of the site's eastern boundary, incorporating and linking to existing network of public footpaths, cycleways, public open space including a new community woodland and equipped children's play areas, natural features, and green infrastructure to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;

iii. An approach to wildlife that results in a measurable net gain in biodiversity;

iv. Retains, as far as possible, the established hedgerow field boundaries;

v. Access to the adjoining allotments and recreational open space;

vi. An increase in public open space provision across the site, including additional children's play areas; and

vii. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties.

c. The principal access to the site from the A130 Canvey Way, comprising a roundabout junction and a segregated northbound carriageway for existing traffic which will be provided before the homes are occupied. Access from the existing highway network to the east shall be restricted to accessing the school and medical facilities only and no through route shall be created, except for public transport and emergency services. The installation of a roundabout will be dependent on the outcomes of a transport modelling exercise to determine the impact of the strategic route network and any mitigations required, including increased capacity on the A130 northwards of the roundabout to Sadlers Farm and improvements to the slip road from Canvey Way to A13. Active and

sustainable travel infrastructure, facilities and services should be provided alongside these highway infrastructure improvements.

d. A Community hub at a suitable location within the site with good access to active and sustainable travel modes. This shall comprise:

i. 2.9ha of land to deliver a new primary school co-located with Early Years and Childcare nursery and associated play space.

ii. Land for a 1,500sqm healthcare facility with adequate parking and servicing provision; and

iii. A residential care home comprising around 60 bedspaces.

e. A development layout which safeguards suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility assets identified as being present on site.

3. Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.

4. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.

5. Ensure access to public transport facilities and services in order to promote sustainable transport patterns.

Land between Felstead Road and Catherine Road, Benfleet

10.22 This site is approximately 12ha in size. The northern section of the site fronting London Road has been developed for housing over the past 5 years or has extant planning permission for new homes. The remainder of the site is heavily wooded, interspersed by sporadic dwellings and unmade roads. 0.6ha of the site has a Local Wildlife Site designation of a Lowland mixed deciduous woodland and 0.7ha of the site is designated as a Potential Local Wildlife Site.

10.23 Any development of this site would need to consider how biodiversity, particularly in relation to the trees and woodland, the topography, as well as the compartmentalised landscape and semi-rural nature of the site, could be effectively integrated into the development, and how an overall net gain in biodiversity could be achieved. Also, any development should take into account the requirements of policy NE4 in relation to Local Wildlife Sites and Potential Local Wildlife Sites. The site is dissected by a number of footpaths, plotland roads and bridleways, some of which are Public Rights of Way, and which should be retained and enhanced.

10.24 The main part of the development could be adjacent to Felstead Road with a master planned 'Arcadia' urban design approach with discrete groupings of dwellings and create an attractive green, woodland environment where the natural environment and residential homes co-exist side by side. This environment should include open spaces, pocket woodlands, and greenways which create links to be enjoyed by all. This should be integrated into the development already underway on the

northern part of the site adjoining the A13. The master plan for this site will be prepared and approved by the Council with input from landowners, key stakeholders and the public. The master plan will set out how applications for different parcels of land within the site can come forward.

10.25 The site is allocated for around 185 dwellings. A higher density of development has been secured through consents on the frontage of the London Road where there is outstanding planning permission for 24 flats, and where 60 flats have been built. The *Large Site Capacity Assessment 2019* reviewed the potential for the remainder of the site. Taking into account environmental constraints and the character of the area, this concluded that around a further 101 homes could be secured. However, as the site is already scattered with houses, the replacement or retention of these dwellings would deliver a net addition of around 89 new homes. Therefore, this policy only sets out the requirement for the remaining net provision.

10.26 It will also be necessary to demonstrate integration of sustainable drainage techniques, as the site is identified as being in a Critical Drainage Area, in order to ensure that surface water is managed appropriately to prevent flooding of properties on or nearby the site. This can be achieved through the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel.

10.27 Given the proximity to the two primary schools and the access onto the A13, consideration should be given to how additional traffic flows in the area around this site will be accommodated and directed to minimise off-site junction congestion and any negative impact on the environment around the schools. The need for improving public transport facilities and services to encourage their use is required.

Local Policy HO10

Land between Felstead Road and Catherine Road, Benfleet

1. Land between Felstead Road and Catherine Road, Benfleet, as identified on the Policies Map, is allocated for residential purposes, to deliver around 89 additional new home by 2033.

2. The site is comprised of two distinct development areas:

a. Land south of Bowers Road and between Felstead Road and Downer Road

b. Land to the east of Downer Road

3. A master plan approach should be taken which establishes the capacity and access arrangements for each development area within the overall site and secures:

a. Urban design which echoes the principles of the Arcadia approach as defined in Appendix 2, to create an attractive, green, parkland environment integrated into the existing landscape;

b. A comprehensive strategy for wildlife protection, management, mitigation and compensation for the allocation area that results in a measurable net gain in biodiversity;

c. A comprehensive Green Infrastructure Strategy which:

i. Ensures the retention of existing Public Rights of Way and through a comprehensive approach identifies where new greenways should be provided to enhance opportunities for active travel and recreation to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;

ii. Identifies where new public open space provision should be secured within the allocation area, to deliver accessible natural green space and children's play equipment.

d. A comprehensive approach to securing sustainable drainage measures which integrates with Green Infrastructure provision and ensures that there is no increase in the risk of surface water flooding to any of the proposed development areas within the allocation, or to existing properties nearby.

e. General design principles for the site which will ensure development is well landscaped and integrated into the existing landscape and topography, respecting and retaining as far as possible existing hedge and tree-lined plot boundaries.

4. Detailed applications for individual development sites within the allocation area must have regard to the relevant master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.

5. Detailed design proposals for individual development sites within the allocation must have regard to the Council's Residential Design Guidance SPD.

6. Development of homes within this allocation should ensure that any local environmental impacts around the adjacent primary schools are minimised and will be required to deliver necessary improvements to public transport waiting facilities and junction improvements on Kents Hill Road and the A13.

Land off Glyders, Benfleet

10.28 This site is approximately 1.95ha in size. The site is bounded on three sides by residential development with the Hadleigh Castle and Marshes Historic Natural Landscape to the east. A Site of Special Scientific Interest (SSSI) sits adjacent to the south-eastern corner of the site within the Historic Natural Landscape. The site itself is open land, bisected through the centre in a north-south direction, by a bank of hedgerow trees and scrub. The topography of the site is challenging, sloping upwards in both a west to east and north to south direction, resulting in the south eastern section of the site being highly prominent.

10.29 Given the undeveloped nature of the site, any development of this site would need to consider how biodiversity could be effectively integrated into the development and an overall net gain in biodiversity could be achieved. Furthermore, given the proximity to the Historic Natural Landscape and the nature of the topography in the location, it is essential that any development is appropriately integrated into this important landscape and visual impacts are suitably mitigated.

10.30 It will also be necessary to demonstrate integration of sustainable drainage techniques, to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site, given the site's topography, its location within a Critical Drainage Area, and

immediately adjacent to a potential surface water flooding location. This can be achieved through the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel. It may be necessary for sustainable drainage measures to be provided on adjacent Green Belt land to the east of the site, such measures may be above, or below ground and appropriate engineering works may be required. Due to the Green Belt designation on the adjacent land such measures are required to be compatible with the Green Belt and maintain openness.

10.31 Alongside demonstrating that sustainable drainage measures can be implemented to manage flood risk on this site, measures should also be undertaken to ensure land stability is achieved and the development does not pose a risk to neighbouring or nearby properties. The *NPPF* directs that assessments of land stability should be carried out by a competent person and the developer is responsible for ensuring that the development is safe in relation to land stability.

10.32 A high-pressure underground gas pipeline that runs from north to south is adjacent to the site boundary. Any development or tree planting on this site should have regard to restrictions on the types permitted within specific buffer zones from the edge of the pipeline. Applicants must consult with relevant bodies on the types and location of development or planting in the development brief preparation and at the planning application stage.

10.33 Given the site's close relationship with the existing residential area to the north, west and south, and the Historic Natural Landscape to the east, a context appraisal is considered the most appropriate design approach to be taken for this site. Such an approach can ensure that the scheme integrates with the denser form of residential development to the west, and more spacious residential development to the north and south and incorporates measures and features to ensure an appropriate transition and mitigation to the surrounding landscape. Having regard to this design approach, it is considered that around 30 homes could be accommodated across the site.

10.34 Highway access to this site is from Glyders. However, this site is close to Benfleet Railway Station which is a public transport hub providing opportunities for residents of this site to travel via multiple modes. This site is also adjacent to the western extent of Hadleigh Castle Country Park and the Public Rights of Way network, providing opportunities for active leisure within the vicinity of this site. The proposals for this site, and associated transport infrastructure improvements should focus on enhancing these active and sustainable travel linkages to promote active travel and to improve connectivity for the future occupants of this site.

Local Policy HO11

Land off Glyders, Benfleet

- 1. Land off the Glyders, Benfleet, as identified on the Policies Map, is allocated for residential purposes, to deliver around 30 new homes by 2033.**
- 2. A development brief will be prepared for this site and applications must have regard to the development brief in order to ensure that the development is of a high quality and responds to local circumstances. The development must:**
 - a. Adopt a Contextual approach to urban design in order to integrate with the existing built form and existing landscape, the topography and the Historic Natural Landscape;**
 - b. Deliver a landscape strategy that comprises mature planting along the eastern boundary of the site;**

- c. **Make provision for open spaces and green infrastructure within the site, with links to existing green infrastructure to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - d. **Adopt an approach to wildlife that protects and enhances the adjacent SSSI, and results in a measurable net gain in biodiversity;**
 - e. **Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. This may include the provision of attenuation and conveyance of water on land adjoining the allocation, provided such measures do not harm the Green Belt except in very special circumstances;**
 - f. **Measures will be implemented by the developer to ensure no increase in the risk of land instability to the site or nearby properties; and**
 - g. **Main vehicular access to the site will be from Glyders, with improvements also made to active and sustainable travel infrastructure, facilities and services nearby the site to promote modal shift and improve connectivity to services, jobs and to the natural environment.**
3. **Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.**
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Site of the former WRVS Hall, Richmond Avenue, Benfleet

10.35 This site is approximately 0.5ha in size. The site will provide residential development with access from Richmond Avenue. Most of the site was the location of the former Women's Royal Voluntary Service (WRVS) and a car park. The car park and former building locations should be the focus of new development and alternative car parking, in character with the parkland setting, should be provided in the locality.

10.36 The site is adjacent to a flood storage area as classified by the Environment Agency. The South Benfleet Playing Fields flood storage area, which is recognised by the Environment Agency as a large raised reservoir under the Reservoirs Act, provides a 1 in 1,000-year standard of protection to people and property at the southern end of Benfleet Hall Sewer. Benfleet Hall Sewer is adjacent to the site and therefore the site itself is within a Critical Drainage Area and is located in flood zones 2 and 3a. It is therefore essential that tidal, fluvial and surface water is managed appropriately on this site in order to prevent flooding of properties on or nearby the site. This may require flood attenuation mitigations within the open space provision nearby.

10.37 Further to the matters above, there are existing foul and surface water sewers in Anglian Water's ownership within the boundary of this site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highway or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

10.38 The *Strategic Housing Land Availability Assessment (SHLAA) 2018* estimated that 39 dwellings could be provided at the site, subject to careful consideration of flood risk.

Local Policy HO12

Site of the former WRVS Hall, Richmond Avenue, Benfleet

- 1. The site of the former WRVS Hall, Richmond Avenue, Benfleet, as identified on the Policies Map, is allocated for residential purposes, to deliver around 39 new homes by 2033.**
 - 2. A development brief will be prepared for this site, and should follow a village green urban design approach. Applications must have regard to the development brief in order to ensure that the development is of a high quality and responds to local circumstances. The development must deliver the following:**
 - a. High quality design and layout which integrates into the existing landscape;**
 - b. An approach to wildlife that results in a measurable net gain in biodiversity;**
 - c. The provision of open space across the site, delivering accessible natural green space and greenways through the site, linking to the existing network of green infrastructure to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - d. The management of tidal flood risks from the Thames Estuary and fluvial flood risks from the Benfleet Hall Sewer;**
 - e. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. No development shall impede upon or impact on the flood storage area in South Benfleet Playing Fields;**
 - f. Improvements to the footpaths and cycleways through South Benfleet Playing Fields;**
 - g. The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure; and**
 - h. Main vehicular access to the site will be from Richmond Avenue.**
 - 3. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.**
-

Land east of Rayleigh Road, Hadleigh

10.39 This site is approximately 28ha in size. In the eastern part of the site, 3.5ha is designated as part of a Historic Natural Landscape. This eastern edge also coincides with the extent of the Little Haven Complex nature reserve managed by Essex Wildlife Trust. The Cottage Plantation woodland

reserve (now known as the Valerie Wells Wood) sits nearby to the south-east of the site. The site itself is mainly open farmland which is compartmentalised by established hedge and tree lined field boundaries. There is a cluster of existing farm buildings occupied by several small commercial uses, as well as some stables located to the southern part of the site. An existing community use fishing lake is also contained within the site.

10.40 Any development in this location should seek to follow urban design approaches which ensure integration into the existing landscape.

10.41 Given the mainly undeveloped nature of the site and the ancient landscape area, a master plan would need to consider how biodiversity, the topography, the compartmentalised landscape and semi-rural nature of the site could be effectively integrated into the development, and how an overall net gain in biodiversity could be achieved. Buffering should be provided to the Little Haven Complex, and consideration should be given as to how additional recreational disturbance of nearby wildlife assets should be avoided.

10.42 Due to the size of the site, its varying landscape and neighbouring land uses there is the opportunity to integrate several different urban design approaches. The 'Arcadia' approach is considered appropriate for the areas of the site located within the Historic Natural Landscape and in the vicinity of important landscape features within the site, with the Boulevard approach being appropriate for the main routes through the site. Any entrances to this site lend themselves to being designed using elements of the Major Entry Point urban design approach. It is considered with these main urban design approaches setting the framework for the site, the remainder of development could result from a combination of the other urban design approaches set out in Appendix Two. All approaches should be linked together by public open spaces, and greenways which provide multi-user access and connect to the wider network. Having regard to these design approaches, it is considered that approximately 455 homes could be accommodated across the whole site.

10.43 It will also be necessary to demonstrate integration of sustainable drainage techniques, to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site. This can be achieved through the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel. Additionally, there are existing foul and surface water sewers in Anglian Water's ownership within the boundary of the site and the site layout will need to be designed to take these into account. The existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance or repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

10.44 In order to support the provision of open space, greenways and the ongoing maintenance of the fishing lake, a community building should be provided on site linked closely to the provision of public open space. Additionally, access arrangements for the site should seek to ease peak time congestion at nearby junctions as indicated by the *Transport Evidence for the New Local Plan*. Bus waiting facilities and services should be improved within proximity of this site. The landscape and ecology value of the site should be protected.

10.45 Access to the site should be from Stadium Way in the north and Daws Heath Road in the south. No through road should be created for vehicles other than public transport and emergency services. This is to avoid the creation of a high-volume short cut from users from the A127 to Hadleigh and eastwards through the relatively quiet settlement of Daws Heath.

10.46 Community facilities should be provided in the form of an early years and childcare nursery and a multi-purpose community hall (equivalent to being able to accommodate a minimum of 2 badminton courts in terms of size and height), the need for which is identified through the *Castle Point Built Facilities Strategy 2018*, and a healthcare facility to serve the Daws Heath area comprising 750-1000sqm of floorspace, as required by the NHS Mid and South Essex STP.

Local Policy HO13

Land east of Rayleigh Road, Hadleigh

- 1. Land east of Rayleigh Road, Hadleigh, as identified on the Policies Map, is allocated for residential purposes, to deliver around 455 new homes by 2033.**
- 2. A master plan should be prepared and submitted to the Council for its approval for this site to ensure that the development is attractively designed, contributing to environmental quality, and that infrastructure is provided to support growth in this location. The master plan must deliver the following:**
 - a. Access arrangements for the site, which also addresses peak time congestion at nearby junctions;**
 - b. An urban design framework using a mix of urban design approaches built around the Arcadia approach in areas located within the Historic Natural Landscape and in the vicinity of important landscape features, and the Boulevard and Major Entry Point approaches, to create an attractive green, parkland environment, integrated into the existing landscape and topography;**
 - c. Respects and retains as a far as possible the hedge and tree-lined boundaries established;**
 - d. An approach to wildlife that results in a measurable net gain in biodiversity, including the provision of a buffer to the Little Haven Complex nature reserve;**
 - e. The provision of greenways providing multi-user access through the site, linking to the existing network of green infrastructure which provide opportunity for active travel and recreation but which avoid or otherwise manage additional recreational disturbance to sensitive wildlife assets nearby;**
 - f. An increase in public open space provision across the site consistent with the requirement of policy HS3, delivering children's play equipment and additional accessible natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - g. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties;**
 - h. The provision of a multi-use community hall, and the provision of land or a suitable building to provide up to 1000sqm of space for healthcare services;**
 - i. Provision of 0.13ha of land for a stand-alone early years and childcare nursery; and**

- j. **Main vehicular access will be taken from Stadium Way in the north and Daws Heath Road in the south.**
 - k. **Safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utilities infrastructure identified on site.**
3. **Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.**
 4. **Detailed design proposals for the site must have regard to the Council's Residential Design Guidance.**
 5. **Improvements to active and sustainable infrastructure, facilities and services should be secured within and as part of this development to promote modal shift and improve connectivity. This should include a public transport only route through the site, bringing all new homes on the site within 400m of public transport provision.**
-

Land at Brook Farm, Hadleigh

10.47 This site is approximately 8ha in size. Most of the site is open farmland compartmentalised by established hedge and tree lined field boundaries. There is a cluster of existing farm buildings centrally located in the site serving both farms, with some caravan storage located around the farm on the western part of the site.

10.48 Given the mainly undeveloped nature of the site, any development of this site would need to consider how biodiversity could be effectively integrated into the development and an overall net gain in biodiversity could be achieved. Furthermore, the compartmentalised landscape and semi-rural nature of the site are important features and should be used to aid the integration of development into this important landscape. The development must provide access to the open areas to the south and east of the site whilst ensuring they are protected and enhanced. This area of land, as identified in the Policies Map as 'new open space' can be utilised for compensatory improvements to the environmental quality and accessibility of remaining Green Belt land, so long as the use is compatible with the functions of Green Belt policy.

10.49 The northern part of the site has a close relationship with the existing residential area to the east, which is fairly compact in nature, however the southern part of the site is adjacent to other open farmland and sporadic residential development. In these circumstances, a transition between the two development patterns would be appropriate. A context appraisal should inform the urban design approach to be taken for the northern parts of the site immediately adjacent to the existing development and a transition into elements of the Arcadia approach should be taken for the design of the southern parts of the site. An appropriate buffer zone should be provided between the new dwellings and existing dwellings to the north.

10.50 The overall design for the site should ensure linkages to nearby public open spaces, and greenways providing multi-user access through the site and linking to adjacent land. It will also be

necessary to demonstrate integration of sustainable drainage techniques, as the site is identified as being in a Critical Drainage Area. This can be achieved through the provision of open space, greenways and Green Infrastructure. Having regard to these design approaches, it is considered that approximately 173 homes could be accommodated across the whole site.

10.51 There are plenty of opportunities within the vicinity of this site for walking, cycling and horse riding for leisure purposes and new or improved links to this network should be provided. However, this site is not within easy walking distance of local services and facilities and it is therefore important that cycling infrastructure and public transport services are improved, in terms of routing and frequency, in this part of the borough.

10.52 Access to the site should be from Daws Heath Road.

10.53 Anglian Water has identified existing foul and surface water sewers within the boundary of this site which they own, and which need to be taken into account in the site layout. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in the highway or in public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

Local Policy HO14

Land at Brook Farm, Hadleigh

- 1. Land at Brook Farm, Hadleigh, as identified on the Policies Map, is allocated for residential purposes, to deliver around 173 new homes by 2033.**
- 2. A master plan should be prepared and submitted to the Council for its approval for this site. The master plan should incorporate multiple urban design approaches to ensure that the development is of a high quality and responds to local circumstances.**
- 3. The development should:**
 - a. Adopt a Contextual approach to urban design to the northern parts of the site immediately adjacent to the existing development in order to integrate with the existing built form;**
 - b. Adopt the Arcadia approach to urban design across the southern parts of the site adjacent to the open farmland in order to integrate with the semi-rural environment;**
 - c. Deliver a landscape strategy that comprises mature planting along the southern boundary of the site;**
 - d. Respects and retains, as far as possible the established hedge and tree-lined field boundaries;**
 - e. Make provision of multi-user greenways through the site, linking to the existing network of green infrastructure and providing opportunities for active travel and daily recreation and to divert and deflect visitors from Habitats sites;**

- f. **Adopt an approach to wildlife that results in a measurable net gain in biodiversity. This may include habitat enhancement on land adjoining the allocation, provided such measures are compatible with the Green Belt;**
 - g. **Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. This may include the provision of attenuation and conveyance of water on land adjoining the allocation, provided such measures do not harm the Green Belt, except in very special circumstances;**
 - h. **Take main vehicular access from Daws Heath Road; and**
 - i. **Safeguard suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified to be on site.**
- 4. **Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.**
 - 5. **Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.**
 - 6. **A contribution should be made to the necessary improvement of active and sustainable travel infrastructure, facilities and services for this site, including improvements to cycling infrastructure and public transport services along Daws Heath Road to improve accessibility to the site and reduce the need for travel by car.**
-

Land south of Scrub Lane, Hadleigh

10.54 This site is approximately 1.5ha in size. The site is adjacent to the Hadleigh Infant School and is an undeveloped, unused piece of land fenced off from the school playing fields, which are shared with Hadleigh Junior School. The site is within reasonable walking distance of Hadleigh Town Centre and opportunities to promote active and sustainable travel to this centre should be secured alongside development.

10.55 The front of the site sits within an existing residential street scene, which exhibits elements of the Boulevard urban design approach, with tree lined grass verges along its length and properties on wider plots. Such an approach should be used within the design of the frontage of this development to integrate it into the immediate surroundings. This overall approach is likely to result in a capacity of approximately 55 homes on this site. Access from Scrub Lane to the school by way of a footpath should be provided.

10.56 This site is identified as being within a Critical Drainage Area, and it is necessary to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site.

Local Policy HO15

Land south of Scrub Lane, Hadleigh

- 1. Land south of Scrub Lane, Hadleigh, as identified on the Policies Map, is allocated for residential purposes, to deliver around 55 new homes by 2033.**
 - 2. A development brief will be prepared for this site and applications must have regard to the development brief in order to ensure that the development is attractively designed and contributing to environmental quality. The development brief should deliver the following:**
 - a. A Boulevard urban design approach to the Scrub Lane frontage, complemented by a contextual urban design approach to the remainder of the site;**
 - b. Access for the school to maintain and improve accessibility to the school from Scrub Lane;**
 - c. Provide access to natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - d. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties; and**
 - e. Main vehicular access will be taken from Scrub Lane with improvements also made to active and sustainable travel infrastructure, facilities and services nearby the site to promote modal shift and improve connectivity to services and jobs in Hadleigh Town Centre.**
 - 3. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.**
 - 4. The loss of playing field land and land last used as playing fields should be mitigated by an appropriate financial contribution being secured towards new or enhanced playing field projects within the Borough.**
-

Land at Oak Tree Farm, Hadleigh

10.57 This site is approximately 3.6ha in size. The site is mainly contained farmland, compartmentalised by established hedge and tree lined field boundaries. Residential development can be found to the west and an ancient woodland and Site of Special Scientific Interest (SSSI) can be found to the east of the site. The southern and south easterly periphery is lined with mature trees that have Tree Preservation Orders (TPOs).

10.58 The northern edge of the site coincides with a watercourse which puts the northern boundary into flood risk zone 2 and 3. The overall design for the site should follow the sequential approach and avoid development on land within flood risk zones 2 and 3. Elsewhere within the site

development proposals should integrate sustainable drainage techniques, in order to ensure that surface water is managed appropriately. This can be achieved through the provision of open space and green infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel. Having regard to these design approaches it is considered that 65 homes could be accommodated on this site.

10.59 Given the mainly undeveloped nature of this site and the proximity to a Potential Local Wildlife Site and SSSI, any development of this site would need to consider how biodiversity could be effectively integrated into the development, impacts on the SSSI can be avoided, managed or mitigated and an overall net gain in biodiversity could be achieved. The use of landscaping to mitigate the impacts of the development on the semi-rural landscape in this location could for example provide the opportunity to create wildlife corridors that link the network of woodlands and support this area's role as a Historic Natural Landscape. Vehicle access to the site will be from Central Avenue only, in order to avoid conflict with the Public Right of Way on Poors Lane and to avoid unnecessary harm to the adjacent Local Wildlife Site and SSSI.

10.60 The *SHLAA 2018* estimates an additional 61 dwellings and this is corroborated by the *Castle Point Large Site Capacity Study* which estimates that the site has a capacity for 65 additional dwellings made up of semi-detached and detached homes as well as open space. Vehicular access to the site should be taken from Central Avenue, with improvements also made to active and sustainable travel within and around the site to promote active travel and access to the countryside in this part of the borough. There is scope for non-vehicular access to be secured from Poors Lane.

Local Policy HO16

Land at Oak Tree Farm, Hadleigh

- 1. Land at Oak Tree Farm, Hadleigh, as identified on the Policies Map, is allocated for residential purposes, to deliver around 65 new homes by 2033.**
- 2. A master plan should be prepared and submitted to the Council for its approval for this site using a contextual urban design approach to ensure that the development is of a high quality and responds to the local circumstances.**
- 3. The development should:**
 - a. Adopt a contextual approach to urban design which integrates with the existing built form and is also sensitive to the openness of the surrounding farmland and ancient woodland;**
 - b. Adopt the sequential approach and ensure that no housing development is proposed on land within flood risk zones 2 and 3 on the site as defined by the most up to date modelling, and taking climate change into account;**
 - c. Implement sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties;**
 - d. Adopt an approach to wildlife that protects and enhances the adjacent SSSI, and results in a measurable net gain in biodiversity. Where greenways are provided as**

part of the design for this site, they should avoid or otherwise manage recreational disturbance in the adjacent SSSI, including access from Poors Lane to the SSSI. Access should be provided to natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;

- e. Respects and retains, as far as possible the established hedge and tree-lined field boundaries; and
 - f. Vehicular access will be taken from Central Avenue only, with improvements also made to active and sustainable travel infrastructure, facilities and services nearby the site to promote modal shift and improve connectivity to services, jobs and to the natural environment.
4. Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.
5. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.
-

Hadleigh Island, Hadleigh

10.61 This site is approximately 0.6ha within Hadleigh town centre and the *SHLAA 2018* confirms the suitability of the site for the delivery of 52 additional dwellings. The site is currently occupied by buildings in community use (including a library) associated car parking, and a vacant former public house. London Road lies on the north of the site and the southern boundary is defined by the High Street.

10.62 Control of the land is vested in the County Council and Borough Council, both of which aspire to bring forward mixed use redevelopment in order to support the town centre. The site will be subject to a development brief which sets out how the new development can be integrated into the existing fabric of the town centre; seek to retain if viable the old fire station; retain and provide facilities for the community uses on the site; provide commercial ground floor opportunities and residential development. The proposals for this site will seek to support and contribute towards opportunities to promote active and sustainable travel in this already accessible location.

10.63 This site is identified as being within a Critical Drainage Area and within the Southend Water Recycling Centre catchment area, and it is necessary to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site. Anglian Water has also identified the presence of existing surface water sewers on this site, and these will need to be considered in the layout of the development. This existing infrastructure is protected by easements and should not be built over or located in private areas where access for maintenance and repair could be restricted. The existing sewers should be located in the highway or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

Local Policy HO17

Hadleigh Island, Hadleigh

- 1. Land at Hadleigh Island, Hadleigh, as identified on the Policies Map, is allocated for mixed use residential purposes, to deliver around 52 new homes by 2033.**
 - 2. A development brief will be prepared for this site and applications must have regard to the development brief in order to ensure that the development is of a high quality and responds to local circumstances. The development brief will use a contextual urban design approach.**
 - 3. A development brief for the site should deliver:**
 - a. A high-quality design and layout which complements the existing urban environment and seeks to enhance the character of the town centre;**
 - b. A mixed-use development of residential with community and commercial uses;**
 - c. Enhancements to the public realm within the site and along the A13 frontage, including contributions towards active and public transport provision within the vicinity of the site to promote modal shift in a town centre location;**
 - d. Provide access to natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - e. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties; and**
 - f. Safeguarding of suitable access for the maintenance of surface water drainage infrastructure, and any other utility infrastructure identified within this site.**
 - 4. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.**
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Land north of Grasmere Road and Borrowdale Road, Thundersley

10.64 The site is approximately 2.6ha in size. The site is located adjacent to existing residential development.

10.65 Grasmere Road Pastures (PLoWS 8) is a potential wildlife site that lies immediately north and west of the site; therefore, it is important for any new development to take into account and achieve an overall net gain in biodiversity. An existing Public Right of Way passes through the site in the form of a bridleway.

10.66 This site has the capacity to accommodate 30 residential dwellings. New homes should complement the existing character of the surrounding area, which are largely made up of semi-detached and detached properties.

10.67 The site has several preserved trees within it and these should be retained as far as possible to create a woodland setting for the new development.

Local Policy HO18

Land north of Grasmere Road and Borrowdale Road, Thundersley

- 1. Land north of Grasmere Road and Borrowdale Road, Thundersley, as identified on the Policies Map, is allocated for residential purposes, to deliver around 30 new homes by 2033.**
 - 2. A development brief will be prepared for this site using a contextual urban design approach to ensure that the development is of a high quality and responds to the local circumstances. Applications for this site must have regard to the development brief.**
 - 3. The development should:**
 - a. Adopt a contextual approach to urban design which integrates with the existing built form and is also sensitive to surrounding uses;**
 - b. Implement sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties;**
 - c. Respects and retains, as far as possible the established hedge and tree-lined field boundaries;**
 - d. Retain the existing Public Right of Way passing through the site, and ensure it remains suitable for use as a bridleway;**
 - e. Take an approach to wildlife that results in a measurable net gain in biodiversity;**
 - f. Provide access to natural greenspace within walking distance needed for daily recreational needs of new residents and to divert and deflect visitors from Habitats sites; and**
 - g. Vehicular access will be from Grasmere Road and Silverdale with improvements also made to active and sustainable travel infrastructure, facilities and services nearby the site to promote modal shift and improve connectivity to services, jobs and to the natural environment.**
 - 4. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.**
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Land at Glebelands, Thundersley

10.68 This site is approximately 7.5ha in size. The site comprises agricultural land divided into three fields of varying sizes separated by hedgerows. The site has residential development to the east and south, and a school complex to the north. To the west is the A130 and beyond this open farmland.

10.69 Taking a plan-led approach to development in this location presents the opportunity to design and create a landscaped western gateway into the borough framed by a strategic landscaped buffer along the whole of the western boundary of the borough, both to the north and south of the A13. Such an approach would serve to create a green and attractive character to the entrance into the borough. Furthermore, such a landscape buffer provides the opportunity to create a strategic greenway running north-south along this western boundary, incorporating accessible public footpaths and cycleways, linking to existing and proposed footpaths, cycle routes, open spaces, and natural features. It also provides the opportunity to effectively integrate biodiversity into the development.

10.70 It is considered that any built development on site should adopt elements of the Arcadia urban design approach, together with elements of the Village Green and Landscape Square approaches, to complement the strategic landscape buffer and greenway. Having regard to this design approach, it is considered that approximately 155 homes could be accommodated on the site.

10.71 It will be necessary to demonstrate integration of sustainable drainage techniques, to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site, particularly given the site's location within an area of high susceptibility to groundwater flooding and its location within a Critical Drainage Area.

10.72 Access for this site is taken from residential side roads which also serve two primary schools. Public transport services and facilities should also be improved near to the development site on the A13 London Road and Rushbottom Lane. The transport assessment for this site should include the Tarpots junction in order to identify the extent of any improvements needed as a result of development of the site.

Local Policy HO19

Land at Glebelands, Thundersley

- 1. Land at Glebelands, Thundersley, as identified on the Policies Map, is allocated for residential purposes, to deliver around 155 new homes by 2033.**
- 2. A master plan should be prepared and submitted to the Council for its approval for this site to ensure that the development is attractively designed, contributing to environmental quality, and that contributions to health and school infrastructure is made to support growth in this location. The master plan must deliver the following:**
 - a. An urban design framework using a mix of urban design approaches built around the Arcadia approach with elements of the Village Green and Landscape Square approaches, to create an attractive green, parkland environment, integrated into the landscape; and**
 - b. A landscape strategy for the site that includes:**

- i. The provision of a strategic landscaped buffer along the whole of the sites western boundary, to create a green and attractive character to the entrance into the borough;
 - ii. The provision of a strategic greenway running along the whole of the site's western boundary, incorporating and linking to existing network of public footpaths, cycleways, public open space, natural features, and green infrastructure to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;
 - iii. An approach to wildlife that results in a measurable net gain in biodiversity;
 - iv. An increase in public open space provision across the site consistent with the requirement of policy HS3; and
 - v. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties.
3. Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.
 4. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.
 5. A contribution will be made towards the improvement of active and sustainable transport infrastructure, facilities and services within and nearby the site in order to encourage modal shift. This includes improvements to public transport waiting facilities and services near to the site.
 6. Main vehicular access will be from Glebelands.
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The Chase, Thundersley

10.73 This site is approximately 28ha in size. The site is surrounded by residential development although there is a narrow link across the Rayleigh Road to the Green Belt to the east. The Chase and parts of local roads leading to it are unmade roads for a proportion of their length.

10.74 A Local Wildlife Site designation covers most of the site, although does not relate to any population of species or special habitat. The designation relates to the mosaic of habitats that exist within this area, which together are special and worthy of protection. Any development of this site would need to carefully consider how biodiversity could be effectively integrated into the development, and how an overall net gain in biodiversity could be achieved through the application of the nature conservation hierarchy.

10.75 The site includes an abundance of mature trees and a landscape comprising of paddocks, which need to be reflected in any development proposal that comes forward. There is an abundance of trees towards the north-east of this site, and the removal of these trees could have a negative impact on biodiversity and on the quality of the landscape in this area.

10.76 Throughout the remainder of the site it is considered that the principles of an Arcadia urban design approach, as set out in Appendix Two should be applied to create an attractive green, parkland environment where the natural environment and residential homes co-exist side by side. This environment should include open spaces and greenways which create links and build on the existing public rights of way network which already exists in this location. It should also integrate sustainable drainage techniques given that the site is within a Critical Drainage Area and there is potential for a small area of surface water flooding towards the north of the site. The *SHLAA 2018* indicated that the site could deliver 476 new homes. Having regard to the most appropriate design approach taking account of landscape constraints, it is considered that approximately 430 homes could be accommodated on the site.

10.77 Part of the site already has planning permission for 18 units, therefore this policy will look to accommodate the remaining 412 units.

10.78 Due to the existing development in this area, there are existing foul and surface water sewers in Anglian Water's ownership within the boundary of the site. The site layout will therefore need to be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

10.79 Local junction and highway improvements should be delivered in order to ensure that the site is accessible and that impacts on the existing highway network are minimised. Land to the south of The Chase should be access via Kiln Road, with land to the north of The Chase accessed via Runnymede Chase or Rayleigh Road. The *Transport Evidence for the New Local Plan* indicated the need for improvements to junctions near this site including those on Kenneth Road. Additionally, there is need for improvements to public transport near to this site in order to encourage sustainable transport services and facilities movements.

10.80 Main vehicular access to the site from the south of The Chase will primarily be from Kiln Road, and land to the north of The Chase will primarily be accessed from Runnymede Chase or Rayleigh Road. There may be limited access from other roads to small pockets of development.

10.81 The site also contains playing fields used by the nearby USP College. These are remote from the college which limits their use. It is intended that these are relocated to facilitate greater use by the community. To enable greater use, it is intended that the relocated provision will principally be in the form of a full size, flood lit, 3G pitch capable of use for both football and rugby. The location of the new pitch should be determined through the master planning process and ensure that the flood lighting and noise does not give rise to amenity issues for existing or future residents. The relationship between the site and adjoining land uses is critical and the master plan should set out how the site integrates with, inter alia, the USP college campus and the Council Offices and leisure uses off Kiln Road. Land for a new pre-school will also be required to increase capacity within the area as a result of this development.

10.82 The *IDP* indicates that specific improvements to community infrastructure are required to support the growth arising at this site. There is a requirement for a 26-place pre-school to be provided. This is in addition to the pre-school which already operates out of Runnymede Hall. There

is also a need, as identified by the NHS, for a new healthcare hub in this location comprising between 750sqm and 1,000 sqm of floorspace. It is anticipated that these requirements will be secured alongside the residential development through a master planned approach. It may be that this could be through the reuse of existing buildings if they are available and if they are suitable for the intended purpose.

10.83 The site is in multiple ownership and lends itself to a multi-phased scheme. In order to ensure a co-ordinated response to development across the site a master plan will be prepared by the Council within six months of adoption of the Local Plan. The master plan will be informed by the development aspirations for the various parcels within the site. The role of the master plan will be strategic place-making, establishing parameters for development and dealing with site wide issues such as drainage, flooding, infrastructure and net biodiversity gain.

Local Policy HO20

The Chase, Thundersley

- 1. 28ha of land off Kiln Road, Thundersley, as identified on the Policies Map, is allocated for residential purposes, to deliver around 412 new homes by 2033.**
- 2. A master plan covering the allocated 28ha will be prepared for the site to ensure that the development is attractively designed, contributing to environmental quality, and that the identified infrastructure is provided to support growth in this location. The master plan will set out how applications for different development parcels within the site can come forward.**
- 3. A master plan will be prepared within six months of the adoption of the Plan, which will establish the capacities of development parcels within the overall site. Each development parcel will be developed in accordance with the master plan to secure:**
 - a. Urban design which echoes the principles of the Arcadia approach as defined in Appendix 2, to create an attractive, green, parkland environment, integrated into the existing landscape;**
 - b. An approach to wildlife that results in a measurable net gain in biodiversity;**
 - c. The retention of existing Public Rights of Way through the site, and the provision of greenways through the site, linking to the existing network of green infrastructure;**
 - d. The provision of open space and where appropriate, playing fields within the site consistent with the requirement of policy HS3, delivering additional accessible natural green space to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - e. An approach to playing pitch provision which fully compensates for any losses arising on site or in an accessible location nearby, and provides for any additional need arising from growth at the site, in consultation with Sport England and the relevant sport governing bodies;**
 - f. Main vehicular access to the south of the Chase from Kiln Road, and land to the north of the Chase from Runnymede Chase or Rayleigh Road;**
 - g. Coordinated access to the development areas within the site without the creation of a motorised vehicular through route. As appropriate, the need for highways**

improvements, including to unmade sections of highway within the site will be secured to enable access to new development;

h. Active travel connections through the site linking through the new development to the USP College and Council Offices and adjoining leisure uses off Kiln Road;

i. The provision of a new stand-alone 26 place Pre-school, and the provision of a building to accommodate 1,000sqm of space for healthcare services. This may be provided in-kind, or through the provision of land comprising 0.058ha for the pre-school and 0.3ha for the healthcare building, with proportionate financial contributions towards the delivery of the facilities;

j. Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties; and

k. The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and any other utility infrastructure identified on site.

4. Applications for individual development parcels within the allocated site must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that development parcel acceptable in planning terms. Any applications received in advance of the master plan must incorporate the requirements of part 3 of this policy and must not undermine the comprehensive development of the wider allocated site.

5. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.

6. In order to mitigate impacts of the development at this site on the surrounding road network necessary contributions will be secured towards junction improvements on Kenneth Road, and towards public transport waiting facilities and services nearby the site on Kiln Road, Rayleigh Road and Kenneth Road in order to promote sustainable travel patterns.

Land fronting Rayleigh Road, Thundersley

10.84 The site is approximately 0.7ha in size and is currently comprised of both commercial and residential development. It is surrounded by residential dwellings to the south, west and north, including bungalows to two storey properties. Rayleigh Road runs along the eastern boundary with retail development concentrated to the east of the site. The ambient noise levels therefore require consideration in any development proposal.

10.85 This site is adjacent to the Rayleigh Road and has regular bus services passing by and experiences high traffic flows. There is therefore a need for any development in this location to support localised improvements to active travel and enable mode shift to public transport in order for occupants of this site to be able to travel by these means, reducing the impact of this development on local congestion.

10.86 The *SHLAA 2018* estimated that the site has capacity for 53 new residential dwellings but with increased density the site has capacity for 60 flats.

Local Policy HO21

Land fronting Rayleigh Road, Thundersley

- 1. Land fronting Rayleigh Road, Thundersley, as identified on the Policies Map, is allocated for residential purposes, to deliver around 60 new homes, by 2033.**
 - 2. A master plan should be prepared and submitted to the Council for its approval for this site using a contextual urban design approach to ensure that the development is of a high quality and responds to the local circumstances.**
 - 3. The development must:**
 - a. Deliver a high-quality design and layout which complements the existing urban environment and reflects the surrounding character given the prominence of the site. In particular, the site layout must seek to mitigate against noise impacts arising from surrounding junctions and main roads and respect the surrounding land uses;**
 - b. Provide access to natural greenspace within walking distance for daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - c. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties; and**
 - d. Take main vehicular access from Kingsley Lane, and contribute towards active and sustainable transport infrastructure, facilities and services nearby the site in order to encourage modal shift. This includes improvements to public transport waiting facilities and services near to the site.**
 - 4. Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.**
 - 5. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.**
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Land at Thames Loose Leaf, Kiln Road, Thundersley

10.87 This site is approximately 0.16ha in size and is bounded by residential development on the western, northern and eastern boundaries. Kiln Road offers the southern boundary and will act as the main access to the site. There are existing active and sustainable travel opportunities on Kiln Road which this development should contribute toward the improvement of in order to support a shift to these modes of travel.

10.88 The site is comprised of a manufacturing, commercial business, but located within a predominately residential area and close to residential property. The site is adjacent to three storey

terraced town houses to the west and two storey chalet style homes to the east, with large semi-detached homes on the opposite side of Kiln Road. Based on the scale of surrounding development it is considered that this site can accommodate around 12 new homes.

10.89 There is an existing surface water sewer in Anglian Water's ownership within the boundary of this site, and consequently the site layout should be designed to take this into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewer should be located in highway or in public open space. If this is not possible a formal application to divert the asset may be required.

Local Policy HO22

Land at Thames Loose Leaf, Kiln Road, Thundersley

- 1. Land at Thames Loose Leaf, Thundersley, as identified on the Policies Map, is allocated for residential purposes, to deliver around 12 new homes by 2033.**
 - 2. A development brief will be prepared for this site and applications must have regard to the development brief. This site will use a contextual urban design approach.**
 - 3. The development must deliver:**
 - a. A high-quality design and layout which complements the existing urban environment and reflects the character of adjacent uses;**
 - b. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties;**
 - c. Provide access to natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
 - d. Main vehicular access from Kiln Road, and contribute towards active and sustainable transport infrastructure, facilities and services nearby the site in order to encourage modal shift; and**
 - e. Safeguarding of suitable access for the maintenance of surface water drainage infrastructure, and any other utility infrastructure identified on this site.**
 - 4. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.**
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Land east of Canvey Road, Canvey Island

10.90 This site is approximately 16.7ha in size and comprises open fields with a vegetated boundary to the north. The site is bounded by residential development, a school, highways and open land stretching to the Waterside Farm Leisure Centre to the north.

10.91 The site is located on Canvey Island and as such is located within Flood Risk Zone 3. The *Strategic Flood Risk Assessment (SFRA) Level Two, 2018* indicates that this site is at high risk of flooding and therefore its development needs to be considered against the Sequential Test and Exception Test. The Sequential Test prepared to accompany this plan indicates that the site would pass the Sequential Test in attempting to deliver the objectively assessed need for housing. It will be necessary for any planning application to demonstrate that any proposals are designed to meet the Exceptions Test, particularly in relation to flood resistance and flood resilience.

10.92 The *Essex County Council Interactive Flood and Water Management Map* identifies areas of high risk of surface water flooding including areas on Canvey Island. The Canvey Island Six Point Plan is a multi-agency plan which sets out how surface water flood risk on Canvey should be managed. This includes increasing the capacity of the drainage network and investing in green surface water storage. On this site there are existing drainage ditches running along the southern and part of the eastern boundary of the site. It will therefore be necessary to demonstrate integration of sustainable drainage techniques, to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site. This can be achieved through the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, active travel and nature conservation, including helping to ensure the integrity of the nearby Benfleet and Southend Marshes SPA and Ramsar site by assisting in the management of water quality.

10.93 There are also built drainage assets on this site. There is an existing foul sewer and a number of discharge points (both foul and surface water) in Anglian Water's ownership within the boundary of the site. The site layout will therefore need to be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewer should be located in a highway or public open space. If this is not possible a formal application to divert this asset may be required. There is also a foul sewerage pumping station adjacent to this site. Improvements may be required to this pump to accommodate the development of this site. To avoid odour complaints arising from any new residents, a 15m buffer should be applied around the pumping station.

10.94 This site is nearby the Canvey Wick SSSI, valued for its invertebrate species. Due to the sites undeveloped nature it is necessary for ecological survey work to be undertaken having regard to invertebrates, flora, reptiles and nesting birds. Consideration should be given as to how any biodiversity can be effectively integrated into the development proposals to achieve a net gain.

10.95 A Scheduled Monument comprising the remains of a Roman saltern is located to the north-east of this site. A Heritage Impact Assessment has been undertaken in order to understand the implications of development on this heritage asset. There is the potential for development of this site to harm the setting of this scheduled monument, and to disturb archaeology related to the saltern within the wider area. To this end, it is necessary for further archaeological assessment to be undertaken prior to master planning, and for master planning to seek to conserve the scheduled monument, its setting and any archaeological remains of significance related to the saltern.

10.96 In order to minimise potential impacts to the setting of the Roman Saltern, the openness of the area to the west and north of the Saltern should be retained as far as possible. Development to the boundary would isolate the Roman Saltern from the wider historic marshes to the west. It is recognised that a new access from Canvey Road is required for this development and any such highway should be designed into the landscape respecting the character of the historic setting and reducing the visual impact from the highway. Development should take opportunities to sustain, enhance and protect the significance of the Scheduled Monument, this could include diverting pedestrians away from the historic asset, provision of information boards and fencing.

10.97 The site is adjacent to residential developments, as well as a school, so development should ensure high quality linkages to these neighbouring areas, as well as through the site itself. Boulevards and greenways which integrate green infrastructure can enable such linkages to occur and should form part of the overall design concept for the site, particularly for the main routes through and within the site. The entrance to the site lends itself to be designed using elements of the Major Entry Point urban design approach. To reduce the impact on the local highway network a footpath from the site to Somnes Avenue, through land to the north of the site, should be made available for community uses. This should be providing a pedestrian and cycle way towards Benfleet station, providing a safer alternative to Canvey Road.

10.98 Given the range of residential development surrounding the site, including single storey detached dwellings and three storey terraced houses, it is considered that a combination of a number of other urban design approaches linked by the boulevards and greenways should form the remainder of the design approach for this site. Having regard to this design approach, it is considered that 300 homes can be delivered in this location, along with additional space for community uses.

10.99 The site is adjacent to a bus route, and improvements to nearby bus waiting facilities are important to encouraging sustainable transport choices.

10.100 The southern part of the site is used informally as open space by residents in the area. This use should be retained in a new landscaped park which will provide the open space for the new development that is also easily accessible for existing communities to use.

Local Policy HO23

Land east of Canvey Road, Canvey Island

- 1. 16.7ha of Land east of Canvey Road, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 300 new homes by 2033.**
- 2. A master plan should be prepared and submitted to the Council for its approval for this site to ensure that the development is attractively designed, contributing to environmental quality and that infrastructure is provided to support growth in this location. The master plan must deliver the following:**
 - a. Protection of the Scheduled Monument located to the north-east of the site and the preservation and enhancement of its setting. To secure this, any development of the land to the west and the north of the Scheduled Monument which would result in substantial harm to the setting of the Scheduled Monument, or will lead to less than substantial harm to the setting of the Scheduled Monument, will be determined in accordance with national planning policy as set out in the NPPF.**

- b. Preservation of any archaeological remains of significance related to the Scheduled Monument identified within the wider site. This should be informed by detailed heritage assessment work, the scope of which should be agreed with the Council and inform the master plan;
 - c. An urban design framework using a mix of urban design approaches, to create an attractive, green environment that complements the local landscape;
 - d. A landscape strategy for the site that includes:
 - i. The provision of a strong landscaped buffer along the whole of the sites northern boundary;
 - ii. The provision of greenways running through the site connecting the development with existing residential areas and with open spaces and green infrastructure nearby to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;
 - iii. An approach to wildlife that protects and enhances the nearby SSSI and results in a measurable net gain in biodiversity;
 - iv. The provision of public open space within and on land adjacent to the site including a new community park with play equipment at the southern end of the site. This will be accessible to the new and existing communities; and
 - v. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. This may include the provision of attenuation and conveyance of water on land adjoining the allocation, provided such measures do not harm the Green Belt except in very special circumstances. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan and the requirements of part 2a of this policy.
 - e. Homes designed to be resistant and resilient to flooding from tidal and surface water sources, and the provision of safe, on-site refuge facilities. Self-contained residential accommodation at ground level and bedrooms at ground level are not permitted;
 - f. The safeguarding of suitable access for the maintenance of foul and surface water drainage infrastructure, and other utilities infrastructure identified on the site, and the provision of a 15m buffer around the foul sewerage pumping station located on the south western corner of this site to avoid odour nuisance to any adjoining properties;
 - g. As identified on the Policies Map, the provision of 6ha of adjacent land to the north east of the site be made available for community uses.
3. Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master

plan which are necessary to make the proposal for that individual site acceptable in planning terms.

4. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.
 5. Homes on this site may not be occupied until such time as:
 - a. A new access to Canvey Road has been created to serve the site, which is designed to respect the landscape, to preserve the openness of the Green Belt and conserve the significance of the adjacent Scheduled Monument and its setting. Access from Dyke Crescent will be for emergency vehicles only;
 - b. A safe pedestrian crossing route has been provided from the site to the open space located on the western side of Canvey Road; and
 - c. A secondary vehicular access has been created from the site to serve the adjacent secondary school.
 6. A contribution towards the improvement of active and sustainable transport infrastructure, facilities and services within and nearby the site in order to encourage modal shift. This includes improvements to public transport waiting facilities and services on Canvey Road.
 7. The main vehicular access to the site will be from Canvey Road.
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Land west of Canvey Road, Canvey Island

10.101 This site is approximately 15ha in size. The site currently comprises a garden centre and several commercial businesses and residential properties. The site is enclosed by three roads, Canvey Road to the east, Northwick Road to the south and Roscommon Way to the western and northern edges.

10.102 The site is located on Canvey Island, as such is located within Flood Risk Zone 3. The *Strategic Flood Risk Assessment Level Two, 2018* indicates that this site is at high risk of flooding and therefore its development needs to be considered against the Sequential Test and Exceptions Test. The *Sequential and Exceptions Test* prepared to accompany this plan indicates that the site would pass the Sequential Test in attempting to deliver the objectively assessed need for housing. It will be necessary for any planning application to demonstrate that any proposals are designed to meet the Exceptions Test, particularly in relation to flood resistance and flood resilience.

10.103 The *Essex County Council Interactive Flood and Water Management Map* identifies existing drainage ditches running through the site and along the southern and part of the eastern boundary of the site. It will therefore be necessary to demonstrate integration of sustainable drainage techniques to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site and ensure that land is safeguarded either side of these drainage ditches to allow for enhancements of the associated flood defences. This can be achieved through

the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel. The Canvey Island Six Point Plan is a multi-agency plan which sets out how surface water flood risk on Canvey should be managed. This includes increasing the capacity of the drainage network and investing in green surface water storage, as suggested above. In managing surface water in this way, the development will be helping to ensure the integrity of the nearby Benfleet and Southend Marshes SPA and Ramsar site through improved water quality.

10.104 This site is nearby the Canvey Wick SSSI, valued for its invertebrate species, and is itself identified as a Local Wildlife Site (CPT4) in the *Local Wildlife Site Register, 2019*. It is therefore necessary for ecological survey work to be undertaken having regard to invertebrates, flora, reptiles and nesting birds for this site. Consideration should be given as to how any biodiversity can be effectively integrated into the development proposals to achieve a net gain and or investment made to support biodiversity and the protection of species rich areas in west Canvey. This should include improving access for pedestrians, cyclists and horse riders across Canvey Way to link the site with the West Canvey Marshes and Canvey Wick Nature Reserves. This crossing should include provision for horse riders.

10.105 A Grade II listed building, the Dutch Cottage is located adjacent to Canvey Road. A Scheduled Monument comprising a Roman saltern is located further away also to the west. A *Heritage Impact Assessment* has been prepared for this site which recommends that the master plan for this site preserves and enhances the setting of the Dutch Cottage, which historically sat in a rural setting. It also recommends that further archaeological work is undertaken to determine if any significant remains associated with the Roman saltern are present within this site, *albeit* it is removed from the Scheduled Monument. This work should be undertaken prior to the master planning in order to ensure the preservation of any significant assets which may exist.

10.106 The *SHLAA 2018* estimated that the site has capacity for 275 new residential dwellings which is tempered by the evidence from the *Large Sites Capacity Study 2018* which confirms that the site has capacity for 253 dwellings made up of semi-detached, detached and a small proportion of terraced dwellings.

10.107 Part of the site already has outline planning permission for a 57-bed care home; therefore this policy will look to accommodate the remaining 196 units.

Local Policy HO24

Land west of Canvey Road, Canvey Island

- 1. Land west of Canvey Road, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 196 new homes and a residential care home by 2033.**
- 2. A master plan should be prepared and submitted to the Council for its approval for this site to ensure that the development is attractively designed, contributing to environmental quality and health and education infrastructure is provided to support growth in this location. The master plan must deliver the following:**
 - a. An urban design framework using a mix of urban design approaches built around the Boulevard urban design approach, complemented with the design of a Major Entry Point to the site, to create an attractive, green environment;**

b. A landscape strategy for the site that includes:

- i. An appropriate setting for the Grade II Listed Dutch Cottage, and appropriate settings for any archaeological assets of significance identified within this site. This should be informed by detailed heritage assessment work, the scope of which should be agreed by the Council;**
- ii. The provision of a strong landscaped buffer to the western boundary;**
- iii. The provision of greenways running through the site connecting the development with existing residential areas and with open spaces and green infrastructure nearby, including a link across Roscommon Way to the Canvey Wick and West Canvey Nature Reserves for pedestrians, cyclists and horse riders to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites;**
- iv. An approach to wildlife that protects and enhances the nearby SSSI, and makes space for priority and protected species within the development design and layout, resulting in a measurable net gain in biodiversity;**
- v. The provision of public open space within the site consistent with the requirement of policy HS3;**
- vi. Sustainable drainage measures that will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan; and**
- vii. A 19m wide protected zone either side of the Hill Hall Dyke, in order to accommodate any potential enhancements required to the defences along that Dyke over the lifespan of the development.**

c. Homes designed to be resistant and resilient to flooding from tidal, fluvial and surface water sources, with the provision of safe, on-site refuge facilities. Self-contained residential accommodation at ground level and bedrooms at ground level are not permitted.

- 3. Planning applications for development within the allocation area must have regard to the master plan and must contribute towards the delivery of those elements of the master plan which are necessary to make the proposal for that individual site acceptable in planning terms.**
- 4. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.**
- 5. Public transport waiting facilities and services should be improved on both Canvey Road, and Northwick Road in order to promote sustainable travel patterns.**

- 6. Homes on this site may not be occupied until such time as a new access to the site from either Canvey Road and/or Northwick Road has been created to serve the site.**
-

Land at Thorney Bay Caravan Park, Canvey Island

10.108 This site is approximately 28ha in size. As of April 2018 this site was in use as a caravan park having been consented for such use during the 1950's through to the 1970's. At April 2018 this took the form of static caravans stationed in fields across the site. Whilst some of these are traditional holiday lets, a number have fallen into residential use and permanently occupied as such. At April 2018 there were 590 static caravans providing residential accommodation on the site according to Council Tax data.

10.109 Since the start of the Plan period, 1 April 2018, work has been undertaken under the existing consents for the siting of caravans to deliver new park homes for permanent occupation as retirement accommodation for the over 55's on the site. The street plan provided for Council Tax purposes indicates that there will be around 820 park homes delivered on this site overall, gradually replacing the existing static caravans and their occupants. At April 2020, 146 new park homes had already been delivered on this site, with construction underway for further provision at that time. This has resulted in the loss of static caravans providing residential accommodation on the site and will continue to do so as further park homes are provided. This site will therefore deliver a net gain of around 230 homes.

10.110 Given the consents that already exist, the principle of this development, and indeed many of the detailed requirements normally secured through the Local Plan and the subsequent planning consents, cannot be addressed through this Local Plan.

10.111 However, as the site will benefit from a residential allocation going forward, it is important to ensure that critical requirements for this site, if an application for alternative proposals was brought forward during the plan-period, are identified. This will ensure the wellbeing of future residents of the site, the wider population of Canvey Island and also the wellbeing of the natural environment.

10.112 A significant issue for this site is its proximity to the Calor Gas terminal located on the site's western boundary. Parts of the site fall within the Health and Safety Executive consultation zone drawn around this terminal. This would normally preclude any new residential development at this part of the site unless the Health and Safety Executive (HSE) advice were to change in the life of the Plan.

10.113 Additionally, the Canvey Water Recycling Centre, in the ownership of Anglian Water, is located to the north-west of this site. To avoid impact on residential amenity arising from odours emanating from such facilities it is normal for a buffer of 400m to be maintained around these facilities. Policy 2 of the Waste Local Plan supports this approach and seeks for a Waste Impact Assessment to be prepared where there is a risk of conflict between a waste facility and proposed development to help determine whether the development is appropriate. Such an assessment would normally be required for development on this site. Furthermore, there are other Anglian Water drainage assets within the boundaries of this site. There is an existing rising main (pressurised foul sewer) and the site layout should be designed to take this into account. This sewer is protected by easements and should not be built over or located in private gardens where access for maintenance

and repair could be restricted. The existing sewers should be located on highway or public open space. If this is not possible, a formal application to Anglian Water to divert the sewer may be necessary.

10.114 As the site is located on Canvey, it would normally be the case that development proposals be considered against the sequential test, and the exceptions test. To comply with the exceptions test buildings would normally need to demonstrate that they are flood resilient and resistant. A site level flood risk assessment will be required for any development proposed for this site.

10.115 In addition to tidal flood risk, there are also issues associated with fluvial flood risk and surface water management in relation to this site, with the fluvial risk arising from the Marine Parade Delph ditch. Surface water management, including the provision of open space, especially close to the ditch, and other Green Infrastructure throughout the site is therefore necessary to reduce risk to properties within the site, and to manage water quality, and consequently the quality of nearby Habitats sites such as the Benfleet and Southend Marshes SPA. The Canvey Island Six Point Plan amongst other measures seeks to implement increased drainage capacity and investment in green surface water storage, both of which should be a consideration for the development of this site. It should be noted that ditch forms ponds to the north of the site, and the ponds and associated reed beds are identified as a priority habitat in the Biodiversity Assessment 2018. The provision of homes on this site should therefore avoid harm to this wildlife asset.

10.116 Any application for housing on this site will be required to contribute towards affordable housing and community infrastructure provision in line with the requirements of policy, and the needs of infrastructure providers. For clarity policy HO4 will apply to the gross number for any permanent homes provided on this site, as park homes are not eligible for vacant building credit as they are not permanent structures. Other contributions will be determined on a case-by-case basis depending on the impact of the proposed development. It should however be expected that family homes will need to make a full contribution towards early years, childcare and education provision, as the current park home development does not generate demand for such services due to its limitations on occupation.

10.117 In order to ensure good and sustainable access to this site, and to support the wider sustainability of Canvey Island, there is a need for transport improvements associated with this site, which the Council will take every opportunity to secure. The site is located on an existing bus route. Waiting facilities need to be improved in this location to promote take up. This could be supplemented with on-site real time information for residents to promote use of local public transport services.

Local Policy HO25

Land at Thorney Bay Caravan Park, Canvey Island

1. Land at Thorney Bay Road, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, except for areas shown as the Health and Safety Executive consultation zone and the area shown as reserved for future flood defences.

2. This site is being redeveloped for the provision of around 820 park homes in the period to 2033 under existing consents for the siting of caravans on this land. This development will secure 230 homes net.

3. Where the Council receives planning applications for residential development on this site, the Council will seek to secure the following:

- a. No residential development within the Health and Safety Consultation Zone, for the benefit of and safety of future residents;
 - b. No unacceptable impact on future residents arising from odour, and no residential development located so as to act as a determinant to the continuous operation of the Canvey Island Water Recycling Centre. A detailed odour assessment based on summer time emission rates should be used to inform an appropriate distance to be maintained by residential development on this site, and should be submitted with relevant planning applications;
 - c. Sufficient space in order to accommodate any potential future enhancements to the sea defences over the lifespan of the development as required by Policy CC2;
 - d. Safeguarded access for the maintenance of foul drainage infrastructure and any other utilities infrastructure identified on the site;
 - e. Homes designed to be resistant and resilient to flooding from tidal and surface water sources, with the provision of safe, on-site refuge facilities;
 - f. Sustainable drainage measures implemented across the site to ensure no increase in the risk of flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan;
 - g. A measurable biodiversity net gain at and around the Marine Parade Delph ditch;
 - h. A contribution towards affordable housing provision consistent with the requirements of policy HO4;
 - i. A contribution towards necessary infrastructure provision as determined by infrastructure providers at the time of application having regard to the impact of the proposal;
 - j. Applications for this site must be accompanied by relevant site level flood risk assessments which address the tidal, fluvial and surface water flood risks affecting this site; and
 - k. Provide access for natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.
-

Land at The Point, Canvey Island

10.118 This site is approximately 2.5ha in size. The western part of the site is currently in use as a building materials supplier and the eastern part is occupied by several small commercial and industrial businesses. The western part of the site, some 1.7ha, was the subject of an outline planning application for housing development totalling 99 homes. This was refused since progress could not be made on a legal agreement. Nonetheless, discussions have continued with landowners.

10.119 The site is located on Canvey, and the western part of the site was considered against the sequential test and as far as possible, against the exception test, as part of the planning application process. The outline application also contained details on flood resilience and resistance and

adopted a design led approach which sought parking provision at ground floor level with habitable accommodation above. It will be necessary for development across the whole site to demonstrate satisfaction of the exceptions test and flood resilience and resistance.

10.120 It will be necessary to demonstrate on-site surface water management when considering detailed applications as the *Essex County Council Interactive Flood and Water Management Map* identifies areas at risk of surface water flooding within the site. The Canvey Island Six Point Plan is a multi-agency plan which sets out how surface water flood risk on Canvey should be managed. This includes increasing the capacity of the drainage network and investing in green surface water storage. On this site, surface water management should be achieved through the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, active travel and nature conservation, including helping to ensure the integrity of the nearby Benfleet and Southend Marshes SPA and Ramsar site by assisting in the management of water quality.

10.121 The site is adjacent to the coast and there are opportunities through the design of the development on this site to improve the relationship between the existing urban area and the coast. This site is nearby to Smallgains Marina which provides opportunity for water sports. The creek in proximity to this site is designated as a Sport Opportunity Zone through the *Thames Vision*, and development at this site will need to retain access to the Marina.

10.122 Given the limited size of the site, its partial containment by the seawall to the north, and its close relationship with the existing residential area to the east, west and south, it is not considered appropriate to apply any of the specific urban design approaches in this instance. The design and development of the site should follow the context appraisal approach, drawing on the analysis of the surrounding built form and constraints, and seeking to integrate any schemes into the existing environment.

10.123 In considering the layout of development on this site it should be noted that there is an existing foul sewer in Anglian Water's ownership on the boundary of this site. This sewer is protected by easements and should not be built over or located in private gardens where access for maintenance or repair could be restricted. The existing sewer and water main should be located in the highway or public open space. If this is not possible a formal application to divert these assets may be required.

10.124 The site is currently occupied by employment uses which provide jobs and resources locally. Whilst there are long standing businesses in this location, such uses are not considered compatible with the residential properties which characterise the surrounding area, in respect of both their day to day operations on the site and movement to and from the site. The Council has identified land south of Northwick Road and an extension to Charfleets Industrial Park in this plan for new employment uses on Canvey Island. These two sites – as set out under policy EC2 benefit from better access to the strategic route network and new infrastructure and include a wide range of business premises to provide for the needs of the predominantly small and medium sized enterprises on this site.

10.125 This site is close to a bus route, and therefore improvements to nearby bus waiting facilities and the improved provision of services on this route are important to encourage sustainable transport choices.

Local Policy HO26

Land at The Point, Canvey Island

- 1. Land at Point Road, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 100 new homes by 2033.**
 - 2. A development brief will be prepared for this site and applications must have regard to the development brief. This site will use a contextual approach to urban design, in order to ensure the development integrates with the existing built form and the coastal environment.**
 - 3. In order to ensure that the development is of a high quality and responds to local circumstances the development must:**
 - a. Make provision for open spaces within the development, linking to existing green infrastructure to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites. In addition, maintain access to Smallgains Marina for water based recreation;**
 - b. Be resistant and resilient to flooding from tidal and surface water sources, and make provision for safe, on-site refuge facilities. Self-contained residential accommodation at ground level and bedrooms at ground level are not permitted;**
 - c. Provide main vehicular access from Point Road;**
 - d. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan;**
 - e. Safeguard suitable access for the maintenance of foul sewerage and mains water infrastructure, and any other utilities infrastructure identified on this site; and**
 - f. Provide sufficient space for any future potential enhancements to the sea defences over the lifespan of the development in accordance with Policy CC2.**
 - 4. Detailed design proposals for the site must have regard to the Council's Residential Design Guidance SPD.**
 - 5. Contribute towards active and sustainable transport infrastructure, facilities and services nearby the site in order to encourage modal shift. Specifically, this site must deliver improvements to public transport waiting facilities and services nearby in Point Road.**
 - 6. A project level HRA will be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.**
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Walsingham House, off Lionel Road, Canvey island

10.126 The site is approximately 1.6ha in size. It backs onto St Joseph's Catholic primary school and playing fields on the west and north and there is residential development on the Lionel Road frontage where access to this site could be established. The north eastern part of the site is covered by trees and shrubbery.

10.127 The *SHLAA 2018* estimates the site has capacity for 32 new residential dwellings. The site has a resolution to grant outline permission for 32 dwellings, but the Section 106 Agreements has not been completed and no decision notice issued.

10.128 There is an existing surface water sewer in Anglian Water's ownership within the boundary of this site and the site layout determined through the detailed application should be designed to take this into account. The existing infrastructure is protected by an easement and should not be built over or located in private gardens where access for maintenance or repairs may be restricted. The existing sewer and water main should be located in the highway or in public open space. If this is not possible a formal application to divert existing assets may be required.

Local Policy HO27

Walsingham House, off Lionel Road, Canvey Island

- 1. Land at Walsingham House, off Lionel Road, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 32 new homes by 2033.**
- 2. It is expected that a development brief approach will be taken to this site, using a contextual urban design approach.**
- 3. Deliver a landscape strategy for the site that includes:**
 - a. A high-quality design and layout which complements the existing urban environment and reflects the character of adjacent uses;**
 - b. The provision of a strategic landscaped buffers as necessary, to create a green and attractive character;**
 - c. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan; and**
 - d. Provide access for natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.**
- 4. Homes must be designed to be resistant and resilient to flooding from tidal and surface water sources, and the provision of safe, on-site refuge facilities in the event that a flood does occur. Self-contained residential accommodation at ground level and bedrooms at ground level are not permitted.**
- 5. Detailed design proposals for the site must safeguard suitable access for the maintenance of surface water drainage and mains water infrastructure, and any other**

utilities infrastructure identified on site, and deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.

6. Main vehicular access from Lionel Road.

Land at the Admiral Jellicoe, Canvey Island

10.129 The site is approximately 0.35ha in size and is currently vacant following the demolition of the public house and removal of the associated car park. It is located between Winterswyk Avenue and High Street. There is an Anglian Water foul water sewer within the eastern part of the site, a pumping station within the south-east corner of the site, residential development on both the eastern and western boundaries of the site, and some commercial uses on High Street.

10.130 The *SHLAA 2018* estimates the site has capacity for 40 new residential dwellings. The site has a resolution to grant permission for 40 dwellings, but as of 15.06.2021 the Section 106 Agreement has not been completed and no decision notice issued.

10.131 Planning permission was granted for the development of the northern half of the site with eight detached houses on 23rd March 2021.

10.132 There is an existing foul water sewer in Anglian Water's ownership within the boundary of this site and the site layout determined through the detailed application should be designed to take this into account. The existing infrastructure is protected by an easement and should not be built over or located in private gardens where access for maintenance or repairs may be restricted. The existing sewer should be located in the highway or in public open space. If this is not possible a formal application to divert existing assets may be required.

10.133 Subject to the appropriate protection and retention of access to the existing foul water sewer crossing the site and the mitigation of the impact of the operation of the foul water pumping station, it is considered that the southern half of the allocated site could accommodate around six additional dwellings of a similar form to that provided to the north.

Local Policy HO28

Land at the Admiral Jellicoe, Canvey Island

- 1. Land at the Admiral Jellicoe, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 14 new homes by 2033.**
- 2. In order to ensure that the development is of a high quality and responds to local circumstances the development must deliver:**
 - a. A high-quality design and layout which complements the existing urban environment and reflects the character of adjacent uses and provides suitable access for the maintenance of foul water infrastructure;**
 - b. Vehicular access from Point Road and/or Winterswyk Avenue;**

- c. Sustainable drainage measures to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan;
 - d. Appropriate mitigation of the impact of the operation of the adjoining foul water pumping station on future residents; and
 - e. Provide access for natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.
- 3. Homes must be designed to be resistant and resilient to flooding from tidal and surface water sources, and the provision of safe, on-site refuge facilities;
 - 4. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.
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Land south of Haron Close, Canvey Island

10.134 This site is approximately 0.25ha in size and is located at the end of Haron Close. The site is bounded by Long Road to the south with residential uses to the west and commercial uses to the east. The site is currently covered by trees, some of which are subject to Tree Protection Orders, and shrubbery.

10.135 The *SHLAA 2018* estimates the site has capacity for 10 new residential dwellings. A resolution to grant planning consent on this site for a sheltered accommodation scheme comprising 24 apartments was issued in July 2020.

Local Policy HO29

Land south of Haron Close, Canvey Island

- 1. Land south of Haron Close, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 24 new homes by 2033.
- 2. It is expected that a development brief approach will be taken to this site, using a contextual urban design approach.
- 3. Deliver a landscape strategy for the site that includes:
 - a. A high-quality design and layout which complements the existing urban environment and reflects the character of adjacent uses;
 - b. The provision of strategic landscaped buffers is necessary, to create a green and attractive character;
 - c. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan; and

- d. Access for natural greenspace within walking distance needed to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.
 4. Homes must be designed to be resistant and resilient to flooding from tidal and surface water sources, and the provision of safe, on-site refuge facilities;
 5. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.
 6. Main vehicular access from Long Road.
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Land at Haystack car park, Canvey Island

10.136 This site is approximately 0.17ha in size and was formerly in use as a car park. The eastern edge of the site includes a range of commercial uses which front onto Furtherwick Road and to the west lies a residential development of flats.

10.137 The *SHLAA 2018* estimates the site has capacity for 14 new residential dwellings. Full planning consent for a mixed-use scheme comprising retail units at ground floor and 14 residential apartments above is extant for this site.

Local Policy HO30

Land at Haystack car park, Canvey Island

1. Land at Haystack car park, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 14 new homes by 2033.
2. It is expected that a development brief approach will be taken to this site, using a contextual urban design approach.
3. In order to ensure that the development is of a high quality and responds to local circumstances the development must deliver:
 - a. A high-quality design and layout which complements the existing urban environment and reflects the character of adjacent uses;
 - b. Main vehicular access from Long Road;
 - c. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan; and
 - d. Provide access for natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.
4. Homes must be designed to be resistant and resilient to flooding from tidal and surface water sources, and the provision of safe, on-site refuge facilities.

5. **Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance.**
-

Land to the east of Kings Park Village, Canvey Island

10.138 This site is approximately 1.9ha in size and was designated as Green Belt in the 1998 Adopted Local Plan. The site sits to the eastern edge of Kings Park Village which houses park homes. To the north, lie the Benfleet and Southend Marshes Ramsar and Special Protection Area and Hadleigh Marshes SSSI which are of national and international importance.

10.139 The *SHLAA 2018* estimates the site has capacity for 50 new residential dwellings. Access to the site would be by way of the adjoining Kings Park Village using a route set away from the Benfleet and Southend Marshes SPA and Ramsar site to the north to avoid air quality impacts. It is anticipated that this development will form an extension to Kings Park Village.

10.140 As this site is within flood risk zone 3 and adjacent to the flood defences, the outcomes of the *SFRA* and the *Sequential and Exceptions Test 2018* are relevant. Development on this site will need to be designed to be resilient and resistant to flood risk and will also need to leave a gap with the existing flood defences to enable those defences to be enhanced in line with the *Thames Estuary 2100 Plan*. The Benfleet and Southend Marshes SPA and Ramsar site is located adjacent to the site, and therefore development on this site needs to be supported by a project level Habitats Regulations Assessment which shows that the integrity of the site is not harmed by the development. This includes, but is not limited to, matters of noise disturbance, recreational disturbance, air pollution and water pollution. Measures should be taken within the development's design to avoid impacts including directing vehicle movements to the south of the site and incorporating sustainable drainage in accordance with the Canvey Island Six Point Plan. Furthermore, this greenfield site is adjacent to Canvey Heights Country Park, consideration will also need to be given to securing a biodiversity net gain as part of the development.

10.141 The site is adjacent to a historic landfill site. It has also been the subject of fly tipping in the past, which was removed at the time. Any planning application would need to have regard to the potential for ground and/or water contamination and meet the requirements of Strategic Policy NE8, and where necessary, deliver a comprehensive remediation strategy prepared in consultation with ECC, as the Waste Disposal Authority.

Local Policy HO31

Land to the east of Kings Park Village, Canvey Island

1. **Land to the east of Kings Park Village, Canvey Island, as identified on the Policies Map, is allocated for residential purposes, to deliver around 50 new homes by 2033.**
2. **A development brief will be prepared for this site and applications must have regard to the development brief. This site will use a contextual urban design approach.**
3. **In order to ensure that the development is of a high quality and responds to local circumstances the development must deliver:**

- a. A high-quality design and layout which complements the existing urban environment and reflects the character of adjacent uses;
 - b. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties. Any sustainable drainage measures taken should take into account the Canvey Island Six Point Plan;
 - c. Sufficient space in order to accommodate any potential future enhancements to the sea defences over the lifespan of the development as required by Policy CC2;
 - d. An approach to wildlife that results in a measurable net gain in biodiversity;
 - e. Vehicular access through the existing Kings Park Village; and
 - f. Provide access to the adjacent Canvey Heights Country Park to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.
4. Homes must be designed to be resistant and resilient to flooding from tidal and surface water sources, and the provision of safe, on-site refuge facilities. Self-contained residential accommodation at ground level and bedrooms at ground level are not permitted.
 5. Development will be expected to deliver an appropriate comprehensive remediation strategy, in consultation with ECC, as the Waste Disposal Authority, to address any outstanding historic contamination issues and to prevent any new contamination pathways arising. Consistent with the NPPF, the responsibility for delivering the remediation including any ongoing measures will fall to the developer.
 6. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.
 7. A project level HRA will be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
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Land at 244-258 London Road, Hadleigh

10.142 This site is approximately 0.3ha within Hadleigh town centre. The *SHLAA 2018* found this site to be unavailable due to multiple landownership issues. After further investigation the majority of the land is available, however one of the current flats within the existing unit has an unregistered landowner, which affects the sites ability to come forward. In order to maximise the amount of housing within the existing urban area and reducing the need to look further for undeveloped land, the Council has identified this site as an opportunity for the later stage of the plan period. This will enable the Council to resolve landownership issues and bring forward this site in a sufficient time period.

10.143 This site falls within Hadleigh town centre and as such the development should be fully integrated into the fabric of the town centre, providing an appropriate mix of ground floor commercial opportunities with residential development above. This site is located opposite the Grade I Listed St James the Less Church and there is therefore the opportunity for the redevelopment of this site to

enhance both the quality of Hadleigh town centre and also the setting of this significant heritage asset. A *Heritage Impact Assessment* has been prepared for this site and highlights this opportunity. It is also the case that the development site itself is located on the site of former medieval and post medieval buildings. Archaeological investigation of this site is therefore recommended in between demolition of the existing building and construction of any new development.

10.144 This site is identified as being within a Critical Drainage Area and within the Southend Water Recycling Centre catchment area, and it is necessary to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site.

Local Policy HO32

Land at 244 – 258 London Road, Hadleigh

- 1. Land at 244 – 258 London Road, Hadleigh, as identified on the Policies Map, is allocated for mixed use residential purposes, to deliver around 50 new homes by 2033.**
 - 2. A development brief will be prepared for this site and applications must have regard to the development brief. This site will use a contextual urban design approach.**
 - 3. A development brief for the site should deliver:**
 - a. A high-quality design and layout which complements and enhances the setting of the Grade I Listed St James the Less Church and contributes overall to an enhancement of the character of the town centre;**
 - b. A mixed-use development of residential and commercial uses;**
 - c. Main vehicular access from Castle Lane;**
 - d. Enhancements to the public realm within the site and along the A13 frontage, including a contribution towards active and public transport provision within the vicinity of the site to promote modal shift;**
 - e. Sustainable drainage measures will be implemented to ensure no increase in the risk of surface water flooding to the site or nearby properties; and**
 - f. Provide access for natural greenspace within walking distance to meet daily recreational needs of new residents and to divert and deflect visitors from Habitats sites.**
 - 4. Detailed design proposals for the site must deliver a mix of high quality, sustainable homes, having regard to the Council's Residential Design Guidance SPD.**
 - 5. In the period between demolition of the existing building and construction of any new development on this site, archaeological investigation of the site must be undertaken and any findings recorded in accordance with best practice. The scope of these investigations must be agreed with the Council.**
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11. Building a Strong, Competitive Economy

Economic Strategy

Policy Context

11.1 The *National Planning Policy Framework (NPPF)* sets out the Government's policies in relation to planning for a strong and competitive economy. It makes clear that local planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local needs and wider opportunities for development.

11.2 The *NPPF* sets out that local planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable growth. They should also set criteria for local and inward investment to match the strategy, address potential barriers to investment be flexible enough to accommodate needs not anticipated in the Plan, allow for new flexible working practices, and enable a rapid response to changing economic circumstances.

Reasoned Justification

11.3 Evidence in relation to the economy, employment and economic growth in Castle Point is set out in the *South Essex Economic Development Needs Assessment (EDNA) 2017*. This report identifies the key strengths and weaknesses in the economy within Castle Point.

11.4 The key strengths were identified as: low unemployment; reasonable transport links; above average business formation rates and high levels of self-employment indicating entrepreneurial activity; low cost base (premise and wages); and resilient manufacturing base less affected by global pressures. The *South Essex Grow-on Space Study 2019* also concludes that Castle Point has a sufficient supply of start-up and grow-on space accommodation for small businesses looking to establish and grow in the borough. The need to diversify the employment stock to cater for these types of business was assessed as low.

11.5 The key weaknesses were identified as: lack of modern employment premises; out commuting for work; below average skills and workplace wages; low representation in growth and knowledge-based sectors; cutbacks in public sector employment; limited attraction to inward investment; and competition from larger centres nearby. The *EDNA* identifies the main sectors driving growth in South Essex. There are a number of businesses and facilities within Castle Point that contribute to these main sectors and are therefore important to both the Castle Point and wider South Essex economies.

11.6 The consequence of these weaknesses in Castle Point is a low level of business output at present. As a key measure of productivity gross value added (GVA) per head in Castle Point is low, sitting at around half of the GVA experienced in the neighbouring authority of Basildon. Due to low local wages, many of Castle Point's residents commute out of the borough for work. 19% commute to London, whilst 12.7% and 14.7% commute to the local centres of Basildon and Southend-on-Sea respectively.

11.7 Modelling was undertaken in the *South Essex EDNA 2017* to determine the existing supply of, and future demand for employment land and space. Castle Point's employment land supply comprises six active employment sites totalling 79 hectares and three potential employment sites totalling 24 hectares, providing 103 hectares in total. The six existing sites identified are:

- The Castle Point Council Offices in Kiln Road, Thundersley,
- Charfleets Trading Estate, Canvey Island
- Manor Trading Estate, Thundersley
- Stadium Way, Hadleigh
- Lychgate Industrial Farm, Thundersley
- Gas and oil Receptor storage facilities (Oikos and Calor), Canvey Island

11.8 In the case of the Council Offices in Kiln Road and the Lychgate Industrial Farm, neither are shown on the Policies Map as existing employment areas. If these sites were redeveloped, it is expected that the uses will be transferred elsewhere or retained within a new development, thereby safeguarding the employment. Exclusion as employment areas will allow greater flexibility in the event of their redevelopment which will support the viability of any redevelopment to fund the uses relocation.

11.9 Details of two potential employment sites are set out in the supporting text to policy EC2. Depending on the mix of commercial and industrial uses secured on those sites, they have the potential to deliver between 1,260 and 2,500 additional jobs within the borough over the plan period assuming a mix of B1c/B2 and B8 uses and using the HCA Density Guide Third Edition, 2015.

11.10 It is necessary for this plan to protect the existing employment sites in Castle Point and to bring forward the potential employment sites, since the *EDNA 2017* concluded that there is a need for additional 9ha of employment land in Castle Point. The *EDNA 2017* was informed by the emerging Local Plan and the proposed allocations at Canvey Island which are carried forward from the 1998 Local Plan. By allocating the sites on Canvey previously identified in the 1998 Local Plan, there is new employment land provision amounting to 20ha. Whilst this exceeds the need identified through the *EDNA 2017*, it ensures local business needs are catered for and sustainable access to jobs is secured. It provides a flexible supply of land for commercial purposes to respond to unidentified demands, ensuring that Castle Point provides opportunities for economic investment.

11.11 In order to make Castle Point a more attractive location for businesses and a local workforce, there is a need to improve the quality of employment areas and provide a greater flexibility in the supply of premises to attract investment and encourage indigenous companies to stay in the borough as they grow. The office market in Castle Point is under-developed and is unlikely to feature as a destination for non-indigenous businesses. There is a need to develop this market overtime to provide the necessary range of accommodation to support a diverse local economy. The Council will seek the provision of suitable, flexible floorspaces that can be used by offices and knowledge-based businesses, as well as small business units and specific start-up facilities which will support indigenous business growth.

11.12 The Castle Point Regeneration Partnership is in place to address some of the issues mentioned above. Around the environmental quality of the estates, new gateways and signage has already been delivered at Charfleets Industrial Estate and Manor Trading Estate. However, there remains an issue with the quality of the private realm in these areas. With regard to training meanwhile, there has been significant investment in the South Essex College PROCAT Skills Campus on Canvey Island over the last ten years to improve the standard of opportunity there.

11.13 The ambitions of partners in the South Essex sub region, from the South East Local Enterprise Partnership to the Castle Point Regeneration Partnership, is to develop a series of measures related to education and skills provision that will ensure that there is greater alignment between the needs of local businesses and the training on offer. In particular, there will be new investment in training for

advanced engineering, logistics and digital media within the sub-region with specialist advanced engineering opportunities at USP (SEEVIC) college in Thundersley.

Strategic Policy EC1

Economic Strategy

- 1. In order to support the wider economy in South Essex, the economy of Castle Point will be enhanced through:**
 - a. The protection of the existing employment land as shown on the policies map for uses principally falling within Classes B2, B8 and E(g) of the Use Classes Order, as far as possible having regard to permitted development rights;**
 - b. The retention of the port and port related facilities at South Canvey for the purposes of commercial and industrial activity; and**
 - c. The provision of an additional 20 hectares of land identified for employment development falling within the Use Classes B1, B2 and E(g) of the Use Classes Order.**
- 2. This will be achieved by:**
 - a. Working with partners to deliver improvements to the quality of public space within employment areas in Castle Point, including the quality of open spaces, landscaping, roads, drains and communication infrastructure, and improvement of access for those travelling by active and sustainable modes;**
 - b. Encouraging the improvement and redevelopment of private land within existing employment areas in order to enable business growth and improve the attractiveness of these areas;**
 - c. Maintaining a flexible employment land supply within established and proposed employment sites identified on the Policies Map, to provide or deliver employment floorspace for employment development falling within the Use Classes B2, B8 and E (g) of the Use Classes Order;**
 - d. Seeking the provision of suitable, flexible floorspace that can be used by office or knowledge-based businesses; and**
 - e. Seeking the provision of small business units and specific start-up facilities to support indigenous business growth.**
- 3. Applications for uses falling outside Use Classes B2, B8 or E(g) of the Use Classes Order will be permitted within the employment areas of this plan where they accord with all other relevant policies within this plan, and the following criteria:**
 - a. It can be demonstrated that the use will provide an equivalent or greater number of jobs compared to an employment development falling within Use Classes B on the site;**

- b. It can be demonstrated that the ongoing operation of existing businesses nearby will not be adversely affected, and any amenity impacts on the proposals from those existing businesses can be suitably mitigated; and
 - c. It can be demonstrated that the location of the use within an employment area will not undermine the vitality or viability of local town centres or local shopping parades.
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New Employment Land

Reasoned Justification

11.14 The *South Essex EDNA 2017* identified a need for additional 9 hectares of employment land to be made available throughout the borough.

11.15 This plan identifies two locations where new employment uses are proposed:

- Extension to Charfleets Industrial Estate
- South of Northwick Road

Extension to Charfleets Industrial Estate

11.16 The phase 2 extension to Roscommon Way proposed in the 1998 Local Plan has been delivered, which provides access for the site. There is extant planning consent for a mixed-use development on this site, and elements of the scheme have been delivered since 2018. This site is therefore considered to be reasonably available for employment development and is considered to be deliverable.

11.17 The *South Essex EDNA 2017* recognises this site as suitable for meeting Castle Point's employment needs. It concludes that this site is appropriate for industrial uses falling within use classes B2 and B8. The extant consent for this site secures 18,300 sq m for industrial uses on this site. Ancillary to this, the site also makes provision for 7,100 sq m of commercial development falling within use class E.

11.18 The site is adjacent to a Local Wildlife Site as identified in the *Local Wildlife Site Review 2019*, and, as the *NPPF* expects a net gain in biodiversity, compensation for the loss of biodiversity from the Local Wildlife Site was considered as part of the planning application process.

11.19 Development proposals at this site have also been designed to achieve resilience and resistance to flood risk, and designed to manage surface water drainage issues on site and prevent an increased risk of flooding by surface water to other land and properties nearby. These matters have also been addressed in the planning application process.

South of Northwick Road

11.20 This site was allocated in the *1998 Castle Point Adopted Local Plan*. Although it has not been developed to date, it benefits from detailed extant consent for a mixed use development. To this end, the *EDNA 2017* recognises this site as suitable for meeting Castle Point's employment needs. It concludes that this site is appropriate for industrial uses falling within use classes B2 and B8. The

extant consent for this site secures 14,537 sq m for industrial uses on this site. Ancillary to this, the site also makes provision for 9,128 sq m of commercial development falling within use class E and a hotel.

11.21 The allocation in the *1998 Castle Point Adopted Local Plan* covered 18 ha of land. However, the designation of the Canvey Wick Site of Special Scientific Interest (SSSI) in 2005 covered approximately half the site and so only 9.7 ha are now available for development purposes. Development proposals have been considered for any adverse impact on the SSSI and also provide mitigation and compensation for any biodiversity impacts on site.

11.22 The site is at a prominent location at the junction of Roscommon Way with Northwick Road. It is therefore important that the design of this development reflects this location, and that any buildings located to the north-east of the site are of sufficiently high quality to act as a landmark for Canvey.

11.23 Development proposals at this site have been designed to achieve resilience and resistance to flood risk, and designed to manage surface water drainage issues on or adjacent to the site and prevent an increased risk of flooding by surface water to other properties nearby.

11.24 This site currently benefits from planning permission and has evidenced that development is able to take place with appropriate flooding and biodiversity mitigation that will not affect the viability of the development coming forward.

Local Policy EC2

New Employment Land

New employment land as shown on the policies map, is proposed at:

Extension to Charfleets Industrial Estate – 10.5 ha

South of Northwick Road – 9.7 ha

- 1. The Extension to Charfleets Industrial Estate will be delivered in accordance with extant consents to supply at least 18,300sqm of B Class industrial floorspace, 6,400sqm of E(g) Class business use floorspace, and other commercial premises with a floorspace of up to 1,900sqm.**
 - 2. Land to South of Northwick Road, the site will be delivered in accordance with extant consents to supply at least 14,537sqm of B Class industrial floorspace, 928sqm of E(g) Class business use floorspace, other commercial premises with a floorspace of up to 2,890sqm, and a hotel.**
-

Canvey Seafront Entertainment Area

Policy Context

11.25 There are no specific policies in the *NPPF* with regard to the role of tourism in the non-rural local economy. However, the Government's *Tourism Strategy 2011* highlights the importance of tourism to the economy and is clear that good planning policies can support growth in the tourism sector.

Reasoned Justification

11.26 The *Employment and Retail Needs Assessment 2012* indicates that around 6% of the borough's jobs are in hotel and catering, and a further 5% are in cultural and recreational jobs. This indicates that tourism/leisure form a reasonable proportion of the borough's job provision.

11.27 The seafront area on Canvey is a significant tourist attraction. However, it is not fulfilling its full potential and there is scope for further investment to improve the overall offer and to the quality of the private and public realms, and the range of leisure services on offer. The area is currently a mix of two beaches – at Thorney Bay and Concord Beach – amusement attractions, food outlets and retail interspersed with open spaces and car parks (principally owned by the Council) along the landward side of the sea wall.

11.28 There is a large area of open space called the Labworth Green which offers potential for new activities. The seawall features murals painted by the local community and is subject to a safeguarded area to protect land from encroachment so that the wall can be maintained and improved as set out in the Thames 2100 Plan.

11.29 The Council has secured funding from the Coastal Communities fund for a new pavilion at Thorney Bay and will continue to work with the local Coastal Community Team to identify new funded sources for public realm improvements.

11.30 The Council will produce a master plan for this area working with local businesses and partners that will set the vision, strategy and action plan to deliver new investment whilst retaining the sense of place and features that have helped the area develop to date.

11.31 In order to protect existing businesses restrictions on the use of the area are proposed. This will be reviewed on completion of the Master Plan.

Local Policy EC3

Canvey Seafront Entertainment Area

- 1. The Council will prepare a Master Plan for the Canvey Seafront Entertainment area. The Plan will set out a clear vision and objectives for the area, translating those into realistic investment plans to provide new entertainment facilities, improvements to the public realm and protection of key features such as the beach areas and historic assets.**
- 2. Within the allocated seafront entertainment area, as shown on the Policies Map, commercial and leisure development proposals that can be demonstrated to support the tourist industry will be permitted, subject to compliance with all other relevant policies.**

3. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
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Canvey Port Facilities

Policy Context

11.32 The Government has published a *National Policy Statement (NPS)* for Ports. This document forms the primary basis for decisions on applications for development consent for nationally significant port developments that fall to be determined by the Secretary of State. These can be a material planning consideration for local planning authorities in considering planning applications for such development. Paragraph 3.3.1 sets out the Government's fundamental policy in relation to ports. This states that the Government will:

'Encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;

Allow judgements about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and

Ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.'

11.33 In relation to ports used for energy supply, paragraph 3.1.5 of the *NPS* confirms that ports have a vital role to play in the import and export of energy supplies. It goes on to state that ensuring security of energy supplies through our ports will be an important consideration, and that ports will need to be responsive both to changes in different types of energy supplies needed and to possible changes in the geographical pattern of the demand for fuel.

11.34 The South East Inshore Marine Plan is also relevant in respect of any changes to the port facilities on Canvey Island, as consideration needs to be given on how any such changes impact on the marine environment or its use, including any conflicts arising with other users. Separate consents from the Marine Management Organisation will be required for certain types of activity. Along with the Vision for the Tidal Thames, the South East Inshore Marine Plan seeks to increase the use of port facilities in the Thames Estuary, where appropriate, in order to boost jobs and boost the movement of freight by water as a sustainable alternative to road transport. The port facilities on Canvey Island have a role to play in this vision.

Reasoned Justification

11.35 There are two port facilities located adjacent to each other in Castle Point at South Canvey. These port facilities include the Calor terminal located to the west of Thames Road for the importation and storage of liquefied petroleum gas and the Oikos terminal to the east of Haven Road, which receives and stores oil and a range of hydrocarbon products. Both terminals have jetties that are

used to receive fuel imports by ship. These fuels are exported from the terminals by pipelines and by road tanker. The Calor and Oikos terminals are nationally significant and have a role to play in ensuring the security of energy supplies in the UK.

11.36 Ships access these facilities via the Thames Estuary. There are numerous Habitats sites (SPA and SAC) in and around the Thames Estuary that may be affected by disturbance from shipping activity. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), it will be necessary for any adverse effects on the integrity of these protected sites arising from new port activities, including shipping access, to be avoided.

11.37 The port facilities occupy a substantial frontage of the waterfront at South Canvey. This limits access to a narrow strip of the waterfront in this location, creating an enclosing effect for users. This route is not bicycle or equestrian friendly. In order to improve flood defences in the future it will be necessary for land adjacent to the waterfront to be maintained free from development, with access provided to carry out maintenance and improvements as set out in the Thames 2100 Plan. For this purpose, the safeguarded area is shown on the policies map adjacent to the ports.

11.38 There has been significant recent investment at the Oikos terminal at Haven Road in order to adapt to the changing demands related to fuel supply in the UK, while a new access road has been constructed between the Calor terminal and Haven Road. This provides a route for LPG tankers to and from the Calor terminal avoiding residential areas.

11.39 Both port facilities are registered as Control of Major Accident Hazards (COMAH) sites due to the hazardous nature of the goods that they receive and store. The Health and Safety Executive (HSE) and the Environment Agency are responsible for regulating activities at these sites, and also provide advice on the level of hazard the installations pose to nearby development. Both installations have HSE consultation zones identified around them, in which it is expected that other development is controlled to limit unnecessary harm to life and property. The extent of these zones is determined by the nature of the good received and stored on site, and the technical measures employed to ensure safety at the sites. It is therefore possible that the level of hazard posed to other developments nearby can be reduced, both by limiting development nearby, and also by seeking improvements to the level of hazard posed by these sites.

11.40 The policy seeks to address issues arising from both the continuation of the existing operations and future proposals for the re-use of the site. For the avoidance of doubt, in the application of Policy EC4, Part 1 should be applied to those proposals which concern the continued use of the sites for the purposes for which they were operated at the date of the adoption of the Local Plan and where the hazardous material(s) listed on the hazardous substances consent is not changing. At some point in the future however, it is possible that the existing uses may no longer be required and the opportunity to use the sites for a different purpose, not associated with the storage of hazardous materials, or to use the sites for the storage of different types of hazardous materials for which hazardous substance consent was required and was not extant at the date of the adoption of the Plan, may present themselves. Such proposals would be considered under Part 2 of the Policy.

Local Policy EC4

Canvey Port Facilities

1. Existing operations

Within the allocated Port Related Facilities Area shown on the Policies Map, applications for development at existing facilities in connection with the existing operations of the site

as of the date of adoption of this Plan will be permitted, provided that they are compliant with Policy NE7 and the following criteria:

- a. There must be no unacceptable change in the level of hazard or risk posed by the facility as a consequence of the proposals. The advice of the Health and Safety Executive will be sought in relation to this matter;
- b. The design of the proposed development must not cause significant harm to the landscape, having regard to the scale of existing development on the site;
- c. Public access to the coastal path adjacent to the site must be retained;
- d. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1. In addition to this and where appropriate, proposals will be required to deliver a biodiversity net gain; and
- e. The design of the proposed development will incorporate measures to manage current and future flood risk, ensuring development is appropriately resilient and resistant to all sources of flood risk, including careful consideration of emergency planning procedures and areas of refuge for site users.

2. Proposed operations

Applications for the change of use, a change in the type of materials handled, or for redevelopment of the existing port facilities at South Canvey will be permitted subject to compliance with Policy NE7 and the following criteria:

- a. Where the proposal includes a change of materials handled, and those materials are classified as hazardous, it can be demonstrated that the proposal is in the national interest;
- b. There must be no unacceptable change in the level of hazard or risk posed by the facility as a consequence of the proposals. The advice of the Health and Safety Executive will be sought in relation to this matter;
- c. The design of the proposed development must not cause significant harm to the landscape, having regard to the scale of existing development on the site;
- d. Public access to the coastal path adjacent to the site must be retained;
- e. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1. In addition to this and where appropriate, proposals will be required to deliver a biodiversity net gain; and
- f. The design of the proposed development will incorporate measures to manage current and future flood risk, ensuring development is appropriately resilient and resistant to all sources of flood risk, including careful consideration of emergency planning procedures and areas of refuge for site users.

3. In the event that a proposal in relation to port facilities on Canvey Island is of a sufficient size to be considered a Nationally Significant Infrastructure Project for determination by the Secretary of State, the Council will consider its response in accordance with the requirements of this Development Plan.
 4. Any new development within the consultation zones identified by the Health and Safety Executive around the Hazardous Installation sites shall be considered within the context of Policy NE9 of this Plan.
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WITHDRAWN

12. Ensuring the Vitality of Town Centres

Town Centre Strategy

Policy Context

12.1 The *National Planning Policy Framework (NPPF)* expects planning policies to support the role that town centres play at the heart of local communities.

12.2 Policies should define a network and hierarchy of town centres and promote their long-term vitality and viability, in a way that can respond to rapid changes in the retail and leisure industries, allowing a suitable mix of uses, including residential, and reflects their distinctive characters. Where appropriate, the re-introduction or creation of markets is also encouraged. In the case of Castle Point all four town centres fulfil a district centre role mainly focussed on convenience shopping, leisure and public and community services.

12.3 The *NPPF* is clear that retail and other forms of town centre commercial developments should be located according to a sequential test and out of centre locations should only be considered if suitable sites in the town centre are not available, or not expected to become available, within a reasonable period. If a proposal cannot be located within a town centre, the impact of locating a proposal outside of a town centre must be assessed against and must not have an adverse impact on town centre vitality and viability.

12.4 The *NPPF* does however go on to state that the anticipated needs for retail, leisure, office and other main town centre uses should not be compromised by limited site availability. A sequential approach to assessing applications for retail development beyond town centre locations is set out in order to ensure that development is directed towards the most appropriate location. Furthermore, the *NPPF* requires an impact assessment to be carried out in respect of retail, leisure and office proposals for out of centre locations where the development proposed is 2,500m² or greater. This threshold may be altered at a local level to reflect local circumstances.

Reasoned Justification

12.5 Town centres across the United Kingdom are going through a period of significant change. Driven by competition from online sales and large number of store closures, the function of town centres, based on their retail offer, is being tested. Increasingly, town centres are having to be redefined and adapted to support a greater diversification of uses to boost visitor numbers and footfall, dwell time and spend. This has led to a shift from a retail focus to planning policies to a more adaptable approach which promotes town centres as places to live, and increasingly, for work.

12.6 Whilst retaining their retail function it is vital to maintain town centres as a place to visit and provide identity to an area, policies in this plan aim to focus retail development to the core of town centres but diversify elsewhere if new development contributes to the overall vitality and diversity of the town centre. This provides the scope for the town centres to adapt whilst maintaining a clearly defined core retail function.

12.7 The *South Essex Retail Study 2017*, has considered the need for retail provision in Castle Point, as well as other types of leisure and commercial needs. The study indicates that demand for additional convenience goods expenditure will come from population increase and does not indicate

a requirement for additional retail provision beyond existing town centres, and the out of centre shopping areas already identified.

12.8 In terms of establishing a threshold for impact assessment, the *Employment and Retail Needs Assessment 2012* showed the existing levels of retail floorspace within town centres in Castle Point. Canvey Island has the greatest amount with approximately 12,000 sqm, Hadleigh has approximately 7,000 sqm, Tarpots 2,500 sqm and South Benfleet has 1,500 sqm.

12.9 An impact assessment threshold of 2,500 sqm does not therefore appear appropriate in Castle Point, as it is greater than the total floorspace for one of the borough's town centres, equivalent to the total floorspace in a second centre and is equivalent to 35% of a third centre. Out of centre retail, leisure and office developments smaller than 2,500 sqm are therefore likely to have a significant impact on the vitality and viability of local town centres due to their relative size. A more appropriate threshold for Castle Point would therefore be 1,500 sqm, which is no greater than any of the local town centres total floorspace but is nonetheless of a sufficient size to ensure that small business development is not unnecessarily affected by the requirement for an impact assessment.

12.10 The *South Essex Retail Study 2017* found that town centres in Castle Point perform a local function, with larger centres in Basildon and Southend acting as key hubs for retail and leisure provision in South Essex. Additionally, Lakeside Shopping Centre and Retail Park, as well as retail parks in Basildon, are within reasonable commutable distance of Castle Point and are key retail investment priorities for many of the major retail chains. Consequently, there is significant leakage of comparison (non-food) retail spend from Castle Point. Only 14% of comparison retail spend is retained within the borough.

12.11 Castle Point is well provided for in terms of supermarkets. Consequently, 74% of convenience (food shopping) spending is retained within the borough. There is also an inflow of convenience expenditure into Castle Point from neighbouring authorities to out-of-centre food stores located in the northern part of the borough.

12.12 Due to the increase of online shopping and a change in consumer habits, town centres now have a reduced demand for traditional retail space. Commercial leisure such as cafes, bars, restaurants, health and fitness, children's play areas, personal services and cinemas will constitute a growing share of town centre floorspace. Many retailers have reduced their numbers of smaller less profitable stores, generally found in small-medium sized towns such as Hadleigh and Canvey town centres and focus on larger centres like Southend and Basildon.

12.13 Within the South Essex area, Castle Point experiences the highest amount of expenditure leakage at 60% for the food and drink sector. This highlights the lack of provision within the borough compared to surrounding areas. Due to this level of leakage there is an opportunity for Castle Point to increase their food and drink offer to retain expenditure. In the recreation sector Castle Point also experiences a high level of expenditure leakage at 64%.

12.14 In seeking to encourage a broader food and drink offer, it is important that we create a healthy food environment in our town centres and local communities. The national *Obesity Strategy* highlights that eating out can contribute towards obesity through the consumption of more calories. Takeaways and promotions in food stores can also add to the number of calories consumed. This is significant in Castle Point where obesity levels are higher than the national average. It is therefore necessary to ensure that the mix of uses, and the way in which buildings and spaces in town centres are designed promote active lifestyles and a healthy food environment. Health Impact Assessments are a useful tool in ensuring that the wellbeing of the community is considered as part of the design

process, and will be required to ensure that proposals for development selling foodstuffs contribute to the creation of a healthy food environment.

Strategic Policy TC1

Town Centre Strategy

1. There are four town centres in Castle Point, as identified on the Policies Map, at:
 - a. Canvey Island
 - b. Hadleigh
 - c. South Benfleet
 - d. Tarpots
2. Within the Primary Shopping Frontages, listed below, only development proposals falling within Use Classes E and F, and compatible sui generis uses which are assessed to have a similar impact on amenity and on town centre vitality as a development in Use Class E will be permitted. The requirements of policy NE7 will be used to determine amenity impact. Active frontages must be maintained at the ground floor on these premises:

Canvey Town Centre:

14-64 Furtherwick Road

68-90 Furtherwick Road

3-59 Furtherwick Road

Units 1-16 Knightswick Centre, Furtherwick Road

Sainsbury's, Knightswick Centre

Hadleigh Town Centre:

207-253 London Road, Hadleigh

255-319 London Road, Hadleigh

2-28 Rectory Road

1-7 Rectory Road

South Benfleet Town Centre:

261-311 High Road

Tarpots Town Centre:

109-145 London Road, Benfleet

120-140 London Road, Benfleet
3. Outside of the primary shopping frontages, development will be allowed within other use classes, including residential uses, where it is demonstrated that the use will contribute towards the vitality of the town centre.

4. Applications for development falling within Use Class E will normally be permitted in town centres. Outside of the town centres new development falling within Use Class E will be permitted if the following criteria can be met:
 - a. A sequential test has been applied, and it has been robustly demonstrated that the proposed development cannot reasonably be accommodated within a town centre or local shopping parade, or as a second preference within an existing out of centre shopping area;
 - b. The proposed development will not have a significant adverse impact on the vitality and viability of town centres in Castle Point. An impact assessment is required for proposals of 1,500m² in size or greater;
 - c. The proposed development will not have a significant adverse impact on its immediate environment, including residential amenity of any nearby properties, by virtue of disturbance, noise or because of increased traffic, car parking or congestion.; and
 - d. Other relevant policies within this plan are also satisfied.
 5. Where an application is for a development intended for the sale of foodstuff, or could be used for such purpose, a health impact assessment will be required. Where this shows that the development has the potential to impact on health outcomes, measures should be included within the proposal to mitigate harm and create a healthy food environment.
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Canvey Town Centre and Hadleigh Town Centre Regeneration

Policy Context

12.15 The *NPPF* states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.

Reasoned Justification

12.16 The Council adopted as a Supplementary Planning Document (SPD) a Master Plan for Canvey Town Centre. In 2011, the Council had approved a master plan for the regeneration of Hadleigh Town Centre although not as SPD. Both Master Plans are now out of date and will be reviewed during the early part of the plan period.

Canvey town centre regeneration

12.17 The *South Essex Retail Study 2017* defined Canvey Town Centre as an important service centre which serves the local population. It found that the majority of its turnover at 93% was from the local population. Canvey Town Centre also has the largest amount of retail floorspace in Castle Point. Although the study found that there was no additional need arising in Castle Point up until 2037 in comparison floorspace the *Canvey Town Centre Master Plan* aims to enhance the viability

and vitality whilst improving the offer of Canvey Town Centre without altering the role of the town centre.

12.18 The *Canvey Town Centre Master Plan* was developed following a detailed review of the town centre and considerable community consultation. It is considered that the vision and objectives of the Master Plan remain valid, even though its illustrative concepts have not been able to be progressed at this time, it remains that these will have positive benefits for the town centre.

12.19 In 2019 the Council acquired the Knightswick Shopping Centre. This Centre is at the heart of the town centre and contains Sainsbury's food store as its anchor and 17 smaller stores in a covered mall. Its car park is the main car park for the town centre. The acquisition also secured or the Council ownership of areas of public realm in Furtherwick Road and the High Street, where a new street market is due to open.

12.20 The acquisition of the Knightswick centre is to support regeneration and the Council will work with businesses and partners to review the Canvey Town Centre Master Plan and invest to improve and diversify the town centre whilst protecting and supporting existing businesses.

Hadleigh town centre regeneration

12.21 The *South Essex Retail Study 2017* stated that Hadleigh Town Centre had a high proportion of convenience floorspace due to the presence of three large food stores. It is the second largest town in Castle Point and mainly serves the local population.

12.22 Work on the *Hadleigh Town Centre Master Plan* meanwhile has given consideration to the physical issues affecting Hadleigh Town Centre. In particular, the road layout impacts on the quality of the shopping environment and segregates parades within the town centre from one another. There are also a number of sites within the town centre that are dated or make ineffective use of land. The redevelopment of these sites could not only improve the environment, but also present the opportunity to introduce mixed use developments within the town centre, improving its vitality and vibrancy.

12.23 A key location within the town centre is the Hadleigh Island Site. This is allocated for a residential led mixed-use scheme under policy HO17. This site is owned in part by the Council and by Essex County Council with a small area in private ownership. In addition, land at 244-258 London Road is allocated under policy HO32 for residential and mixed-uses.

Local Policy TC2

Canvey Town Centre and Hadleigh Town Centre Regeneration

- 1. The Canvey and Hadleigh Town Centre Master Plans will be reviewed with the following objectives;**
 - a. Supporting mixed use proposals where they make effective use of land to provide both an active shopping frontage and other forms of business, leisure, community or residential accommodation;**
 - b. Promoting town centres as sustainable transport hubs through the delivery of cycling infrastructure and public transport infrastructure; and**

- c. Ensuring that where retail proposals are made for out of centre locations appropriate consideration is given to their impact on the vitality and viability of town centres in Castle Point.
 2. Canvey Town Centre will be regenerated with the aim of providing an enhanced retail offer alongside a mix of other business, community, residential and open space uses. In order to create a pleasant town centre that is attractive to residents and retail businesses, and makes the best use of land, investment will be made in new public realm and an improved highway network.
 3. Hadleigh Town Centre will be regenerated with the aim of providing an enhanced retail supply alongside a mix of other business, community/cultural, residential and open space uses in order to create a pleasant town centre that is attractive to residents, retail businesses, and makes the best use of land.
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Local Shopping Parades

Policy Context

12.24 There is no specific policy in the *NPPF* in relation to local shopping parades, with the emphasis being on ensuring the vitality of town centres. However, the *NPPF* states that planning policies should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, an example of this being the provision of local shops. The *NPPF* additionally states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites to help minimise the number and length of journeys needed for shopping and other activities. The provision of small local shops near where people live may well prevent people using their cars to access shops for top-up shopping and promote sustainable transport aims.

Reasoned Justification

12.25 The *1998 Castle Point Adopted Local Plan* allocated Local Shopping Parades. One of the parades has been redeveloped for residential purposes. The remaining parades are clearly well supported and offer local shopping opportunities near where people live. Since 1998 an additional parade has been identified on Meppel Avenue to support housing growth in this location.

12.26 For those reasons set out for policy TC1, a health impact assessment will be required for proposals which involve the sale of foodstuffs in local shopping parades. These parades are at the heart of local communities and have the potential to contribute to the exposure of residents to healthy food environments which will impact on their wellbeing.

12.27 Any new local shopping parades will also be subject to this policy.

Local Policy TC3

Local Shopping Parades

1. There are 18 local shopping parades in Castle Point, as identified on the Policies Map, at:
 1. 159-173 (odd numbers) Church Road and 1-16 Roseberry Walk, Thundersley

2. 61-83 (odd numbers) Hart Road, Thundersley
3. 76-130 (even numbers) Hart Road, Thundersley (excluding Aston Place)
4. 357-363 (odd numbers) Rayleigh Road and 297 Hart Road, Thundersley
5. 288-302 (even numbers) Kiln Road and 2-28 (even numbers) Benfleet Road, Thundersley
6. 255-275 (odd numbers) Kiln Road, Thundersley
7. 16-32 (even numbers) High Road, South Benfleet
8. 501 to 503 (odd numbers), High Road, South Benfleet
9. 15-23 (odd numbers) Third Avenue, Canvey Island
10. 1-5 Haven Road, 1-9 (odd numbers) Canvey Road, the King Canute Public House Canvey Road, and 348-362 (even numbers) Long Road, Canvey Island
11. 353-365 (odd numbers) Long Road, Canvey Island
12. 169-179 (odd numbers), 162-176 (even numbers) Long Road and 2 Craven Avenue, Canvey Island
13. 192-196 (even numbers) High Street, Canvey Island
14. 193-215 (odd numbers) High Street, Canvey Island
15. 269 - 275 (odd numbers), 270-276 (even numbers) and 286-290 (even numbers) High Street, Canvey Island
16. 86-98 (even numbers) Point Road, Canvey Island
17. 8-12 (even numbers) Pauls Court, Meppel Avenue, Canvey Island
18. 93-99 Woodfield Road, Hadleigh

2. Proposals for uses falling within Use Class E of the Use Classes Order will normally be permitted at ground floor level within local shopping parades, subject to compliance with all other relevant policies in this plan.
3. The change of use to residential on the upper floors will normally be permitted subject to residential amenity, access and car parking.
4. Where an application is for a development intended for the sale of foodstuff, or could be used for such purpose, a health impact assessment will be required. Where this shows that the development has the potential to impact on health outcomes, measures should be included within the proposal to mitigate harm and create a healthy food environment.

Out of Centre Retail Parks

Policy Context

12.28 The *NPPF* is clear that the role that town centres play at the heart of communities should be supported and that local policies should seek to ensure the vitality of town centres. Retail developments should be located according to a sequential test and out of town locations should only be considered if suitable sites in the town centre are not available or not expected to become available within a reasonable period. If the proposal cannot be located within a town centre, the impact of locating a proposal outside of a town centre must be assessed against and must not have an adverse effect on town centre vitality and viability.

Reasoned Justification

12.29 There are two out of centre shopping areas in Castle Point, as identified in the *1998 Adopted Local Plan* that provide a mix of convenience and bulky comparison goods. The Stadium Way shopping area provides a high proportion of convenience retail spend in the borough and according to the *South Essex Retail Study 2017* attracts residents from outside of the borough. It should be noted that a significant number of the comparison retail units in the area comprise bulky goods such as furniture and DIY, which are not always suited to town centre sites. The second is Canvey Retail Park at Northwick Road on Canvey Island.

12.30 The *South Essex Retail Study 2017* states that convenience shopping within Castle Point currently supports a local population. New convenience floorspace in addition to current provision should only be permitted when there is a mismatch between population and level of convenience floorspace as a result of new development. However, as set out in Policy TC1, new retail development should be focussed in the town centres. The Council acknowledges that both the Stadium Way and Canvey Retail Parks play a crucial role in meeting the retail needs of the Borough. They provide employment and support a supply chain network. Some of the premises at Stadium Way are now old and many converted from previous commercial uses and therefore, it is likely that redevelopment will need to take place. Where these redevelopments do occur, the Council will seek applications for the sale of foodstuffs to be accompanied by health impact assessments in order to ensure the creation of healthy food environments which support the wellbeing of local residents and other users.

Local Policy TC4

Out of Centre Retail Parks

1. **There are two out of centre shopping areas in Castle Point, as identified on the Policies Map, at:**

Stadium Way, Thundersley; and

Canvey Retail Park, Northwick Road, Canvey Island
 2. **Re-development for uses falling within Use Classes E and F of the Use Classes Order, and compatible sui generis uses which are assessed to have a similar impact on amenity and neighbouring development as a development in Use Class E, assessed in accordance with policy NE7, will be permitted within these out of centre shopping areas where both sequential and impact assessments have indicated that it is appropriate to do so, and all other relevant policies in this plan have been complied with. An impact assessment will be required for proposals of 1,500 sqm or greater, consistent with the requirements of policy TC1.**
 3. **Where an application is for a development intended for the sale of foodstuff, or could be used for such purpose, a health impact assessment will be required. Where this shows that the development has the potential to impact on health outcomes, measures should be included within the proposal to mitigate harm and create a healthy food environment.**
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South Benfleet Leisure Quarter

Policy Context

12.31 The *NPPF* expects local planning authorities to allocate a range of suitable sites to meet a range of anticipated needs including leisure needs.

Reasoned Justification

12.32 The old centre of South Benfleet comprises several pubs and retail units around the High Street area, close to the railway station. The three pubs in this area have been successful in adapting to a changing market. The retail units within this area have over time been adapted with a proportion of them now operating as restaurants and a bar. Consequently, South Benfleet has grown as a place where people go to socialise and can now be classified as a "leisure quarter".

12.33 There are a small number of units that continue to operate as shops within this area. There is the potential that these may be brought forward as restaurants or bars over time. It would be important for any such development to complement the existing range of uses, given the reasonable quality of provision that has been achieved already. In bringing forward such proposals, the Council will seek to ensure a healthy food environment and will expect applications to be accompanied by a health impact assessment.

12.34 There is also a need for any development to reflect the historic character of the area. There are eleven listed buildings located in this area including the Grade I Church of St. Mary the Virgin and the Grade II* Anchor Inn. The area is therefore designated as a conservation area and includes other buildings of local heritage importance.

12.35 Additionally, there are several residential properties nearby, and therefore any proposal will need to have regard to the amenity of residents in terms of opening hours and the provision of entertainment. Finally, a small part of the area is within Flood Risk Zones 2 and 3, although most of the area is at a low risk of flooding (Flood Risk Zone 1). Plans will also need to be put in place to ensure the safety of customers in the event of a flood.

Local Policy TC5

South Benfleet Leisure Quarter

- 1. South Benfleet Leisure Quarter is identified on the Policies Map and comprises the following properties:**
 - 1-7 (odd numbers) Essex Way**
 - 8-10 (even numbers) Essex Way**
 - 1-27 (odd numbers) High Street, South Benfleet**
 - 24-42 (even numbers) High Street, South Benfleet**
- 2. Within this area, development proposals for cafes, restaurants and bars will be supported, subject to compliance with other relevant policies on design, the historic environment, flood risk and residential amenity being fully addressed.**

3. **Where an application is for a development intended for the sale of foodstuff, or could be used for such purpose, a health impact assessment will be required. Where this shows that the development has the potential to impact on health outcomes, measures should be included within the proposal to mitigate harm and create a healthy food environment.**
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Fast Food Outlets

Policy Context

12.36 The *NPPF* states that planning policies should 'enable and support healthy lifestyles. This includes through access to healthier foods.

Reasoned Justification

12.37 Hot food takeaways are now a common feature of town centres, high streets, and local centres because they fulfil an increasing demand for instant food access and convenience. Traditionally, hot food takeaways (*sui generis* use class) differ in purpose from restaurants or cafés (use class E(b)), however, some businesses classified as restaurants also offer takeaway services. This is the case for many fast food restaurants, and for many restaurants serving Indian or Chinese style cuisine. This increased proliferation of hot food takeaways over recent decades is reducing the diversity of retail offer, as well as having significant influence over food consumption patterns.

12.38 Whilst local shopping parades are a sustainable location for hot food takeaways because they are close to where people live, there are, in some instances where the number of takeaways in such parades dominates use class E(a) shopping provision, reducing the diversity of local retail available.

12.39 Hot food takeaways can contribute towards unhealthy lifestyles. Public Health England has advised that increased exposure and opportunity to buy fast food (including proximity and opening hours) results in increased consumption levels which can have negative effects on health. This is because some hot food takeaways offer energy-dense food with high levels of saturated fat, sugar, salt and preservatives which are linked to obesity and related health conditions.

12.40 England has one of the highest rates of obesity in Europe and in the developed world. A Public Health England report *Adult Obesity (2018)* acknowledges obesity is one of the most widespread threats to health and well-being in the country and that there is a link between excess body weight and diseases such as type 2 diabetes, cancer and heart disease. This impacts on the cost of health care provision and the ability of health services to support local communities.

12.41 The *Castle Point and Rochford Locality Estates Strategy 2018* classified 27% of adults and 20.4% of children in Castle Point as obese with fewer people eating healthily, this puts Castle Point at a higher than average level of obesity. Obese children are more likely than children of a healthy weight to become an obese adult with associated health problems later in life.

12.42 Therefore, the proliferation of hot food takeaway provision in Castle Point is not only affecting the diversity of retail offer in Castle Point, it is also contributing towards poor health amongst the resident population. There is therefore a clear basis for seeking to limit further increases in the provision of hot food takeaways in Castle Point. In particular, policies restricting children's access to

takeaway shops can, amongst other measures, act to discourage unhealthy eating and seek to stop the rising levels of obesity in the borough.

12.43 The *Marmot Review (2010)* highlighted the correlation between poor health and deprivation. The strong association between deprivation and the density of fast food outlets, has been found by the National Obesity Observatory. A report on the implications for spatial planning arising from the *Marmot Review* suggested that deprived areas could particularly benefit from policies which aim to improve availability of healthier food options and better access to shopping facilities, coupled with planning restrictions to control the density of fast food outlets.

12.44 Children are increasingly more vulnerable to obesity than adults. Whilst there is a range of reasons – poor diet at home, lack of exercise or sedentary lifestyles – the access to fast food takeaways is of concern. Restricting access close to schools will assist to discourage children from unhealthy eating and assist in controlling obesity.

Strategic Policy TC6

Fast Food Outlets

- 1. In order to ensure that excessive concentrations of particular types of food and drink uses are avoided, applications for hot food takeaways falling within sui generis use class will be supported where the following thresholds are not exceeded:**
 - a. Within a Town Centre, no more than 10% of shop units comprise hot food takeaways;**
 - b. Within local shopping parades comprising 6 or less shop units, no more than 50% of the shop units comprise hot food takeaways;**
 - c. Within local shopping parades comprising 7 to 14 shop units, no more than 30% of the shop units comprise hot food takeaways; and**
 - d. Within local shopping parades comprising 15 or more units, no more than 20% of the shop units comprise hot food takeaways.**
 - 2. A Health Impact Assessment of the proposal should be undertaken, and the measures identified should be incorporated within the proposal to limit the impact of the proposal on obesity levels within the local community, taking into account the proximity to existing schools, colleges and youth centres.**
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13. Promoting Healthy and Safe Communities

Strategy for Healthy Communities

Policy Context

13.1 The *National Planning Policy Framework (NPPF)* states that planning policies should aim to achieve healthy, inclusive and safe communities which promote social interaction and create opportunities for meetings between people and community cohesion. Planning policies should promote the provision of safe and accessible facilities, infrastructure, public spaces and local services to improve health, social and cultural wellbeing for all sections of the community. Policies should also enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

13.2 Policies should guard against the unnecessary loss of valued facilities and services and look to ensure that they are able to develop and modernise for the benefit of the community.

13.3 The *NPPF* states the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Additionally, there should be access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities.

13.4 Locally, the *Local Strategic Partnership* which consists of statutory bodies and voluntary community groups help deliver positive change within the South Essex area. This partnership covers a wide range of issues, including health and wellbeing, community safety, community development and local children's commissioning and service delivery.

Reasoned Justification

13.5 The *Joint Essex Health and Wealth Being Strategy* for the Health and Well Being Board is the overarching strategy for health published in 2018. The Sustainability and Transformation Partnerships are seeking to redesigning services around individual areas. The *Essex Joint Strategic Needs Assessment (JSNA) A profile of people living in Castle Point 2018* sets out information on the health and well-being of residents in Castle Point. Smoking, obesity and increasing physical activity are areas that need to be improved. Castle Point has the highest smoking prevalence in Essex at 26.9% which is considerably higher than the national average (18%). The study shows that Castle Point has the highest level of overweight and obesity amongst adults across Essex at 70.2%.

13.6 Only 16.8% of adults in Castle Point take part in the recommended amount of physical activity to benefit their health. Childhood obesity is the focus of public health teams across the country, as excess weight in childhood is a major risk factor for obesity and health related problems in adulthood. Some 35.1% of 10 and 11-year olds in Castle Point are obese or overweight. Opportunities to encourage physical activity therefore have an important role to play in making the community in Castle Point healthier and reduce health risks.

13.7 The impacts of smoking, obesity and low levels of physical activity are reflected in the health of the population. There has been an increased amount of diabetes recorded in the borough, with 7.3% of the GP registered population being diagnosed with diabetes in 2014/15, this makes Castle Point the second highest in Essex. Although the levels of people that died prematurely from cardiovascular

disease has decreased to 56.9 per 100,000 people, it is important for this trend to continue and prevention, treatment and lifestyles are all important in achieving this.

13.8 The number of residents aged 65 and over is expected to increase by 19% between 2015 and 2025, this will equate to roughly 28% of the population in the borough. As Castle Point has an ageing population, this is another factor affecting the health profile of the population in the area. As well as affecting the level of poor health reported above, it is also linked to specific illnesses that affect older people such as dementia. In 2014 1,410 people aged over 65 in the borough were thought to have dementia, this number is expected to rise by 70% to 2,390 by 2030.

13.9 The *JSNA A profile of people living in Castle Point 2018* highlights clear inequalities in health across the borough. The study found large differences in the level of deprivation within the Borough with the wards of Canvey Island South, Canvey Island Central and Canvey Island Winter Gardens defined as the most deprived, compared to many wards that are relatively affluent with little deprivation. This highlights the health inequalities that the Borough faces. In seeking an active and healthy community it is therefore necessary to consider how policies can benefit areas of inequality.

13.10 The Castle Point and Rochford Clinical Commissioning Group (CCG) undertook a *Locality Estates Strategy 2018*; at that time it was estimated that at least £48.5 million of capital investment will be required in Castle Point and Rochford over the next ten years. This would support infrastructure requirements to facilitate the delivery of modern and sustainable integrated care services for current and future populations. This may include the development of Healthcare Hubs on Canvey Island and in Benfleet, Primary Care Spokes and Administrative Hubs.

13.11 All plans for new healthcare facilities and services are subject to appraisal, viability and business case processes. A healthcare infrastructure requirement list has been produced to support this plan and has been integrated into the *Infrastructure Delivery Plan (IDP)*. This list will be subject to iteration, therefore ensuring that requirements are current and align to existing and future strategies for the delivery of health and care services within Castle Point. NHS estates matters are dealt with through the Mid and South Essex STP estates team. A Forum has been established to consider the implications of planned growth to make the best use of the existing NHS estate. Essex County Council (ECC) have the role as a public health advisor. The Director of Public Health is the lead advisor for public health and planning matters.

13.12 The *Castle Point Borough Open Space Appraisal Update 2012* assessed the current and future needs for different types of open space provision. This study has informed the *IDP* which highlights the future locations of future requirements for different types of open spaces. The Study identifies issues more in terms of the quality and accessibility of open space provision in Castle Point rather than with the overall quantity which broadly aligns with established targets for such provision. Areas of improvement were the provision of more formal parks and gardens, which may be popular amongst older people, and the quality of sports facilities, which will have a role to play in encouraging greater physical activity amongst the adult population. Disabled access was also an issue for some areas, which may need to be addressed given the ageing population and increased occurrence of disability and mobility problems that will accompany this growth. An issue with accessibility to children's play spaces was also identified to be addressed which will require increased provision at west and east Canvey, and in Thundersley and Daws Heath.

13.13 The provision of community facilities and open spaces can also assist in increasing community resilience.

13.14 Open spaces are part of the network of green infrastructure in Castle Point, which provides a range of environmental services contributing towards better health such as pollution mitigation, flood

risk management and providing a green attractive environment that assists with mental well-being as well as physical well-being. Green infrastructure includes green corridors such as cycle ways and footpaths which can help people fit activity into their normal day without too much compromise i.e. walking to the shops or cycling to work.

13.15 The *Thames Estuary 2100 Plan* values the provision of open spaces for their ability to assimilate flood waters, whilst also recognising the opportunities presented by community facilities to provide refuges and safe havens in the event of a flood or other hazardous event.

13.16 The provision of community facilities provides the opportunity for people to come together enhancing community inclusion and cohesion and providing the ability for people to support one another during normal day to day life, and during unusual events.

13.17 One of the action points in the *Essex Joint Health and Wellbeing Strategy 2018-2022* (and successor documents) is to reduce the numbers of people becoming dependent on health and adult social care by facilitating the best conditions for carers to operate. This includes increasing the proportion of carers who find it easy to find information about support.

13.18 Since 2008 the Essex Planning Policy Officers Association has provided guidance on the preparation, submission and consideration of health through new developments. This is set out in advice and best practice published by Public Health England and locally in the Essex Planning Officers' Association (EPOA) HIA Guidance Note – Essex Healthy Places – Advice Note for Planners, Developers and Designers (Or successor documents) which can be viewed via the Essex Design Guide website. This seeks development of more than 50 residential units or 1,000 sqm, that a Health Impact Assessment is undertaken by the applicant. This assessment will identify any adverse impacts from the development. Options to mitigate these impacts can be considered and amendments made to a proposal or provision made to enable the application to be acceptable, through a Section 106 Agreement. A screening process will take place to determine the extent and detail/complexity of HIA required based on the type of development proposed and whether evidence demonstrates the development impacts can be expected to be significant on sensitive receptors.

13.19 The *Essex Adult Social Care Market Position Statement 2015* indicates that there were 7,550 people aged over 65 with care needs which equates to roughly a third of all residents aged over 65 in Castle Point. Throughout Essex there is expected to be an increase in the amount of older people that experience poor physical and mental health, especially where there is a greater concentration of older people with social care needs in the less deprived areas, as found in Castle Point. It is important that community services are developed which encourage social activity and community cohesion in order to reduce dependency on social care services amongst older people, as a result of social isolation.

13.20 The social care budget for Essex in 2017/18 was £181 million. This is expected to increase year on year by between £11 million and £15 million. In 2017/18 £92 million or approximately 50% of the social care budget is spent on residential care each year. Through increased investment in community care, and community and voluntary services it is aimed to reduce expenditure on residential care. Opportunities for people to meet, and places for community and voluntary organisations to provide services within the community are therefore essential to the long-term strategy for adult social care within Castle Point.

13.21 The planning system can play an important role in creating healthy communities. This can include promoting new development that provides opportunities for healthy living through the encouragement of walking and cycling provision of open space. Sport England's 'Active Design' provides further guidance on this.

Strategic Policy HS1

Strategy for Healthy Communities

- 1. In order to ensure that the communities in Castle Point are active and healthy, do not suffer from social isolation, deprivation and health inequalities, and adult social care services are sustainable into the future, the Council will seek to deliver the following:**
 - a. Promote good physical and mental health and healthy lifestyles amongst residents by:**
 - i. Ensuring access to high quality open spaces including the coast, and opportunities to engage in sport and recreation; and**
 - ii. Providing opportunities for people to walk and cycle, both for recreation purposes, and as part of their day to day activities.**
 - b. Ensure that everybody can participate within the community, and access employment opportunities within the Borough by:**
 - i. Ensuring community facilities are of a good quality and are located where they can be accessed by walking cycling and public transport; and**
 - ii. Ensuring that the accommodation needs of older people and disabled adults are met and are met in a location which enables residents to remain active members of the community.**
 - c. Ensure that growth in the Borough is aligned to improvements in the provision of healthcare services by:**
 - i. Working with NHS England, the Clinical Commissioning Group, Mid and South Essex University Hospitals Group and other providers of healthcare services in the Borough to ensure those organisations have the built facilities they need to deliver their service plans; and**
 - ii. Requiring developers to contribute towards the provision of built facilities, and other improvements to healthcare services alongside their proposals for residential development, as set out in the Infrastructure Delivery Plan, this can include on and off-site provision and the use of the Community Infrastructure Levy.**
 - d. Ensure new development is designed and located to promote good health, and avoid sources of harm to health by:**
 - i. Requiring good quality design in new developments, including design which has regard to Sport England's 'Active Design' principles; and**
 - ii. Avoiding development in locations which may cause harm to human health by way of disturbance to the quality of life or pollution having reference to the criteria and requirements of policy NE7.**

2. This will be achieved by:

- a. Working with partner organisations, including community groups and the voluntary sector, to deliver multi-functional open spaces and green infrastructure projects consistent with policy NE1;**
 - b. Working with partner organisations, including community groups and the voluntary sector, to deliver community infrastructure projects and services that meet current and future needs, and support wider community resilience;**
 - c. Identifying development locations which provide opportunities to secure additional open space, green infrastructure and community infrastructure;**
 - d. Maximising opportunities to secure investment in open space, green infrastructure and community infrastructure provision; and**
 - e. To ensure new development is designed to promote good health, Health Impact Assessments should be undertaken for all developments involving the sale of foodstuff, and for other developments of over 50 residential units or 1,000 sqm of non-residential development. Mitigation against negative health impacts and opportunities of positive health impacts should be identified. Negative health impacts identified in a Health Impact Assessment must be resolved in the development or secured through a Section 106 Agreement.**
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Opportunities for Indoor Leisure and Sports

Policy Context

13.22 The *NPPF* expects planning policies to plan positively for the provision and use of a range of shared spaces and community facilities including, amongst other things sports venues, meeting places and cultural buildings.

13.23 The *NPPF* is clear that access to opportunities for sport and physical activity is important to the health and well-being of communities.

13.24 Locally, the Health and Wellbeing Partnership aim to increase adult physical activity in the borough, which has been identified as an issue in the borough.

Reasoned Justification

13.25 Castle Point has the highest level of obesity amongst the adult population in Essex, and relatively low levels of adult participation in regular physical activity. Compared to the county average Castle Point has a higher level of physical activity in terms of organised sport participation at 39.6% of adults and club membership at 28.1% of adults. Although these levels are higher than the Essex average, it is important that the borough enhances, maintains and where appropriate creates facilities in order to encourage active lifestyles.

13.26 The *Castle Point Built Facilities Strategy Assessment Report 2018* found that the majority of sports assessed have sufficient facilities in the borough or nearby to support current need, although

to improve and preserve participation levels most venues are encouraged to enhance or maintain existing facilities. It is essential that Castle Point provides a variety of different sporting activities to suit all abilities and ages. Furthermore, the *Built Facilities Strategy* concludes that key public sports halls and swimming pools are operating close to capacity and may therefore struggle to accommodate the additional demand generated by growth in this plan. There is therefore a need to enhance or provide new facilities to address any growth in demand. The *Built Facilities Strategy* recommends the use of developer contributions calculated using the Sport England Facilities Calculator to fund needs arising from growth.

13.27 It should be noted that indoor physical recreation is not limited to provision within purpose-built leisure centres and gymnasiums. Exercise classes are regularly provided in community halls and school halls across the borough and contribute towards the variety of opportunities for residents to take part in physical activity. The *Built Facilities Strategy* recommends the use of community use agreements to secure access for the community to school halls and other such places where indoor activities can take place outside operational hours.

Strategic Policy HS2

Opportunities for Indoor Leisure and Sports

- 1. In order to increase participation in physical activity, the Council will seek to secure the following for indoor leisure and sports:**
 - a. The retention, and increased access for the public to existing indoor leisure and sports facilities;**
 - b. The use of a wider range of facilities for physical activity;**
 - c. A community hall with capacity for sports including badminton and short-mat bowls in the Benfleet, Hadleigh and Thundersley area.**
 - 2. This will be achieved by:**
 - a. Protecting existing indoor sports provision from re-development for other uses as required by Strategic Policy HS6;**
 - b. Community use agreements will be required where appropriate where a multi-functional community hall, school/college hall or stand-alone indoor sports facility is provided or enhanced, to increase sports participation within local communities and community access to these facilities;**
 - c. Where appropriate, developer contributions will be sought including the provision of land to enable the delivery of additional leisure and sport facilities; and**
 - d. Working with partners and the community to secure and deliver suitable facilities through the use of planning conditions and/or planning obligations.**
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Opportunities for Outdoor Recreation

Policy Context

13.28 The *NPPF* recognises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Local planning policies should identify the need for open space and opportunities for new provision. Existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space to be surplus to requirements or that the loss resulting would be replaced by an equivalent, better or alternative provision which clearly outweighs the loss of the current or former use. Except where an assessment shows it is surplus to need, or else the development proposed would enhance the use of the open space for sport and recreation, or the open space is replaced by a suitable or better alternative.

13.29 Additionally, the *NPPF* expects planning policies to protect and enhance public rights of way and access and take opportunities to provide better facilities for users.

13.30 Finally, in relation to open spaces, the *NPPF* expects local planning policies to enable and support healthy lifestyles and address local health and wellbeing needs through the provision of safe and accessible green infrastructure, this is set out in policy NE1.

13.31 Policy NE1 of this plan sets out requirements for the provision of Green and Blue Infrastructure in Castle Point. This policy seeks to deliver the ambitions of the *South Essex Green Grid Strategy*, the *South Essex Green and Blue Infrastructure Strategy*, and the *Essex Green Infrastructure Strategy* and the Greater Thames Marshes Nature Improvement Area through the provision of multi-function green infrastructure projects, which deliver a range of benefits including, recreational benefits for local people, including access to coast.

Reasoned Justification

13.32 The *Open Space Appraisal Update 2012* sets out six policy recommendations for the improvement of open space provision in the borough:

- Promote links within and between open spaces;
- Improve accessibility of open spaces;
- Encourage participation in sport and outdoor recreation;
- Increase open space provision where needed;
- Improve facilities in open spaces; and
- Improve biodiversity

13.33 The Council's *Leisure and Recreation Strategy 2015* recognises that there are a wide range of leisure and active recreation opportunities currently available in the Borough and that there are some gaps in current provision. In addressing these issues, the strategy considers the wider use of current partnerships, different service delivery options and the extension of network opportunities to share the scope and possibility for enhanced delivery across organisations.

13.34 The strategy focuses on the facilities in place, how to work effectively to maintain and improve those and how to work more effectively with alternative providers, clubs, voluntary groups, health and educational partners to deliver the vision.

13.35 With regard to formal outdoor sports facilities, the *Castle Point Playing Pitch Strategy (2018)* and *Castle Point Playing Pitch Assessment (2018)* identified the need for some additional pitch provision in Castle Point to address both existing deficiencies and also the needs arising from growth. It also identified the need to improve the quality of some aspects of provision. The assessment specifically found that there is a need to provide additional third generation pitches (3G) in the borough, this will help enhance current participation levels as well as reducing strain on current facilities. The outcomes of the *Playing Pitch Strategy* are reflected in the *IDP*. In order to deliver improvements in provision, the use of community use agreements is advocated to secure access to those outdoor sports facilities located in schools. The Council will use Sport England's Playing Pitch Calculator to secure funding for any new facilities required to support growth.

13.36 This plan provides an opportunity for the Council to aim to increase the amount of open spaces within the Borough in order to address current deficiencies in the range and accessibility of open space provision in Castle Point. There should be additional provision made for:

- Outdoor sports pitches and facilities as recommended by the *Playing Pitch Strategy*;
- Additional parks and gardens, (potentially provided within existing amenity green spaces);
- Additional natural green space to be provided in Thundersley;
- Additional children's play spaces should be provided in several locations throughout the Borough; and
- Civic spaces such as civic squares and market places to be secured through the regeneration of Hadleigh and Canvey Town Centres.

13.37 New development can increase recreational pressures on those areas of open space that have a nature conservation value, and so additional public open space for all new development is important to address this issue. The *IDP* outlines the additional green infrastructure which should be provided alongside new development in the Borough. This will be funded through a combination of Section 106 Agreements, Community Infrastructure Levy and grants or capital programmes.

13.38 The Canvey Wick Nature Reserve on Canvey Island will provide additional open space in the Borough and will create new walking and cycling trails extended to the south west of Canvey Island, better linking the existing 'round Island' network of footpaths and cycle ways. This network of footpaths and cycle ways will shortly be incorporated into the England Coast Path.

Strategic Policy HS3

Opportunities for Outdoor Recreation

- 1. Public access will be secured to open space in order to support active and healthy communities and to manage recreational pressures on areas of nature conservation interest. This will be achieved by working with partners to deliver open space and green infrastructure projects in the Borough. This will be supplemented by additional provision secured on development sites. The Council will have regard to its residential Design Standards and the Essex Design Guide and the *Playing Pitch Assessment and Strategy* in assessing the appropriate open space requirements within new development.**
- 2. In order to ensure that there is good access to a variety of open space opportunities within Castle Point, additional provision will be sought as set out in the *Castle Point***

Borough IDP. Where appropriate developers will be expected to contribute toward this provision as set out in the IDP. This includes:

- a. **One 3G pitch on Canvey Island and two 3G pitches in the Benfleet, Hadleigh and Thundersley area;**
 - b. **Additional parks and gardens throughout the borough;**
 - c. **Additional accessible natural green space throughout the borough;**
 - d. **Additional Multi Use Games Areas (MUGAs);**
 - e. **New and improved ancillary features such as car parking, changing rooms, storage facilities, and floodlighting in appropriate locations where they will not give rise to unacceptable impacts on residential amenity;**
 - f. **Additional children's play spaces in West Canvey, East Canvey, Central Thundersley and Daws Heath;**
 - g. **Improvements to tennis court provision;**
 - h. **Improvements to hard-court provision; and**
 - i. **Improved playing pitch provision, including the creation of additional pitches in less flood prone locations and 3G pitches.**
- 3. In order to improve the quality of open spaces in Castle Point, and the ability of residents to be able to enjoy them to their fullest potential, the following improvements to the open space network will be sought as part of the open space provision on development sites in appropriate locations, and by working with partners:**
- a. **Improved links within and between open spaces;**
 - b. **Improved accessibility for all users to open spaces and the coast;**
 - c. **Improved facilities within open spaces;**
 - d. **Improved biodiversity within open spaces; and**
 - e. **Improvements that deliver climate change mitigation and resilience.**
- 4. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.**
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Education, Skills and Learning

Policy Context

13.39 The *NPPF* stresses the importance of local authorities ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The local planning authority should take a proactive, positive and collaborative approach to meeting the requirement, and 'to development that will widen choice in education.'

13.40 The Castle Point and Rochford Local Strategic Partnership identifies education and skills as a priority and has a specific Children's Board and a specific board for Skills and Business.

13.41 For the purpose of this policy, education facilities include, but are not limited to: early years and childcare (full day care, pre-schools, child minders, school run early years provision, and 'wrap around care' – breakfast, after school and holiday clubs), schools (primary, secondary and Post 16 Education), young people with special educational needs and disabilities, colleges, libraries, youth facilities, employment and skills measures and other community learning spaces.

Reasoned Justification

13.42 There are many ways in which people can be engaged in education, skills and learning, including the provision of local employment and skills opportunities arising from new developments. The need for each type of provision varies depending on the age group served and the flexibility in the type of provision under consideration.

13.43 ECC as the Education Authority has the responsibility for early years and school place planning. ECC identifies the need for school places and identifies surpluses or deficits through a *Ten Year Plan Meeting Demand for School Places in Essex*. Places for early years and childcare are assessed through a provider termly headcount and published. This informs the service on the need for additional sustainable, high quality early years and childcare provision that meets the needs of the community.

13.44 The *Castle Point Infrastructure Delivery Plan* establishes where new educational facilities are required based on the growth identified within this plan. Developers will be expected to provide contributions for additional school / early years places or to create new educational establishments arising from the need generated from the development.

13.45 The Council does not anticipate a significant increase in demand for additional further education provision within Castle Point in the long-term and it is unlikely that additional facilities will be needed to address short term demand, as further education can be offered in a more flexible way than school-based education. The Council are aware of changing requirements of further education fields and the Council is working with its partners in order to ensure that there are appropriate facilities for post-16 education. The USP (SEEVIC) Campus on Kiln Road currently provides Further and Higher Education and the Council will work closely with the College to facilitate further investment in the campus.

13.46 In relation to both planned and unplanned growth regard should be had to the "Essex County Council Developers' Guide to Infrastructure Contributions" in order to determine the level of contributions likely to be sought. Where new schools and early years and childcare provision is required, the land provided by the developer must also meet the criteria set out in the Guidance including the design and layout of school sites and evidence in the form of Land Compliance Report.

Early Years and Childcare

13.47 The 2018 childcare sufficiency data suggests there are a range of early years and childcare settings within the Borough at that time. These include sessional pre-schools, nurseries, primary school nurseries, independent schools and of school clubs and childminders.

13.48 The Essex Early Years and Childcare service has reported an increase in the demand for the provision of spaces as the Extended Funding Entitlement (EFE) changes took effect in September 2017. The EFE enables eligible working families to access up to an additional free 15 hours for 3–4-year-olds; and this has placed a further need for full day care and wrap around provision within the Borough.

13.49 The borough appears to have a variety of vacancies for 2, 3 and 4-year olds. However, there is a need for new provision arising from the proposed level of growth and to enable working families to access appropriate and high-quality childcare. Details of the new provision is set out within the respective developments.

13.50 The *Castle Point Borough Infrastructure Delivery Plan* outlines existing and future available capacity within early years and childcare facilities in the Borough.

Schools

13.51 Essex County Council has the statutory responsibility for ensuring that there are sufficient school places across the County. Their *10 Year Plan: 'Meeting the demand for school places in Essex' 2019-2028* is published each year and sets out the anticipated need for additional school places taking into account permitted development. In particular, the 2019-2028 Plan highlighted growing demand for school places in the Thundersley and Benfleet areas. The *Castle Point Borough Infrastructure Delivery Plan* outlines the need for additional school capacity once potential demand from allocated housing sites is taken into account.

13.52 The *JSNA: A profile of people living in Castle Point 2018* found that 54.6% of pupils attending a secondary school in Castle Point achieved five or more GCSE's at grades A*-C including English and Maths which is below the Essex average of 57.6%. Within Castle Point 88.5% of all primary and secondary school children attend a good or outstanding school as judged by OFSTED, the government's inspector of schools. Previously, the secondary schools on Canvey had not performed as well as their counterparts in Benfleet and Thundersley, however following significant investment in new school provision these schools have seen substantial improvements.

13.53 There are two schools for pupils with special educational needs in Castle Point - the Glenwood School and Cedar Hall School. These schools provide places for pupils from an extended catchment area and have an important role to play in responding to parent choice for those pupils with special educational needs.

13.54 Whilst schools in Castle Point primarily meet local needs, there are cross-boundary flows of pupils. Principally, some children from Basildon borough and Southend-on-Sea borough attend secondary schools in Benfleet, whilst some children from Castle Point attend the grammar schools in Southend. The two special educational needs schools meanwhile serve an area wider than Castle Point. These cross-boundary flows have been accounted for when determining additional need arising from the growth in this plan.

13.55 ECC has a duty to secure sufficient, suitable education and training provision for all young people in their area who are over compulsory school age but under 19 or aged 19 to 25 and for whom an Education, Health and Care (EHC) plan is maintained. To fulfil this, new developments will

be required to provide commensurate contributions to support these measures to provide employment and skills opportunities within the area.

Further and Higher Education

13.56 There are currently four locations providing post-16 education provision in Castle Point. USP (SEEVIC) college, located in Thundersley, with a further campus in Thurrock, is the largest provider in the Borough offering a range of academic, high education and vocational courses. The King John School and Appleton School, in Thundersley and Benfleet, have sixth forms which also offer a range of academic and vocational courses for a smaller number of students. Finally, the Canvey Skills Campus, which opened to students in 2013, offers a range of vocational courses in conjunction with partner Colleges in South Essex. Some people meanwhile travel out of the borough for further education, with South Essex College having locations in Basildon and Southend town centres.

13.57 The *JSNA A profile of people living in Castle Point* found that aspirations in Castle Point are particularly low compared to the Essex average (54%), with just 35% of secondary school pupils wanting to go to university. It is possible to access higher education courses at USP (SEEVIC), and over the past decade, there have been increased opportunities to undertake higher education studies within commuting distance of Castle Point in Southend, Chelmsford, Colchester and East London in particular.

Adult Community Learning

13.58 The adult population in Castle Point has a relatively low qualification base. Only 14.6% of the residents in the borough have level 4 qualifications or above (degrees and their equivalents) compared with 25.7% in the East of England. The proportion of people with no qualifications is meanwhile very high. 29.9% of the population have no qualifications compared to the East of England average of 22.5%. Education deprivation, as measured by the Indices of Multiple Deprivation, is particularly high on Canvey Island, reflecting the inequalities that exist in Castle Point.

13.59 Adult education has a role to play in addressing issues associated with a low skills base and inequalities in educational attainment. ECC have increased the profile of Adult Community Learning in both supporting the economy, and in providing opportunities for people to learn new skills. Adult learning therefore has a role to play in addressing deprivation and inequalities in the population by helping people become more employable, and able to take on better paying jobs. It also has a role to play in reducing social isolation by providing opportunities for the active older population to get involved in new activities and meet new people. The demand for adult education may therefore grow over time, although this will not necessarily be linked to demographic change.

Youth Services

13.60 There are several organisations that provide young people the opportunities to extend their skills and abilities beyond traditional education through community engagement and activity, and through participation in extra curricula activities such as the Duke of Edinburgh scheme. These organisations usually require additional facilities to run these services but require the regular and continuing use of existing facilities within the community. Other military, community and charity-based groups also operate within Castle Point to offer opportunities for young people to develop their skills and fulfil their potential.

Libraries

13.61 There are currently four libraries within the borough. These provide opportunities for the whole community to access self-learning tools including books, computers and other types of media. The

way people access library services is changing and will continue to change as a result of technology. The Council will work closely with ECC to ensure as wide a coverage of libraries for residents.

Strategic Policy HS4

Education, Skills and Learning

1. **The Council will work with ECC and other education and skills development providers to provide new, continued, and enhanced provision of schools and other educational facilities which seek to improve the quality and choice of education and learning opportunities in the Borough and that:**
 - a. **Support a successful local economy;**
 - b. **Are in locations that are accessible by a wide range of transport modes and create safe routes to school; and**
 - c. **Provide opportunities for community activity and engagement through the wider use of school facilities, such as sports facilities.**
 2. **Where a development proposal, either individually or cumulatively with other development, will increase demand for education facilities beyond those available within the local area, new or enhanced facilities will be sought through a Section 106 Agreement, as per by policy SD2.**
 3. **Where the cumulative impacts of residential development within a local area increase demand for education facilities beyond those available, development will be required to make proportionate contributions to support capacity improvements to education infrastructure.**
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Health and Social Care Provision

Policy context

13.62 An overarching objective of the *NPPF* is that the planning system and local planning policies should support strong, vibrant and healthy communities and plan to meet current and future need to support community's health and wellbeing.

Reasoned Justification

13.63 Growth, in terms of housing and employment, is proposed across a wide area and would likely have an impact on future healthcare service provision. The Council will seek that there is enough capacity within the local health facilities to support growth. It is recognised, however, that insufficient capacity may constrain growth. The provision or capital investment in new or improved facilities alone does not automatically increase capacity. The NHS bodies will need to ensure that there are enough staff, digitisation programmes create additional capacity and a programme of preventative care and services are in place to maximise capacity at health facilities.

13.64 Health and social care are essential community services with provision delivered through both the public and voluntary sectors. In April 2013 the NHS transferred the responsibility of public health to the County Council. ECC therefore have a statutory duty to 'improve the health of their local populations'. A Health and Wellbeing Board has been established to determine how this will be achieved across Essex, and work is underway to establish a strategy for achieving this statutory duty. Locally, the work of the Castle Point and Rochford Health and Wellbeing Partnership seeks to deliver specific projects in Castle Point. The priorities of this partnership are dementia and vulnerable older people, long term chronic illness and conditions and mental health.

13.65 The provision and commissioning of primary and secondary healthcare services is the responsibility of the Clinical Commissioning Groups (CCG) in liaison with NHS England and NHS Improvement. The Castle Point and Rochford CCG maintain a strategy for the delivery of high-quality healthcare services within the area. Hospital provision is outside the borough, with principal locations in Basildon, Chelmsford and Southend. These hospitals are part of the Mid & South Essex University Hospitals Group offering a breadth of acute and specialist services.

13.66 ECC are responsible for social care provision in Essex. Various strategies have been produced in order to ensure that social care provision responds to the various needs of different groups within the population including both young people and older people. Typically, community-based initiatives which reduce the need for costly residential based responses are favoured by the County Council.

13.67 Mid & South Essex Sustainability & Transformation Partnership (STP) has indicated that they will seek to deliver capacity improvements to meet existing and future needs within its area through improvements to existing facilities where possible. There may also be a requirement for additional infrastructure to accommodate new models of care as set out within the NHS Long-Term Plan (2019). New homes will increase pressure on existing provision, creating additional demand for healthcare services. As appropriate, new development proposals will therefore be asked for contributions towards the provision of healthcare facilities. The Mid and South Essex STP has also indicated development locations where new facilities may be required. These requirements are identified in the relevant allocation policies and IDP.

13.68 NHS England and the CCG have indicated that they will seek to deliver capacity improvements to meet existing and future needs through improvements to existing surgeries where possible. There may also be a requirement for additional infrastructure to accommodate new models of care as set out within the *Long-Term NHS Plan (2019)*.

13.69 Existing surgeries in Castle Point are, in the main, of a good standard and generally perform well when assessed by the Care Quality Commission (CQC) and through patients' surveys.

13.70 In terms of social care provision, the *Essex County Council Adult Social Care Market Position Statement* shows that the demand for social care support amongst older people is likely to increase by 66% in the period to 2030. This will impact on the sustainability of social care services, particularly if residential care provision continues to be required at its current level, requiring around 50% of the adult social care budget. There is therefore a drive towards people staying in their homes and receiving domiciliary care, greater levels of community and voluntary sector involvement in care provision and in reducing social isolation and the need for care.

13.71 As set out in the evidence base for strategic policy HS1, there are considerable issues associated with inequalities in health in Castle Point that need to be addressed through the provision of health and social care services. For example, women living towards the west of Canvey Island experience life expectancy significantly below the national average.

Strategic Policy HS5

Health and Social Care Provision

1. The Council will support, in principle, proposals which seek to improve the quality of health and social care provision in Castle Point. In particular, it will support in principle proposals which:
 - a. Improve the quality and level of provision of primary and secondary healthcare services within Castle Point;
 - b. Enable the provision of social care services within the community;
 - c. Seek to reduce social isolation; and/or
 - d. Aim to reduce health inequalities.
 2. Where a development, either individually or cumulatively with other development, will increase demand for healthcare and social care facilities beyond those available within the local area, contributions towards new or enhanced facilities will be sought through a Section 106 Agreement, as per by policy SD2. Where specified in the relevant allocation policy, some development proposals will also be required to make land available for new health care facilities.
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Community Facilities

Policy Context

13.72 The *NPPF* states that planning policies should plan positively for the provision of shared spaces and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, places of worship and other local services to enhance the sustainability of communities and residential environments.

13.73 The *NPPF* states that planning policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The *NPPF* also states that local planning authorities should allow established community facilities and services to be able to develop and modernise and to be retained for the benefit of the community.

Reasoned Justification

13.74 Many of the schools, community halls and GP surgery buildings within the Borough are ageing and have issues accommodating the services required. There is a need to retain sites for community uses but enable improvements to facilities on these sites so that they can meet the needs of local people into the future.

13.75 As well as improvements to existing infrastructure, there are long term infrastructure issues which need to be addressed such as the need for increased provision of certain types of facility to accommodate population growth in the Borough as set out in this plan; this growth will require the

provision of additional community facilities and services in order to ensure communities can meet their day to day needs.

13.76 Flexibility is also essential to the design of new and improved community facilities. This will ensure that they meet the changing needs of the community into the future, assisting with enhancing community resilience by enabling the community to adapt spaces and places to meet their needs. For example, community facilities provide additional opportunities to provide community refuges and safe havens in the event of a natural or man-made incident. The *Thames Estuary 2100 (TE2100) Plan* supports the use of community spaces in this way.

13.77 Accessibility is also a fundamental consideration. Community facilities should be capable of being used by everyone within the community regardless of disability, or the ability of an individual to drive or own a car. Therefore, community buildings should be designed to allow for disabled access and should be located in order to provide the opportunity for as many people as possible to access the facility by foot and/or by public transport. Sites where many facilities are located together are supported due to the benefits they offer in terms of accessibility to those without private means of transport.

13.78 For the purposes of this Policy, community facilities can be found in the Policies Map and are listed in appendix eight, this includes education facilities, sports and leisure facilities, libraries, non-residential health and social care facilities, cultural facilities, community centres, and places of worship.

13.79 The Paddocks Community Facility at Long Road Canvey Island is an asset highly valued by the local community, and has a long history of providing cultural, leisure and social events. However, the building is reaching the end of its design life and evidence shows that if the community facility is to continue within the lifetime of this plan, the building will need to be renewed. The renewal of the building is supported together with any appropriate and proportionate enabling development as well as rearrangements to car parking on site.

Strategic Policy HS6

Community Facilities

- 1. In order to allow communities to meet their day to day needs, proposals for new, extensions, alterations or redevelopment of existing community facilities, as shown on the Policies Map and listed at Appendix Eight, or change of use to another facility will be supported where it can be demonstrated that the development will:**
 - a. Respond to the needs of the local community;**
 - b. Provide flexible space that can respond to the changing and specific needs of the local community, and where appropriate be capable of offering safe refuge in the event of a natural or man-made incident occurring;**
 - c. Be accessible to all members of the community;**
 - d. Be located in a sustainable location, and within walking distance of public transport provision;**

- e. Provide greater community benefits;
 - f. Bring about broader benefits to provide alternative community use, if there is an identified surplus of the existing community service; and
 - g. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
2. Where a development proposal would result in the loss of a community facility, the proposal will only be supported where:
- a. An assessment has been undertaken which indicates that the existing facility is surplus to requirement; or
 - b. The loss will be replaced by equivalent or better provision in terms of quantity and quality in accordance with the requirements of part 1 of this policy. Where appropriate a Section 106 Agreement will be used to secure the replacement provision, as per policy SD2.
3. The extent of the Paddocks Community Area is shown on the Policies Map. Within this Community Area, proposals for the renewal of The Paddocks community building for community, sports and leisure activity, health and social care, and cultural activities will be supported, together with appropriate enabling development and a revised car park layout.
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Open Spaces, Allotment Gardens, and Playing Fields associated with Educational Uses

Policy Context

13.79 The *NPPF* is clear that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities. Existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space to be surplus to requirements or that the loss resulting would be replaced by an equivalent, better or alternative provision which clearly outweighs the loss of the current or former use.

13.80 The *NPPF* states that existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space to be surplus to requirements or that the loss resulting would be replaced by an equivalent, better or alternative provision which clearly outweighs the loss of the current or former use.

Reasoned Justification

13.81 The existing open space network includes country parks, nature reserves, woodlands, parks, cemeteries, children's play areas, amenity green spaces between built development and adjoining highways, green corridors, marshes, the seafront and coastal pathways. Other open spaces which are not publicly available include allotment gardens and playing fields associated with educational

uses; these offer important opportunities for outdoor recreation, leisure and educational uses. They also contribute towards the character of an area, particularly where they were provided or left undeveloped purposely when development was laid out.

13.82 *The Open Space Appraisal 2012* identified 1,219ha of open space in the borough. This assessment classified the 142 open spaces in the borough into 10 types of open space. The *Open Space Appraisal 2012* identified that all open spaces including allotment gardens and playing fields should be preserved and where possible increased.

13.83 The *Open Space Appraisal 2012* indicated whilst there is a significant amount of open space provision in the borough it is not considered that there is a surplus of open space provision. Therefore, open spaces are not proposed for redevelopment within this plan. It is however considered that the quality of some of open spaces could be improved through the provision of public toilets and other amenities such as benches, signposting and maps. Additionally, there is a need in some open spaces for disabled access to be improved.

13.84 With regard to sports pitches meanwhile, the *Castle Point Playing Pitch Assessment and Strategy (2018)* highlighted deficits in relation to several types of sports pitches, especially in relation to football. Therefore, it is imperative that in order to meet current and future needs that existing pitches are not lost, except in circumstances where equivalent or enhanced provision is secured nearby.

13.85 Some open spaces in Castle Point provide flood water storage. Other open spaces are located adjacent to the sea defences on Canvey Island, and may need to be kept clear of development to allow future flood defence works to take place. The *TE2100 Plan* seeks to improve the sea defences on Canvey Island during the next 100 years to accommodate the impacts of climate change. Open spaces are part of the Green Infrastructure network in Castle Point and consideration of the other environmental services open space provides should be a consideration when determining applications affecting such areas.

Local Policy HS7

Open Spaces, Allotment Gardens, and Playing Fields associated with Educational Uses

- 1. Limited minor scale ancillary development on open spaces, allotment gardens and playing fields associated with educational uses will be permitted, where it can be demonstrated that:**
 - a. The development will increase opportunity for public recreational use or improve the recreational quality of the space;**
 - b. The overall use of the space is retained for recreational purposes;**
 - c. The reduction in open space will not have an unacceptable impact on the character of the area;**
 - d. The development will not impact on the ability of the open space to provide other environmental services and benefits, including but not limited to, biodiversity, flood storage and the accommodation of future flood defence works; and**

- e. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
2. Developments resulting in a loss of any existing or newly created publicly available open space; allotment garden; or playing field associated with educational uses will only be supported where:
- a. An assessment has been undertaken which indicates that the existing facility is surplus to requirements; or
 - b. The loss will be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Where appropriate, a Section 106 Agreement will be used to secure the replacement provision; or
 - c. The development is for alternative sports or recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
3. The locations of existing open spaces, allotment gardens and playing fields associated with educational uses are identified on the Policies Map, and a schedule of these sites can be found in Appendix Three.
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14. Promoting Sustainable Transport

Transport Strategy

Policy Context

14.1 The *National Planning Policy Framework (NPPF)* expects local planning authorities to consider transport issues at the earliest stages of plan-making. The *NPPF* expects planning policies to be prepared with the active involvement of local highway authorities, other transport providers and operators and neighbouring councils, so that strategies and investment for sustainable transport and development are aligned.

14.2 Within Essex, the transport strategy is set out within the *Essex Local Transport Plan (June 2011)*. This document sets out the overall vision for transport provision in Essex as being “a transport system which supports sustainable economic growth and helps deliver the best quality of life for the residents of Essex.” In order to achieve this vision, five strategic outcomes are identified.

14.3 Essex is a diverse county with different sub-areas that have different needs and issues with regard to transport provision. The South Essex sub-area containing Castle Point Borough can be heavily congested, particularly at peak periods. The *Essex Local Transport Plan* therefore identifies a specific suite of priorities for South Essex that aims to promote more sustainable modes of transport that also support economic growth ambitions.

14.4 Within South Essex, there are three Local Transport Authorities - Essex County Council (ECC), Southend-on-Sea Borough Council Unitary Authority and Thurrock Council Unitary Authority. These authorities are part of the Association of South Essex Local Authorities (ASELA) and are pursuing several work-streams as part of the South Essex 2050 vision and the *Joint Strategic Plan (JSP)*.

Reasoned Justification

14.5 Castle Point sits within the heart of the South Essex sub-area, and as a consequence suffers from congestion at peak times. Several routes within and nearby Castle Point operate at capacity, and it is common for a single incident within the network to cause excessive journey times within Castle Point and neighbouring authorities. The *Castle Point Transport Evidence Refresh 2019*, undertook modelling of peak time traffic flows in Castle Point having regard to, 17 key junctions across the Borough. This indicates that currently some junctions operate at, or over capacity. By 2033, it is expected that more of these junctions will exceed capacity, unless improvements are delivered to the highway network, and more sustainable modes of travel are encouraged.

14.6 There are four main issues with the transport network itself within Castle Point that aggravate the level of congestion experienced, detracting from the use of sustainable transport modes:

1. Many of the main routes within the borough are single carriageway roads with little prospect for widening due to the proximity of existing development. This also limits the potential to provide dedicated passenger transport routes and cycleways to support more sustainable means of transport. Therefore, buses are delayed within normal traffic flows and cyclists have to engage with traffic movements and the dangers that entails.

2. There are a limited number of routes into and out of the borough placing a considerable degree of pressure on a small number of key junctions and roads. This means that congestion is concentrated at a few key points, increasing the risk that a single traffic incident can create delays within the network. Buses use these routes and become trapped within the traffic at peak times and during traffic incidents.
3. Bus services operating within Castle Point are part of the Southend and Basildon bus networks. As a result, Castle Point is peripheral on the bus service network and whilst there are good services during the day on most routes, service frequency is not as good in the evenings and on Sundays. Additionally, there are areas of employment within Basildon and Southend, near the A127, that are not served by direct bus services from Castle Point, with journeys to these locations requiring a change of service and taking in excess of one hour.
4. The cycle network within Castle Point is limited, and where it does exist, it is disjointed and poorly maintained. This means that cyclists are forced to use the congested road network, which is neither a pleasant or particularly safe option, especially during peak hours.

14.7 Whilst there are many issues with the transport network within Castle Point, there are also some positive aspects. The railway station provides fast access to employment opportunities in London and also in Basildon and Southend town centres.

14.8 The Plan supports sustainable transport modes in order to help reduce congestion on the highway network. ECC has published a *Sustainable Modes of Travel Strategy* as well as the *ECC Cycle Strategy 2016* and the *Castle Point Borough Cycling Action Plan 2018*, which both sets out where the county council is aiming to improve sustainable transport infrastructure.

14.9 The wider strategic road network provides direct road access to London, the M25 and towards the north of the County via the A130. Finally, London Southend Airport provides local access to flights to Europe. The Council will support partners and infrastructure providers if there is an opportunity to enhance the existing transport infrastructure.

Strategic Policy TP1

Transport Strategy

1. **The transport network in Castle Point will be enhanced to support:**
 - a. **Congestion management on key routes, and at key junctions within and around the borough;**
 - b. **Improved journey time reliability for buses, and enhanced services throughout the day and to a wider range of destinations;**
 - c. **Greater opportunities to walk and cycle to access education, employment, services and recreation opportunities within the borough;**
 - d. **Greater opportunities to access bridleways for walking, cycling and horse riding for leisure/recreation;**

- e. Greater opportunities to link journeys through different modes of transport by providing new routes for alternative travel modes to the private car and the co-location of uses to facilitate linked journeys.

2. This will be achieved by:

- a. Working with the Highways Authority, neighbouring authorities and transport delivery partners across South Essex to implement any sub-regional transport initiatives at a local level to deliver improvements to transport networks, including opportunities for transport using the River Thames;
- b. Securing infrastructure in appropriate locations close to transport hubs, through development contributions;
- c. Maximising opportunities to secure investment in the transport network; and
- d. Identifying development locations which:
 - i. Provide opportunities to secure additional improvements to the capacity and permeability of the highway network within Castle Point;
 - ii. Have the potential to support the viability of bus services, and provide the opportunity to enhance the provision of those services through development;
 - iii. Have the potential to provide opportunities for transport using the River Thames; and
 - iv. Provide opportunities to enhance the walking, cycling and bridleway network within Castle Point.

3. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.

Improvements and Alterations to Highway Infrastructure

Policy Context

14.10 The *NPPF* expects planning policies to be prepared with the active involvement of relevant stakeholders, so that strategies and investments for sustainable transport and development patterns are aligned.

14.11 Meanwhile the *Essex Local Transport Plan* prioritises improving journey time reliability on strategic inter-urban routes including the A127, A129, A130 and the A13, providing for and promoting access by sustainable modes of travel to new development areas, amongst other things.

14.12 The *Castle Point Regeneration Framework* prioritises the regeneration of Town Centres in Castle Point. Transport movements are fundamental to the successful regeneration of town centres, as is evidenced by numerous examples of successful regeneration from around the country.

Reasoned Justification

14.13 Due to the physical constraints on the local and strategic highway network in the Borough, new infrastructure provision to the transport network is fundamental, including the provision of a wider choice of sustainable and active travel modes. Through the *Essex Local Transport Plan* and ongoing engagement in the preparation of the plan with the Highways Authority, site promoters and local residents, a number of schemes have been identified to provide improvements to the transport network by all modes within the Borough. In addition to its Bus Strategy ECC has launched the 'Safer Greener Healthier' campaign which seeks to make it as easy as possible for Essex residents to travel more sustainably, especially for shorter journeys by walking, cycling, e-scootering or taking the bus or train for longer journeys. Its vision seeks to create a road environment that is safer, especially for shorter journeys; deliver sustainable transport solutions to support the reduction in carbon emissions and deliver long-term greener benefits, including long term public health benefits.

14.14 The A127 forms part of the Strategic Road network and its importance in Essex, South Essex and Castle Point is set out in the "*A127 A Corridor for Growth - an Economic Plan*" 2014, through a transport route management strategy. The A127 presently experiences challenges regarding capacity and peak hour congestion. There is a need to manage traffic along the A127 to improve air quality; improve safety and network resilience and provide congestion relief. A cross authority A127 Task Force including ECC, South Essex Authorities and the London Borough of Havering has been established to co-ordinate transport requirements within the A127 corridor. Transport improvements along the A127 Corridor will be made having regard to the *A127 A Corridor For Growth: An Economic Plan*.

14.15 A number of transport improvements, including highway alterations and modal shift initiatives, have been identified through various studies undertaken during the preparation of the Local Plan. Some of these schemes are outlined in the *Infrastructure Delivery Plan (IDP)*, which identifies the infrastructure needed to support development, its phasing and estimated costs. Within the schemes identified, some have differing funding sources and will come forward in different ways including the following:

- Schemes required as a result of growth in the borough. These highway alterations and modal shift initiatives are a direct result of growth and will be funded and delivered through appropriate highway works and developer contributions.
- Schemes that are expected to come forward during the plan period but are not directly linked to planned growth. Where development increases the need for such improvements the Council will seek a proportionate developer contribution from relevant schemes. Additional funding will be sought through other sources, as appropriate, including for example relevant Government bodies and funding streams, ECC, the South East Local Enterprise Partnership and ASELA.
- Schemes that are long held aspirations for the Council but the exact nature of the improvements and funding for them are presently unknown, such as improved access to Canvey Island. This is expressed in greater detail in policy TP3.

14.16 Where appropriate a project level Habitats Regulations Assessment (HRA) may be required alongside the consideration of any proposal that seeks improvements or alterations to the highway network as per the requirements set out in policy SD1.

Local Policy TP2

Improvements and Alterations to Highway Infrastructure

- 1. The Council will seek to manage congestion on key routes and improve network resilience through the design and delivery of the projects identified within this policy, implementation of active and sustainable transport measures, improving the quality of town centre environments, namely Canvey and Hadleigh and other improvements identified through the master planning and planning application process.**
- 2. Transport improvements along the A127 Corridor will be made having regard to the A127 A Corridor For Growth: An Economic Plan.**
- 3. To deliver the local plan growth, the following highway and transportation infrastructure improvements will be required:**
 - a. New roundabout access from the A130 to site HO9**
 - b. Additional highway capacity including improvements to the northern section of the A130 Canvey Way and improvements to A13 slip road**
 - c. Route improvements on the A129 transport corridor including public transport and active travel**
 - d. Victoria House Corner junction improvements**
 - e. Somnes Avenue / Link Road junction improvements**
 - f. B1014 High Street / B1014 Essex Way / B1006 High Road junction improvements**
 - g. Minor Junction improvements at Kenneth Road especially at the junction with the A13**
 - h. New roundabout access from Canvey Road to site HO23**
 - i. Pegasus crossing on Roscommon Way linking HO23 to West Canvey Marshes**
 - j. Pedestrian and cycle access to Benfleet railway station**
 - k. Provision of new and enhanced public transport services and infrastructure**
- 4. Where necessary, the Council will secure highway works (S278) and/or financial contributions (S106) to deliver highway projects necessary to accommodate the growth arising from this plan.**
- 5. The Council will consider the impact of development proposals on the land needed to deliver the highway projects listed within this policy, and where necessary refuse applications for development which would prevent or significantly affect the delivery of those highway projects.**

6. **All proposals should provide active and sustainable transport measures and comply with other relevant policies in the plan which secure high environmental quality and compliance with relevant environmental legislation.**
 7. **Any improvements or alterations to the highway network may require a project level HRA, where appropriate, as per the requirements set out in policy SD1.**
-

New and Improved Access to Canvey Island

Reasoned Justification

14.17 The Council is committed to securing better access to Canvey Island for its 40,000 plus residents. In addition to its large resident population, the Island has two top tier Control of Major Accident Hazards (COMAH) sites at ports of national importance to fuel supply; is at risk from tidal flooding although substantially defended in this regard; and at risk from localised flooding due to its topography. Improved access to Canvey Island would assist in relieving peak hour congestion at key access points and improve the resilience of the highway network for the Island's residents and businesses, particularly in the case of an emergency.

14.18 Currently, access to and from the Island is via two routes. The principal access to and from the Island is via the A130 Canvey Way, which is a purpose-built access road that is elevated in parts. It comprises a single lane in each direction and converges with the B1014 from South Benfleet at the Waterside Farm junction. This junction experiences congestion and delay at peak hours. The northern extent of Canvey Way is the Sadlers Farm junction of the A13 with the A130, which also experiences congestion and delay at peak hours because of pinch points on various arms of the Sadlers Farm junction, including on Canvey Way.

14.19 A second route is via the B1014 Canvey Road, which passes by Benfleet Railway station (the nearest station to Canvey Island) and through the historic core of South Benfleet. There are presently no plans to improve highway capacity on this route, which whilst being a Priority 1 route, also performs as a local and residential route in places.

14.20 On the Island traffic is distributed from the Waterside Farm junction, east-west via two main routes – Somnes Avenue and Canvey Road/Long Road. Both routes experience peak time congestion, with delays on Canvey Road/Long Road exacerbated due to the number of access and egress points along its route including residential side roads, schools and other developments. Congestion can impact on the efficiency of public transport services as well as private vehicles. There is the potential to promote modal shift through active travel measures by improving the attractiveness for cycling in the vicinity, and such locations will continue to be considered in the future for cycle corridor upgrades.

14.21 Journey time delays are experienced on the A130 Canvey Way, at the Waterside Farm junction, along Somnes Avenue and Canvey Road/Long Road. There are also delays in the morning peak through South Benfleet along the B1014 meaning this route does not provide an attractive alternative to traffic seeking to access or leave the island. Improvements are necessary to address the delays presently experienced by the existing population and to provide improved highway network resilience. The *Access to Canvey Study (2017)* sought to identify potential options to improve highway and multimodal access and egress to Canvey Island along with improvements to other traffic flows.

14.22 In addition, to seeking to improve east-west movements along Somnes Avenue and Canvey Road/Long Road, it is an aspiration to bring forward the final section of the extension to Roscommon Way which extends the route from Haven Road to Thorney Bay Road. The completion of Roscommon Way would provide alternative routes to Long Road and Somnes Avenue during peak congestion, and provide an alternative route for residents and visitors on or near the seafront areas to access or egress the island, who at present have little choice but to use Long Road.

14.23 The Council is committed to working with key stakeholders in preparing an access to Canvey feasibility study that looks at the potential highway and sustainable mode options for improved access to and from the Island, but also within the island to improve traffic flows and sustainable transport on Somnes Avenue and Long Road. To improve capacity on these two routes, including capacity for sustainable modes, it is vital that additional capacity on the island is provided. Roscommon Way Phase Three could be a key component in this regard.

14.24 Due to the location of the Benfleet and Southend Marshes SPA and Ramsar site and the Thames Estuary and Marshes SPA and Ramsar site in relation to Canvey Island the Habitats Regulation Assessment process will be followed for this policy.

Strategic Policy TP3

New and Improved Access to Canvey Island

- 1. The Council will undertake a feasibility study to identify options for improving access to and from and within Canvey Island, including consideration of any wider strategic implications on and off the Island.**
 - 2. This will be prepared in collaboration with key partners including ECC, adjoining district and unitary Council's, Transport East, Government Departments such as the DfT and DLUHC and relevant agencies as well as engagement with the local community.**
 - 3. The recommendations from the feasibility study will inform the first review of the Local Plan.**
 - 4. Options in the feasibility study for improvements to access to Canvey Island will be subject to Habitats Regulations Assessment.**
-

Improvements to Active Travel Infrastructure

Policy Context

14.25 With regard to walking and cycling, the *NPPF* expects Local Plans to support patterns of development which facilitate the use of sustainable modes of transport. In particular policies should provide for high quality walking and cycling networks and supporting facilities.

14.26 The *Essex Local Transport Plan* meanwhile seeks to promote active and sustainable travel, by amongst other things providing the infrastructure for sustainable travel and promoting the use of travel plans. With regard to cycling, the *Essex Local Transport Plan* considers actions to improve

access for cyclists and pedestrians in particular, and identifies the following improvements as essential:

- addressing gaps in existing networks;
- better linking walking and cycling routes with the Public Rights of Way network;
- improving signage;
- improving crossing facilities; and
- ensuring that pedestrian routes are accessible for everyone.

14.27 Making the cycling network safer is also a key concern within the *Essex Local Transport Plan*. Policy 14 of the Local Transport Plan sets out the County Council's approach to encouraging cycling which includes developing cycle networks within towns across Essex and improving access to local services and schools for cyclists.

14.28 The *NPPF* also encourages the pursuit of planning policies which enable and support healthy lifestyles, for example the provision of safe and accessible green infrastructure. This includes bridle paths in Castle Point. *The South Essex Green and Blue Infrastructure Strategy* details how access to the Green and Blue infrastructure supports the wellbeing of residents and communities in South Essex, including Castle Point and sets out how accessibility to Green and Blue Infrastructure should be improved.

Reasoned Justification

14.29 The *2011 Census Data* indicates that within Castle Point, only 1.6% of working residents commute by bike, and only 6.2% of working residents walk to work. This is despite 13% of working residents living within 2km of where they work and a further 12% living within 5km of where they work. Due to the steep nature of some roads within the mainland part of the borough, it is unlikely that it will be possible to encourage everyone to walk or cycle to work, but there is certainly the potential to increase commuting by bicycle in flatter areas such as Canvey Island, and within Hadleigh and South Benfleet.

14.30 All three areas would clearly benefit from a modal shift for peak time journeys to work and school. The *Transport Evidence for the New Local Plan 2019* clearly shows peak time congestion in these towns. It is clear that there is a need to encourage people to travel by more sustainable forms of transport if congestion is to be managed in the future.

14.31 The *Essex Joint Strategic Needs Assessment (JSNA) A profile of people living in Castle Point 2018* demonstrates that 41% of people said that in the last week they did 30 minutes of moderate physical activity on five days or more, 38% of people cited the reason for not taking part in more exercise is down to lack of time. Whilst walking and cycling may not be a suitable activity for all residents, it clearly presents an opportunity to improve the health and well-being of residents in a relatively cheap and efficient way, particularly when walking or cycling is a means to access employment and services.

14.32 There is therefore clear evidence as to the appropriateness of improving footpath provision and cycling infrastructure within Castle Point, particularly in flatter parts of the borough.

14.33 In terms of specific proposals for the delivery of enhanced footpath and cycling infrastructure there are the following opportunities:

- Improved links over a wider area to the Hadleigh Farm and Country Park
- The Thames Estuary Path Project, which recommends a number of projects within and nearby Castle Point in order to provide a footpath and cycleway network connecting Tilbury in Thurrock within Leigh-on-Sea, passing through Castle Point.

14.34 The *Canvey Town Centre Masterplan 2010* emphasises the potential to enhance cycling access to Canvey Town centre through the provision of cycling infrastructure. In addition to these specific projects, ECC has reviewed the cycle network within Castle Point in the *Castle Point Borough Cycling Action Plan 2017* to identify gaps in the network, the need for route improvements and the need for additional ancillary infrastructure such as cycle parking and crossing facilities. A key project to support modal shift, and multi-modal journeys is improvements for pedestrian and cycle access to and around Benfleet railway station.

14.35 The *South Essex Green and Blue Infrastructure Strategy* identifies a network of Public Rights of Way across South Essex, including Castle Point, which provide access to residents to the countryside and open space. These are important for wellbeing but were identified as being fragmented in parts and needing improvements. The Council will work in conjunction with partners in this strategy particularly in relation to cross boundary projects. As part of this PROW network there is a network of bridle paths in Castle Point, which supports the recreational pursuit of horse riding from numerous stables located in the borough. It is important to recognise the value of this network and seek improvements where appropriate.

Local Policy TP4

Improvements to Active Travel Infrastructure

1. In order to enhance opportunities to access employment, education, services and leisure/recreation opportunities by foot or by bicycle, and opportunities for leisure/recreation through horse riding, the following improvements to footpaths, bridleways and cycling infrastructure will be delivered during the plan period to 2033 through Section 106 Agreements where they relate to new development or through the use of the Community Infrastructure Levy:
 - a. Wider links to the Hadleigh Farm and Country Park Olympic Legacy Project;
 - b. Improvements to the Thames Estuary Path running from Tilbury in Thurrock to Leigh-on-Sea, providing opportunities for walkers and cyclists to access opportunities for recreation and employment across South Essex;
 - c. Improvements to local footpaths, bridleways and cycling networks across Castle Point, linking to the Thames Estuary Path, and any other appropriate green infrastructure links, addressing gaps in the network and ensuring that all routes are attractive and well-designed; and
 - d. Provision and enhancement of cycling infrastructure, having regard to the latest ECC Cycling Strategy and the local action plans for delivery, including cycle parking facilities and crossings, at public transport nodes, especially Benfleet railway station and other appropriate destinations, including town centres, employment areas, schools and other publicly accessible buildings, within Castle Point.

2. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
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Improvements to Public Transport Infrastructure and Services

Policy Context

14.36 The *NPPF* expects development to be directed into sustainable locations which can help to support reductions in greenhouse gas emissions and reduce congestion.

14.37 Meanwhile, the *Essex Local Transport Plan* prioritises the promotion and provision of public transport networks within South Essex.

Reasoned Justification

14.38 As set out in the evidence to policy TP1, the bus network in Castle Point is peripheral to Southend and Basildon's networks and fails to effectively link places in Castle Point with existing and emerging employment opportunities near the A127 in Basildon and Southend. Furthermore, there are parts of the borough that are not served by buses, and evening and Sunday services throughout the borough are limited or non-existent. As a consequence, the *2011 Census Data* shows that only 3.6% of the borough's working population commute by bus. This is significantly below the national average of 7.5%.

14.39 It should however be noted that 15.7% of the borough's working population commute by train. This is significantly above the national average of 5.3%. The quality and speed of provision, and the proximity of well-paid employment opportunities in London drive this demand for train travel.

14.40 In terms of bus service provision, the following public transport improvements are proposed by the *Essex Local Transport Plan 2011* in relation to Castle Point.

14.41 Enhanced Public Transport Network for South Essex: These proposals seek to make public transport a more favourable option for people travelling between towns in South Essex for work and leisure purposes. Projects such as this have the potential to deliver positive benefits for Castle Point due to its position between the main centres of Southend and Basildon.

14.42 A13 Passenger Transport Corridor: In order to promote public transport as a favourable option for people travelling along the A13 to Southend and Basildon town centres, a programme of bus prioritisation and improved bus waiting facilities has been instigated along the A13. To date this has delivered improvements in Benfleet, proposals to extend Passenger Transport Corridor to nearby destinations should also assist to widen travel choices and modal shift.

14.43 As is the case across the UK, the rail services out of Benfleet railway station are operated under a private contract, and the *Essex Local Transport Plan* does not therefore set out detailed requirements in relation to rail provision. These improvements are separately secured via the Franchise Agreement. Trenitalia c2c Limited have a franchise to operate services on the line between London Fenchurch Street and Southend until 2029. As part of the franchise agreement Trenitalia c2c Limited committed to leasing new trains to cope with rising passenger numbers, and

to various upgrades around stations and ticketing. Regarding Benfleet railway station, improvements are to be delivered in respect of the booking hall, external access and in creating a secure station information area.

Strategic Policy TP5

Improvements to Public Transport Infrastructure and Services

- 1. In order to improve journey time reliability for public transport, and make services more favourable to residents and employees in Castle Point, the following improvements to public transport infrastructure and services will be delivered through the implementation of the Infrastructure Delivery Plan. Grant funding, Community Infrastructure Levy, and as appropriate in planning terms S106 Agreements will be used to secure this delivery:**
 - a. Enhanced public transport services connecting towns in Castle Point with employment locations in Basildon, Thurrock and Southend;**
 - b. The extension of any Passenger Transport Corridors through the borough to neighbouring destinations for employment, education, services and leisure/recreation opportunities; and**
 - c. Additional public transport infrastructure provision in and around development sites and town centres.**
 - 2. The Council will also work with Trenitalia c2c Limited and other relevant partners to secure the necessary improvements to Benfleet railway station and rail services as set out in the Franchise Agreement.**
-

Highway Impact

Policy Context

14.44 The *NPPF* states that development should be focused on sustainable locations which support reductions in greenhouse gas emissions and congestion, whilst improving air quality and public health. However, development should only be prevented on transport grounds where the residual impacts of development, following mitigation, are severe or there would be an unacceptable impact on highway safety.

14.45 The *Essex Local Transport Plan (2011)*, amongst other things seeks a reduction in greenhouse gas emissions and also prioritises the improvement of journey times on key routes passing through Castle Point including the A130, A13 and A129 as key priorities for the South Essex sub-area. The capacity improvements are supported by the *Thames Gateway South Essex Planning and Transport Strategy*.

14.46 The *Development Management Policies (2011)* set out a clear approach to congestion at policy DM15. This requires there to be no detrimental impact upon the existing or proposed highway

in congestion terms as a result of new development. Any detrimental impact is required to be remedied through appropriate mitigation funded by the developer.

14.47 ECC has published *Development Management Policies (2011)*, the Highways Technical Manual in the *Essex Design Guide (2018)* and the *Developer's Guide to Infrastructure Contributions (2020)* to which new development is required to have regard to when preparing development proposals. Developments above the identified thresholds in the Guide and Management Policies, or successor documents, are required to prepare a Travel Plan, Transport Assessment and/or Statement to assess the impact of their development in terms of highway safety and capacity for both access to the proposed development and the wider highway network. Travel Plans are required to be prepared to encourage modal shift through a package of measures to ensure active and sustainable means of travel are available to all new residents or users thereby promoting sustainable transport, reducing the need to travel, and encouraging the use of non-car modes.

Reasoned Justification

14.48 *The Transport Evidence for the New Local Plan 2019* Report demonstrates that the highway network in Castle Point already experiences congestion on key routes and at key junctions during peak periods. It is therefore necessary that the Council requires developers to identify impacts of development on highway infrastructure in terms of capacity and safety when assessing planning applications to ensure that necessary mitigation measures are provided and funded.

Strategic Policy TP6

Highway Impact

- 1. Developers will be required to prepare a Transport Assessment or Transport Statement, and a Travel Plan, having regard to the guidance on thresholds published by the Highway Authority.**
- 2. The Transport Assessment or Statement must demonstrate how the impacts of the development on the highway network will be cost effectively mitigated to limit significant effects on highway and junction capacity and safety.**
- 3. Subject to compliance with all other relevant policies, favourable consideration will be given to development proposals which fully mitigate their impacts on highway and junction capacity and safety. Applications will be refused where:**
 - a. A development is not able to mitigate its impacts to an acceptable degree; and**
 - b. A junction or link of highway is expected to exceed its designed capacity resulting in residual cumulative impacts which are assessed to be severe; or**
 - c. A junction or link of highway that already exceeds its designed capacity will see its peak hour capacity exceeded still further and as a result the residual cumulative impacts are severe.**

4. Where necessary, the Council will secure planning conditions, highway works (s278) and/or financial contributions (s106) to deliver mitigation works necessary to accommodate the growth arising from this plan.
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Safe and Sustainable Access

Policy Context

14.49 The *NPPF* states that in relation to transport, decisions should take account of whether opportunities for sustainable transport modes have been taken up, and whether safe and sustainable access to a development site can be achieved for all people.

14.50 The *Essex Local Transport Plan* sets out five objectives for improving the transport network in Essex. Two are particularly relevant in respect of securing safe and sustainable access to developments. These are:

- Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology; and
- Improve safety on the transport network and enhance and promote a safe travelling environment.

14.51 The policies set out in the *Essex Local Transport Plan* highlight the importance that will be placed on the location of development and the design of development in seeking to achieve these objectives.

14.52 The *Essex Local Transport Plan Development Management Policies* meanwhile sets out detailed requirements in terms of securing safe and sustainable access to development. This includes the setting of requirements for highways access in policies DM2 to DM5, requirements for sustainable access, travel planning and the protection of public rights of way in policies DM9 to DM11 and specifying the requirements for Transport Assessments and Safety Audits at policies DM13 and DM14. The thresholds for the provision of Transport Statements and Assessments are set out at Appendix B of the *Essex Local Transport Plan Development Management Policies*.

Reasoned Justification

14.53 The *Essex Local Transport Plan 2011* sets out data justifying the need for safe and sustainable access to new developments.

14.54 With regard to the need for safe access arrangements to new developments, the *Essex Local Transport Plan* highlights the importance of ensuring that new developments can be accessed safely by all types of users including cars, bicycles and pedestrians in order to prevent road traffic accidents. The *Essex Design Guide* seeks to encourage active design in new developments through a range of measures including establishing walkable communities, connected walking and cycling routes, co-location of community facilities and establishing multi-functional spaces, all of which encourage the use of sustainable modes and promote healthier lifestyles.

14.55 ECC are working with schools to assist with the development of School Travel Plans. These have multiple aims including decreasing traffic levels around schools, improving pupils' road safety,

interlinking with Healthy Schools status, Bikeability, and helping everyone get to and from school actively. Particular regard within these plans should be given as to how pupils will access the school by sustainable modes of transport.

14.56 Typically, people are more likely to access public transport if it is located within a reasonable proximity of where they live and the places they are travelling to. Walking distances in excess of five minutes normally deter use. The average person can walk up to 400m in five minutes.

Strategic Policy TP7

Safe and Sustainable Access

In order to ensure that development proposals offer safe and sustainable access either directly or via appropriate mitigation, the following requirements must be met:

- a. Safe access to the highway network for all users, having regard to the highway access policies of the Highway Authority;
- b. Safe access to the site for cyclists and pedestrians, including the approach to the site from the nearest public transport node; and
- c. Access to public transport services within 400m of the site. Where this is not possible a contribution will be sought to improving access to existing public transport services or residential travel packs.

Parking Provision

14.57 The *NPPF* states that local planning authorities may set local parking standards for residential and non-residential development, taking into account the following matters:

- The accessibility of the development;
- The type, mix and use of development;
- The availability of and opportunity for public transport;
- Local car ownership levels; and
- The need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Reasoned Justification

14.58 The *Essex Vehicle Parking Standards* are appropriate in Castle Point because the *2011 Census Data* shows that within Castle Point, car ownership levels are high. Compared to the national average, there are fewer homes with no cars, and a greater number of homes with more than 2 cars. This has consequences in locations where there is insufficient off-street car parking, as this results in excessive on-street parking and illegal parking (on pavements, verges etc). Minimum residential parking standards are therefore appropriate to address this issue.

14.59 In order to promote sustainable transport patterns however, the *Essex Vehicle Parking Standards* continue to promote maximum car parking standards for non-residential developments. The purpose of this is to encourage residents to choose to walk, cycle or use public transport for journeys where their destination has limited parking provision. Most non-residential development in Castle Point is located in places on public transport routes, and therefore this approach to parking provision for non-residential development is justified having regard to the objectives of the *NPPF* and the *Essex Local Transport Plan*.

14.60 The *Essex Vehicle Parking Standards* also set out minimum requirements in respect of disabled parking provision and bicycle parking provision.

14.61 In terms of disabled parking provision, these standards are considered appropriate due to the relatively high level of poor health in Castle Point compared to elsewhere. *2011 Census Data* shows that within Castle Point a higher than average proportion of people consider their day to day activities to be limited a lot by ill health.

14.62 In terms of bicycle parking provision, these standards are again considered to be appropriate in order to encourage those who are more able to access employment and services by more sustainable means of transport to do so.

14.63 The Department for Transport published *The Road to Zero 2018*, which sets out a strategy to deliver cleaner air, by 2040 it aims for all new cars and vans to have zero emission. The *Annual Air Quality Status Report 2018* has shown a downward trend in the levels of NO₂ in Castle Point in the last few years. However, a tool to help reduce this even further is the use of ultra-low emission and electric vehicles, developments that are designed to allow for electric charging points can help achieve this by making the change from petrol or diesel vehicles to low-emission an easier transition.

Strategic Policy TP8

Parking Provision

- 1. Proposals for development will be expected to make provision for safe and secure car parking, parking for people with disabilities and parking for bicycles, having regard to the Essex Vehicle Parking Standards. Maximum car parking standards will only be applied where there are compelling planning and transport reasons to justify such restrictions. Proposals which make parking provision below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard.**
- 2. All new development should have the infrastructure capacity installed to provide for charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.**

Access for Servicing

Policy Context

14.64 The *NPPF* is clear that safe and suitable access to a development site should be achieved for all people.

14.65 The *Essex Local Transport Plan Development Management Policies* sets out specific requirements for developments that are likely to be regularly accessed by HGVs at policy DM19. This policy expects such developments to be located close to strategic, main or secondary distributor routes, with short sections of roadway connecting the development to these routes. It seeks to secure route management in respect of such developments, although case law indicates that this is notoriously difficult to enforce.

14.66 Within Castle Point, the waste collection authority requires all new developments to have safe and convenient access for collection vehicles, or suitable on road stopping, with the access roads and highways being constructed of materials able to withstand the weight of the collection vehicles. Preferably suitable turning facilities should be provided within all developments, in order to prevent the need for collection vehicles to reverse. However, where there is a necessity to reverse, this should be limited to short distances only, and the route must allow clear visibility, free from sharp turns and obstacles. This standard appears appropriate for other servicing and delivery vehicles that occasionally access many developments also.

Reasoned Justification

14.67 As set out in the evidence for strategic policy TP1, most roads in Castle Point are single carriageway, and this presents a problem for those developments which require regular servicing by HGVs. HGVs find it difficult to turn into inappropriately designed servicing areas and present a concern for congestion and for highway safety.

Strategic Policy TP9

Access for Servicing

- 1. Development proposals that require regular servicing by HGVs should be located on main or secondary distributor routes, with appropriately designed servicing areas that enable HGVs to access and egress the development safely, in forward gear, without creating congestion.**
- 2. All other developments should be designed to ensure that properties can be accessed in a safe and convenient way by waste collection operatives and delivery vehicles.**

15. Supporting High-Quality Communications Infrastructure

Communications Infrastructure Strategy

Policy Context

15.1 The *National Planning Policy Framework (NPPF)* supports the provision of high quality and reliable communications infrastructure to deliver economic growth and social wellbeing. Planning policies should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Local planning authorities should take a positive approach to the provision of telecommunications equipment and not impose bans or strict restrictions on location or minimum distances. The Government has confirmed that telecommunications infrastructure should be considered alongside other key infrastructure such as roads and utilities.

15.2 The *NPPF* states that strategic policies should make sufficient provision for telecommunications infrastructure.

15.3 The *NPPF* states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. High quality digital infrastructure, providing access to services from a range of providers is expected to be delivered and upgraded over time to promote economic growth and social wellbeing.

15.4 The *Digital Communications Infrastructure Strategy (2015)* by DCMS is the national strategy for developing the coverage and capacity of the UK's broadband network and future communication technology services.

15.5 Essex County Council (ECC) has adopted *21st Century Digital Essex (2011)*, the County Strategy for delivering world-class broadband in Essex, which aims to increase the amount of homes and businesses that have high quality telecommunications available to them.

15.6 Many telecommunications developments do not require planning permission. *Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) 2015* allows telecommunications operators to install and replace certain types of telecommunications equipment, provided certain criteria are met.

15.7 Although the Council cannot object to the principle of development, in some instances, it can exercise control over the siting and appearance of telecommunications equipment in the interests of protecting amenity. Permitted Development is curtailed in Conservation Areas and where Article 4 Directions are in place which have removed the relevant Permitted Development rights. Similarly, Listed Building Consent is required for installations on, or within the curtilage of a Listed Building.

15.8 Applications which do not meet the Permitted Development criteria will require formal planning permission or prior approval by the local planning authority before equipment can be installed.

15.9 The *NPPF* states that planning policies should keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum, consistent with the needs of the consumer, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures should be encouraged.

Where new sites are required, the *NPPF* states that equipment should be sympathetically designed and camouflaged where appropriate.

15.10 The *NPPF* states that local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system or set health safeguards different from the International Commission guidelines for public exposure, (as stated in *International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines*).

Reasoned Justification

15.11 The *Digital Communications Infrastructure Strategy (2015)* expected the latest investment in superfast broadband and roll out of 4G networks to be completed by 2018. *Interactive mapping data published by mobile phone operators on Which? 2018* shows that mobile phone coverage in the borough is generally good. Vodafone, O2, EE and 3 all provide good 4G mobile coverage across the area, in fact latest mapping shows that 4G has a stronger signal presence than 2G and 3G coverage with EE appearing as the fastest and most reliable network in the region.

15.12 *The Broadband Impact Study 2013* uses a variety of empirical studies to highlight the positive effects of high-speed broadband. The report states that high speed broadband can have positive economic, social and environmental impacts. These benefits for residents include greater access to essential services such as jobs, local authority services, health and social care as well as enabling work forces to be more competitive and flexible.

15.13 With continual advances in technology, it is likely that demand for new digital telecommunications infrastructure will be sustained, albeit it may change form. It is in the interests of residents and businesses of the borough that the necessary infrastructure which will improve the quality of existing services and provides timely access to new digital services. The Council recognises the need to take account of the technical limitations on siting, but operators must also recognise the Local Plan's role in protecting areas which are more sensitive to matters such as visual intrusion, and the need to protect residential amenity. Therefore, all new development should provide superfast broadband to all properties and make provision where appropriate and as required by operators for 5G network infrastructure.

15.14 It should be noted that telecommunications operators must demonstrate compliance with the *ICNIRP Statutory Guidelines*, when submitting applications for telecommunications equipment. The main purpose of the *ICNIRP Guideline* is to protect public health from the effects of electromagnetic field (EMF) exposure that may result from masts, antennas and base stations. Following a review of the *ICNIRP Guidelines* in 2009, it was discovered that since their introduction in 1998, there has been no evidence to suggest that the effects of exposure to electric, magnetic and electromagnetic waves below the restricted levels has had any long-term negative effect on the health of the general public. It is therefore widely recognised that applications that comply with the *ICNIRP Statutory Guidelines* cannot be refused on the grounds of impact on public health.

15.15 The Council will work collaboratively with communications operators and providers, and supporting initiatives, technologies and developments which increase and improve broadband and mobile telephone coverage and quality in the borough. This includes through the implementation of the Local Full Fibre Network project with a consortium of South Essex local authorities which is supported by a £4.3 million government grant. This project will provide full fibre to strategic public sector facilities across the Borough which will help facilitate better connectivity for local businesses, thus boosting business to business digital trade, opportunities for digital start-ups and productivity.

15.16 Improvements to the delivery of a full range of infrastructure needs will be fundamental to achieving the development ambitions of the borough, to cater for its growing population and expanding business base. It is recognised that a flexible approach will need to be taken, particularly in relation to delivering infrastructure for newly established or extended communities as they evolve throughout the plan period.

15.17 As new development increases the demand for digital communications infrastructure, it is likely that development sites will require new telecommunications equipment and infrastructure to be upgraded in order to provide the future occupiers with the effective mobile and broadband connectivity as required. This is especially the case for those sites that have been identified for development and are peripheral to the existing urban areas, where a network may already be established. Proximity to communications infrastructure is sometimes key to the maximum effectiveness of such infrastructure, a result of direct relationship between connection speeds and proximity to exchanges or infrastructure centres.

Strategic Policy CM1

Communications Infrastructure Strategy

- 1. When considering planning applications, or determining whether prior approval is required for the siting and design of permanent telecommunications equipment and other associated permanent structures there will be a presumption in favour of proposals which can demonstrate:**
 - a. They are designed sensitively and appropriately in respect of their setting and location; and**
 - b. In the case of applications for proposed masts, antennae, base stations or any other development which emit time-varying electric, magnetic or electromagnetic fields there is a signed International Commission on Non-Ionizing Radiation Protection, (ICNIRP) declaration.**
-

16. Achieving Well Designed Places

Policy Context

16.1 The *National Planning Policy Framework (NPPF)* explains that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps make development acceptable to communities.

16.2 It further states that plans should set out clear design visions and expectations. Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Design should be sympathetic to local character and history, including the surrounding built environment and landscape setting. A strong sense of place should be established or maintained and policies should optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space) and create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

16.3 Planning policies and supplementary documents provide a framework for creating distinctive places with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances of each place and allow a suitable degree of variety. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. The *NPPF* makes it clear that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

16.4 The *NPPF* makes it clear that design quality should be considered throughout the evolution and assessment of proposals. Early engagement on design including engaging with the local community, design advice and review arrangements and assessment frameworks are the most effective particularly for significant or large-scale projects. Applications that can demonstrate early proactive and effective engagement with the community should be looked on more favourably than those that cannot.

16.5 The *NPPF* highlights that the quality and character of places can suffer when advertisements are poorly sited and designed. Control over advertisements should be exercised in the interests of amenity and public safety, taking account of cumulative impacts. The majority of outdoor advertisements are within the control regime specified in the *Town and Country Planning (Control of Advertisements) Regulations 2007*. The *Regulations* enable local planning authorities to control advertisements where it is justified in the interests of “amenity” and “public safety”.

16.6 *By Design: Urban Design in the Planning System: Towards Better Practice* promotes higher standards in urban design. It states that a clear framework, delivered consistently, can successfully influence the outcomes of the design process and the places created. It sets out the following seven objectives, which are detailed at Appendix One:

- Character / Identity
- Continuity / Enclosure
- Quality of the Public Realm
- Ease of Movement / Permeability

- Legibility
- Adaptability / Robustness
- Diversity / Variety

16.7 Building for Life 12 sets out 12 criteria for a vision of what housing developments should be: attractive, functional and sustainable.

16.8 Safer Places: The Planning System and Crime Prevention identifies seven attributes of places that should be considered in order to make them safer. These are defined as access and movement, structure, surveillance, ownership, physical protection, activity, and management and maintenance.

16.9 Active Design - Planning for health and wellbeing through sport and physical activity is a document created by the collaboration of Sport England and Public Health England. The document promotes ten active design principles that seek to encourage and promote sport and physical activity through the design and layout of the built environment.

General Design Principles

Reasoned Justification

16.10 The *Urban Design Characterisation Study 2013* of the Borough identifies the urban areas as being dominated by residential development, with a mix of detached, semi-detached and terraced houses, chalets and bungalows, interspersed with two, three and four storey blocks of flats, creating a mixed character across the borough as a whole.

16.11 The majority of these dwellings are constructed of traditional materials. The properties of more modern design and materials stand out against the extensive backdrop of traditional dwellings.

16.12 Many of the dwellings have been extended, adding interest in some places and discord in others. Whilst many are sympathetic to the original dwelling and its surroundings, there are equally many which create unattractive features which detract from the street scene.

16.13 Whilst the *Urban Design Characterisation Study 2013* identifies no discernible character or identity to the borough as a whole, there are a number of groupings of dwellings which exhibit the same design and/or pattern of layout, such as roofscapes, fenestration, front projections, detailing and materials, and open plan estates. These form small distinct and attractive character areas.

16.14 Other built development within the borough consists of commercial development in shopping areas, including town centres, and local shopping parades and employment areas. There are also community and leisure facilities within the borough, together with development located along the seafront. The *Urban Design Characterisation Study 2013* suggests building contained within these areas are typically characteristic of such areas and form an eclectic mix of old and new structures, ranging in height, size and materials. Some of these areas exhibit good design principles and create high quality environments, however many are inappropriately designed and have poor quality environments.

16.15 There is also residential and non-residential development located outside of the built-up area, which varies considerably in terms of its design and quality.

16.16 The *Urban Design Characterisation Study 2013* concludes that whilst overall the borough's public realm is of an acceptable quality for the most part, there are clear opportunities to improve it and ensure that it is of a high quality. Town centre and employment area redevelopment is likely to occur in phases and over several years as funding becomes available, and it is important to ensure that a coordinated approach to the public realm is taken at that time.

16.17 The *Castle Point Residential Design Guidance Supplementary Planning Document (SPD)* identifies how the following policies in this chapter will be implemented. Further guidance on a broad range of design matters can also be found in the *Essex Design Guide*, which supports the delivery of high-quality development that meets the needs of existing and future communities in Essex. A Quality Design Panel has been established, with panellists drawn from a range of built environment professions to provide an independent view on development schemes across Essex and how they may be improved. The Council will support reference to the panel in order to provide a critique of development or make recommendations that improve quality.

Strategic Policy DS1

General Design Principles

- 1. Within urban areas the Council will seek to improve the quality and attractiveness of the urban environment in Castle Point, and its integration with the natural environment, by expecting buildings and places to be of high quality, beautiful and sustainable design that accentuates positive features of the urban environment and contributes positively towards climate change mitigation.**
- 2. The Council will seek a co-ordinated comprehensive approach to public realm enhancements for the borough, particularly within its town centres and employment areas. Development will need to demonstrate how it will contribute to the quality of the public realm.**
- 3. The Council will seek to promote healthy and active lifestyles through design of the built environment. In order to achieve this the Council will work with partners to deliver regeneration and public realm improvements in Canvey and Hadleigh Town Centres. and public realm improvements which includes:**
 - a. Street furniture;**
 - b. Landscaping, including soft landscaping;**
 - c. Infrastructure and services;**
 - d. Palette of materials (structures and surfaces); and**
 - e. Public art.**
- 4. All development should to be designed to a high standard, meeting the design objectives set out at Appendix One, and fully integrating sustainability requirements. Development proposals must be appropriate to the site and its surroundings having regard to:**
 - a. Scale**
 - b. Density**
 - c. Massing**

- d. Height
- e. Landscape
- f. Layout
- g. Materials
- h. Detailing
- i. Access
- j. Security and crime prevention measures
- k. Flood resilience and drainage
- l. Adjoining land uses

5. The Council will have regard to such *Residential Design Guidance SPD* and the *Essex Design Guide* in its consideration of all proposals for residential development.
 6. Proposals for development within the Green Belt will be determined against the provisions of Policies GB1, GB2 and GB3.
-

Landscaping

Reasoned Justification

16.18 The *Urban Design Characterisation Study 2013* identified a mix of landscaping associated with a variety of forms of development, the quality of which differs considerably across the borough. Such landscaping includes both hard and soft features. The soft features include planting and water, whilst the hard features include paving and furniture.

16.19 Good landscaping can complement and enhance a development, whilst if the quality of landscaping is poor, it can detract from a development, as well as the existing and surrounding area. Both examples can be found in the borough. The *Essex Design Guide* emphasises the additional benefits landscaping can provide to an area; this includes creating an attractive place to live; encourages active lifestyles; enhance biodiversity; create multi-functional area uses; and ecological benefits.

16.20 Guidance on suitable hard and soft landscaping can be found in the *Castle Point Residential Design Guidance SPD*.

16.21 Consideration of the location of any landscaping is important. Soft landscaping is often provided in narrow strips, evident in this borough close to highway boundaries and within commercial car parking areas, and/or in areas with limited daylight/sunlight, such as between buildings. Such areas are not suitable environments for vegetation to thrive and survive. Furthermore, the appropriateness of the growth habits of vegetation in certain locations, both immediate and long term, is also an important consideration. The *Castle Point Residential Design Guidance SPD* recommends a combination of hard and soft landscaping which can aid in adding visual interest and providing versatility of use.

16.22 Examples include the provision of fast-growing shrubs, although these would not be suitable in areas where visibility splays or natural surveillance is required; and evergreen trees are not normally suitable in more confined areas, where light may be limited or restricted. On the positive side, defensible planting, such as spiny or thorny species, can be both unusual and attractive features, as well as an aid in the security of a development.

16.23 The selection of species is also of importance. Suitable native species should be the primary choice, particularly having regard to the potential ecological and biodiversity benefits. Consideration should also be given to climatic conditions, appropriate to relevant species. In Castle Point such considerations are particularly relevant for developments in proximity to the main roads and the coastline, and within areas at risk of flooding.

16.24 In respect of hard landscaping, this succeeds when it is integrated into the public realm as a whole. If treated as an afterthought such features can be seen as obtrusive or alien. Hard landscaping is also more successful if it is safeguarded against anti-social behaviour, such as graffiti and vandalism. The *Urban Design Characterisation Study 2013* highlights that graffiti and vandalism is evident in a number of the town centres and employment areas in the borough.

16.25 There are sustainability benefits from the provision of landscaping. It can form an integral part of Sustainable Drainage Systems (SuDS), including the use of green roofs on buildings and water features at individual buildings or running through larger sites. Details on the design and adoption of SuDS can be found in the published *ECC Sustainable Drainage Systems Design Guide*.

Strategic Policy DS2

Landscaping

- 1. Where appropriate development must provide hard and/or soft landscaping, appropriate to and suitable for the location and type of development provided. Trees should form a key element of the landscaping of development, with existing trees retained wherever possible and new streets should be tree lined. The approach to landscaping should be set out in a landscaping scheme.**
 - 2. Landscaping schemes will be expected to include:**
 - a. Planting plans, identifying plant species, type, sizes, numbers, densities, planting regime and aftercare;**
 - b. Native species, suitable to the location, climatic conditions, and to promoting biodiversity, and be appropriate in respect of growth habits;**
 - c. SuDS if required to form an integral part of the landscaping scheme providing opportunities for a variety of habitats, species and biodiversity; and**
 - d. To contribute towards tackling climate change.**
 - 3. The maintenance and management of landscaping areas, which in certain cases may be secured through the use of appropriate planning conditions or planning obligations including establishing a local management company.**
-

Advertisements

Policy Context

16.26 Advertisements are controlled under the *Town and Country Planning (Control of Advertisement) Regulations 2007*. Some advertisements benefit from deemed consent, where certain criteria are met. Others require express consent as a consequence of their potential to impact on amenity and public safety. The regulations do not establish the meaning of amenity or public safety, and this is therefore a matter for local determination, although there are clear rules related to the content or subject matter of advertisements. The *NPPF* states that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

16.27 Guidance on whether express consent for advertisement is required can be found in the DCLG publication *Outdoor advertisements and signs: a guide for advertisers (2007)*.

Reasoned Justification

16.28 Outdoor advertising is an important feature in the street scene, particularly in the more commercial parts of the Borough. It is accepted that advertising is essential to commercial activity, and its function is to attract the attention of passers-by in order to inform, guide or direct.

16.29 As well as having the practical purpose of providing information about businesses, goods, events and other matters, the presence of advertising is often a great influence on the appearance of a street as seen by the passer-by.

16.30 It is therefore important to ensure that the cumulative effects of advertisements are not detrimental to the amenity and public safety of an area, or to the character and appearance of the borough.

16.31 The *Urban Design Characterisation Study 2013* highlights that many of the commercial properties within the borough are clearly identifiable by the advertisements attached to buildings and land; however, the quality of these can be poor and/or inappropriate to their location. Furthermore, it identifies an issue with proliferation of advertisements, particularly around town centres and employment areas, which results in a cluttering of these streetscapes.

Strategic Policy DS3

Advertisements

Where advertisement consent is required, such consent will be permitted if the proposal respects the interests of public safety and amenity, by meeting the following criteria:

- a. The size, design, materials and location of the advertisement respects the scale and character of the building, site or area on which it is displayed;
- b. The proposal would not result in proliferation of advertisements;

- c. Any illumination respects the impact on visual amenity, potential light pollution, character of the area and buildings and functional need; and
 - d. The proposal does not have an adverse effect on highway safety.
-

The Appearance of Town Centre Business Premises

Reasoned Justification

16.32 The *Urban Design Characterisation Study 2013* identifies that the borough has a number of town centres, local shopping parades and employment areas, which are formed of a mix of old and new structures.

16.33 Various elements are usually evident on the frontage of commercial properties in the borough. These include the fascia, cornice, pilasters, consoles, mullions, glazing bars and stallrisers, all of which have their own visual and practical function.

16.34 The fascia is usually the most prominent feature on a non-residential frontage as it normally carries the name of the company and is located above the windows and doors. Furthermore, where external shutters have been used in the borough, the shutter box is often not located behind the existing fascia but instead protrudes out from the frontage, creating a bulky unattractive appearance.

16.35 The composition of these elements is important in order that the frontages of these buildings contribute positively to the character and appearance of the building as a whole, the neighbouring frontages and the surrounding area. The provision of such development must therefore consider the scale, rhythm, symmetry, proportions, architecture and detailing of these elements, as well as the proposed choice of materials and colour.

16.36 Within many of the town centres, local shopping parades and employment areas properties have roller shutters and other forms of security to their frontages. It is acknowledged that there is a need for security to be provided for such properties, however a balance must be struck between ensuring that these properties are safe and secure while considering their impact on the appearance of the street. Such security measures are therefore most successful when they form an integral part of the property's frontage. This is best achieved at the design stage and not 'added on' as an afterthought.

16.37 Some commercial properties in the borough are provided with alternative forms of security measures, such as screens or grilles fixed to the outside or inside of the frontage during closing hours only. These are often decorative in nature, and whilst providing the security required, give an open appearance, with views through them.

Strategic Policy DS4

The Appearance of Town Centre Business Premises

1. **Proposals for business premises or alterations to existing business premises must contribute towards improving the quality of the built environment and be appropriate to the site and its surroundings having regard to the following considerations:**
 - a. **Key elements, such as fascias, stallrisers and glazing bars**
 - b. **Scale**
 - c. **Rhythm**
 - d. **Symmetry**
 - e. **Proportions**
 - f. **Architecture**
 - g. **Detailing**
 - h. **Materials**
 - i. **Colour**
2. **New business premises or alterations to existing business premises must contribute positively to the character and appearance of the following:**
 - a. **The business frontage;**
 - b. **The building as a whole;**
 - c. **The parade or block of buildings in which the premises is located; and**
 - d. **The surrounding area.**
3. **The provision of security measures for business premises should form an integral part of the design approach to the business frontage and should have regard to the criteria set out in parts 1 and 2 of this policy. External roller shutters will only be acceptable if it can be demonstrated that there is no other suitable alternative. In such instances the roller shutters should be weaved or open-grille.**

Public Art and Interpretation

Reasoned Justification

16.38 The *Essex Design Guide* defines public art as art projects created by professional artists, creative practitioners and craftspeople, that can be enjoyed in public spaces by residents of and visitors to a community, rather than in an art gallery or institution. Public art can come in many forms including functional (seating, lighting etc), decorative, cultural experiences or artist residencies.

16.39 Public art has the ability to enhance the aesthetics, character and interest of the public realm and inspire community pride and ownership, as well as contribute to the local distinctiveness and increase the use of public open space. It can be incorporated into development in a number of ways, through the introduction of physical elements such as sculptures and monuments, to elements of detailing in paving, elevational treatment, as well as temporary art exhibitions or installations.

16.40 Developing and delivering public art is most successful when considered at the concept stage of a development or scheme. This is best achieved as a collaboration between artists and developers from the concept stage.

16.41 It is important to consider what the public art is seeking to achieve and how appropriate it is to its surrounding. The size and complexity of each project will vary depending on the site, as well as the size and type of development proposed, and it is important to ensure that its design, palette of materials and location are sensitive to its surroundings, but at the same time not losing the 'statement' to be made by the public art. Examples of public art provision in Castle Point can currently be found in Hadleigh Town Centre and in South Benfleet.

16.42 In respect of interpretation, the *Urban Design Characterisation Study 2013* identifies that whilst there are many notable buildings and structures located within the borough, very few are successfully promoted. Furthermore, there are areas of land which may have local or historical significance, which are not appropriately recognised. Where some form of interpretation is provided, its quality and design vary considerably.

16.43 The provision of interpretation / information is most successfully delivered where it is designed and located in a manner which reflects not only the 'item' that it is describing, but also the surrounding built form and natural environment. Developers are encouraged to engage local residents in the development of public art projects, and artists from the local area in the creation of public art works. Examples of local interpretation within Castle Point can currently be found in South Benfleet and at Canvey Village.

Local Policy DS5

Public Art & Interpretation

- 1. The Council will support the provision of high quality, sustainable public art within development, where it is:**
 - a. Integrated into the public realm; and**
 - b. Is publicly accessible.**
- 2. The provision of all public art and interpretation/information infrastructure must contribute positively to the locality and be site specific having regard to the following considerations:**
 - a. Size**
 - b. Materials**
 - c. Siting**
 - d. Crime prevention**
 - e. Historical and/or local important information**
 - f. The scale and type of development proposed**
 - g. Maintenance**
- 3. Proposals for public art should be accompanied by clear commitments to their on-going maintenance and ownership.**

17. Protecting Green Belt Land

17.1 The Green Belt in Castle Point is part of a wider network of Green Belt extending across South Essex. This extended network of Green Belt has been effective in maintaining the separation between the towns in South Essex, and within Castle Point by ensuring that the open land between towns has remained undeveloped. The Green Belt extent was established through the *1998 Castle Point Adopted Local Plan* and was at that time tightly drawn around the urban area, incorporating most of the undeveloped land within the borough. It is much valued by local residents for its benefit of keeping land permanently open and free from development that would harm the visual amenity of the borough and create urban sprawl, as well as providing opportunities for recreation and leisure.

Green Belt Strategy

Policy Context

17.2 The *National Planning Policy Framework (NPPF)* is clear that the Government attaches great importance to Green Belts. Plans should apply a presumption in favour of sustainable development and local policies should provide for objectively assessed need for housing and other uses unless the application of the Green Belt policy (amongst others) in the *NPPF* provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *NPPF*.

17.3 The *NPPF* identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence. Its five purposes are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other land.

17.4 The *NPPF* requires local planning authorities to plan positively to enhance the beneficial use of the Green Belt, looking for opportunities to:

- provide access;
- provide for outdoor sport and recreation;
- retain and enhance landscape, visual amenity and biodiversity; and
- improve damaged and derelict land.

17.5 The *NPPF* sets out the criteria to be applied when defining Green Belt boundaries. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of local plans. Strategic policies should establish the need for any changes to the Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.

17.6 The *NPPF* indicates that when drawing up or reviewing Green Belt boundaries, local planning authorities should take account of the need to promote sustainable patterns of development. The

NPPF requires that before concluding that exceptional circumstances exist, the policy making authority should be able to demonstrate that it has fully examined all other reasonable options for meeting needs for development; and this strategy should:

- make as much use as possible of suitable brownfield sites and underutilised land;
- optimise the density of development, including whether policies promote a significant uplift in minimum density standards in town centres and other locations well served by public transport
- be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development

17.7 The *NPPF* goes on to require that where it is concluded that Green Belt boundaries should be changed, plans should first give consideration to land which has been previously developed and/or is well served by public transport.

17.8 When defining Green Belt boundaries, the *NPPF* states that plans should:

- Ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- Not include land which is unnecessary to keep permanently open;
- Where necessary, identify in the plan's areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to the plan which proposes the development;
- Be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

17.9 How the Council has dealt with its long-term boundaries is set out in paragraphs 10.5 to 10.11 of this Plan.

Reasoned Justification

17.10 Evidence from historic *Strategic Housing Land Availability Assessments (SHLAAs)* and previous Local Plan preparation work identified that there is limited capacity within the urban areas in the borough to accommodate the needs of its communities. Therefore, the Council is required to look beyond the urban boundary and assess whether there is land outside the urban areas that could accommodate all or a proportion of this growth.

17.11 A *Green Belt Review* was prepared in 2018 and reviewed in 2019; Part 1 examined how the borough's Green Belt land contributes to the fundamental aim, characteristics and purposes of the Green Belt as set out by the *NPPF*. Part 2 assessed a number of sites promoted to the Council for potential housing development in the Green Belt to establish the potential degree of harm that would be manifested on the Green Belt if those sites were allocated for housing.

17.12 Part 1 of the Review identified that all parts of the Green Belt in Castle Point contribute towards at least two of the five purposes of Green Belt as identified in the *NPPF*. The Assessment identified four strategic areas of Green Belt in the borough:

- The Daws Heath “Ring”
- Central Corridor
- Lateral Strip
- Canvey Island

17.13 These strategic areas of Green Belt were also identified as particularly important at a sub-regional level, with regard to settlements in the districts and boroughs of Basildon, Rochford, Southend, and Thurrock.

17.14 The *Green Belt Topic Paper 2018* concluded that exceptional circumstances exist to allow the release of Green Belt land for residential development in Castle Point. This is drawn from the *Green Belt Review*. The conclusions of Part 2 of the Review establish the harm to the Green Belt from residential development at a number of sites proposed to the Council. The *Housing Sites Options Topic Paper (HSOTP) 2018* outlined a range of other criteria to establish the suitability and deliverability of these sites for residential development. The *HSOTP* concluded that 14 sites could be released from the Green Belt to meet the needs of sustainable residential development in Castle Point to 2033, The *Sustainability Appraisal* supports the notion that a degree of sustainable Green Belt sites will need to be released in order to meet Objectively Assessed Need (OAN) within the borough, as the amount of urban sites presented through the *SHLAA 2018* evidence would not be enough to support Castle Point's housing needs.

17.15 Evidence also shows that the extent of the Green Belt also compromises the ability of some schools in the borough to alter or expand so as to widen choice in education, as advocated in the *NPPF*. Re-alignment of Green Belt boundaries at the following school sites would therefore meet their national and local objectives:

- King John School, Benfleet;
- The Deanes School, Benfleet;
- Glenwood School, Benfleet;
- Kents Hill Infants and Junior School, Benfleet;
- Holy Family Catholic Primary School, Benfleet;
- Robert Drake Primary School, Benfleet;
- Canvey Skills Campus, Canvey Island: and
- Cornelius Vermuyden, Canvey Island.

17.16 The extent of the Green Belt can also be reviewed in the West Canvey area. The southern portion of an employment allocation in the 1998 Plan at Northwick Road has now been qualified as a Site of Special Scientific Interest (SSSI). This designation now precludes inappropriate development, and therefore allows the Green Belt to be extended over this area.

17.17 Furthermore, development has also been approved and completed in Green Belt locations over the course of the previous 20 years, which means that the boundaries of the Green Belt have been adjusted to reflect current site circumstances.

17.18 As a result of the changes made in this plan, over 92% of the Green Belt extent identified in the *1998 Castle Point Adopted Local Plan* is retained. By retaining this extent of Green Belt it will continue to serve its purpose of keeping land permanently open and maintaining a clear visual separation between the individual towns within Castle Point and within South Essex whilst enabling sustainable development to meet the needs of the community to 2033.

17.19 The Green Belt extent, as set out in this plan, is defined on the Policies Map and is over 2,500 hectares.

Strategic Policy GB1

Green Belt Strategy

The Council will determine proposals within the Green Belt in accordance with all relevant provisions of the National Planning Policy Framework and relevant policies within this plan.

The Green Belt boundary is defined on the Policies Map.

Development in the Green Belt

Policy Context

17.20 The *NPPF* makes it clear that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to certain exceptions. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of the inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Reasoned Justification

17.21 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

17.22 The *NPPF* makes it clear that the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to certain exceptions.

17.23 When considering the existence of very special circumstances or if one of the exceptions set out in the *NPPF* may apply, the Council will need to determine the harm to the Green Belt that may arise from the proposed development.

17.24 The *Green Belt Review* carefully considered the extent of the Green Belt boundary, the purposes for including land within the Green Belt and the contribution different parts of the Green Belt made to its overall purpose. It concluded that all parts of the Green Belt in Castle Point contribute to at least one of the purposes of including land within its extent, and therefore it is likely that development in any part of the Green Belt could give rise to harm, either in terms of its openness or purpose.

17.25 The Review provides advice to decision makers on the potential for development to impact on the openness and purpose of the different parts of the Green Belt and may provide a useful starting point when preparing proposals and considering the likely impacts of development. It notes that there

is scope in the different parts of the Green Belt to avoid or reduce harm through the proposed location, layout, scale and design of development and uses, including any landscaping and boundary treatments. These matters will therefore be considered in the determination of applications.

17.26 In those exceptional instances where development in the Green Belt is approved because the benefits of the proposals clearly outweighing the harm to the Green Belt or any other harm arising, the Council will consider if permitted development rights afforded to the type of development proposed would cause harm to the Green Belt to the extent that the benefits of the development would no longer be outweighed by the harm arising. Where there is a clear justification and the tests for conditions or obligations would be passed, the Council may seek to restrict permitted developments rights where a development proposal would not otherwise be acceptable in the Green Belt. In those instances where there is the potential for the use of permitted development rights to give rise to harm which outweighs the benefits of the proposal, the Council will use a S106 Agreement to remove the relevant permitted development rights.

17.27 As developments in the Green Belt are exceptional rather than planned for, their full impact could not be assessed through the Habitats Regulations Assessment for this plan. Therefore, proposals for development in the Green Belt will need to demonstrate that they will not have an adverse effect on the integrity of the Benfleet and Southend Marshes SPA and Ramsar site and the Thames Estuary and Marshes SPA and Ramsar site, either alone or in combination with other plans or projects as per Policy SD1.

Strategic Policy GB2

Development in the Green Belt

- 1. In determining the harm to the Green Belt arising from development or any material change of use, the planning authority will give consideration to:**
 - a. The impact of the proposal on the ability of the Green Belt to fulfil its purpose(s);**
 - b. The ability of the proposal to maintain or improve the openness of the Green Belt;**
 - c. The impact of the proposal on the character and appearance of the Green Belt**
 - d. The design of the proposal, which will be expected to be an exemplar of high-quality;**
 - e. Whether the land is previously developed;**
 - f. Whether the proposal will result in an unacceptable intensification of traffic movements, noise or other forms of disturbance; and**
 - 2. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.**
 - 3. Where there is a clear justification and the tests for conditions/obligations would be passed, the Council may seek to restrict permitted development rights where a proposal would not otherwise be acceptable in the Green Belt.**
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Positive Uses in the Green Belt

Policy Context

17.28 The *NPPF* states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

17.29 The *NPPF* makes it clear that buildings in the Green Belt are inappropriate, except for certain types of development. Buildings for agriculture and forestry are not considered inappropriate uses in the Green Belt, nor is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, mineral extraction and engineering operations, if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Reasoned Justification

17.30 The Green Belt in the borough is occupied by a diverse range of buildings, uses and activities. Commercial and residential uses have previously been discussed within this Green Belt section. However, there are other forms of development located within the borough's Green Belt, including cemeteries, recreational uses - both formal and informal as well as agricultural, equine and animal husbandry activities (catteries and kennels).

17.31 The latter activities are characteristic of more rural and countryside locations, designated as Green Belt in Castle Point. Such activities generally require more open spaces, with access to natural features, which are unlikely to be found in more urban locations, where the built form is closer knit and environments may not be in the best interests of the health of the animals and livestock. Furthermore, such activities can produce levels of noise and odours which may not be compatible with residential uses. However, it is important that such activities need to be within easy reach of the population they serve.

17.32 Examples within the borough's Green Belt include the provision of commercial kennels, catteries, stables and riding schools, and limited cattle grazing. There are also individual stables located sporadically in the Green Belt, some of which are associated with residential properties.

17.33 The Green Belt in the borough also provides important leisure and recreation opportunities for both residents and visitors, which is highly valued by residents. This includes formal and informal provision, in commercial, private and public ownership. 1,057 ha of the borough's Green Belt is allocated as public open space, 890 ha of the borough's Green Belt is designated due to its landscape quality, and 1,154 ha of the borough's Green Belt is designated due to its ecological quality. Many of the open spaces within the Green Belt in Castle Point are Country Parks, Nature Reserves or natural/semi natural open spaces, and, therefore, there is a significant overlap between ecology and landscape designations and open space designations.

17.34 Access to the Green Belt, and opportunities to undertake outdoor sport and outdoor recreation in the Green Belt are promoted as positive uses of the Green Belt in the *NPPF*. Given that the Green Belt in Castle Point is tightly drawn around the existing urban area, its population are afforded these opportunities close to where they live and work, and the promotion of such positive uses can contribute towards the health and well-being of these communities. Furthermore, given the diverse

nature of the Green Belt within Castle Point there is also the opportunity to enhance the quality of landscapes and create multi-functional areas of open space that improve the visual amenity of the borough and contribute towards improving biodiversity and flood risk management.

17.35 This is particularly the case when considered against the pressures to accommodate needs within the borough. Furthermore, parts of the Green Belt may also need to be brought into use as public open space in order to offset potential impacts of recreation pressures on designated nature conservation sites arising from population growth, such as the Benfleet and Southend Marshes SPA.

Strategic Policy GB3

Positive Uses in the Green Belt

Subject to policy GB2, the Council will seek opportunities to positively enhance the Green Belt for beneficial use. Where development is proposed within or adjacent to the Green Belt, consideration will be given to identified opportunities to:

- a. improve access;
 - b. improve outdoor sport and recreation provision;
 - c. enhance the landscape;
 - d. improve visual amenity;
 - e. improve biodiversity;
 - f. facilitate sustainable flood risk management; or
 - g. improve damaged and derelict land.
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18. Meeting the Challenge of Climate Change, Flooding and Coastal Change

18.1 The *National Planning Policy Framework (NPPF)* identifies the purpose of the planning system as contributing towards the achievement of sustainable development. There are three overarching objectives to sustainable development. The environmental objective is set out as contributing to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon future.

18.2 Planning is central to achieving these roles by helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

18.3 Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

18.4 The *NPPF* states that planning policies should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes and policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

Responding to Climate Change

Policy Context

18.5 The *NPPF* states that planning policies should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

18.6 Local planning authorities are expected to plan for new development in locations and ways which reduce greenhouse gas emissions, and to actively support energy efficiency improvements to existing buildings.

Reasoned Justification

Impacts on Climate Change

18.7 The *Sustainability Appraisal* work sets out details of the borough's energy consumption, Castle Point has the ninth lowest level of renewable energy use in the county at just 0.14% of its total consumption. This is in stark contrast to the use of natural gas which contributes to just under half of the total energy use for the borough. Within Castle Point there are no significant sources of energy production, renewable or non-renewable. Furthermore, the Council has received no proposals for the provision of commercial scale renewable or non-renewable energy production, which is unsurprising given the size of the borough and the natural environmental constraints present on its periphery. Castle Point is therefore reliant on energy produced elsewhere. The focus of climate

change strategy in Castle Point therefore needs to be on how the individual can reduce their ecological footprint, and how developments can be planned to encourage this.

18.8 The *Transport Evidence for the New Local Plan 2019* shows that Castle Point suffers congestion at peak times causing queuing at junctions and extended journey times. Congestion results in increased emissions from vehicles, including emissions of greenhouse gases that contribute towards climate change. The *Sustainability Appraisal* work indicates that transport in Castle Point generates 36.33% of CO₂ emissions within Castle Point.

18.9 Congestion is therefore contributing to both climate change and poor health outcomes for local people. A reduction in the need to travel, and good, sustainable access to public transport provision and services can therefore have a positive influence on the borough.

18.10 Whilst Castle Point has a high level of energy consumption, it also has a high-quality green environment that contributes towards managing the impacts of climate change.

18.11 There are significant areas of woodland, including ancient woodland located in the Thundersley and Hadleigh areas. Additionally, there are many trees within the urban environment because of the borough's sub-urban character. Trees and woodlands play an important role in managing climate change by acting as a carbon sink for CO₂ emissions. Trees also play a role in managing surface water and contribute positively towards urban cooling thereby managing the impacts of climate change also.

Impacts of Climate Change

18.12 In recent years there has been a rise in extreme weather events including high levels of precipitation, which can put strain on existing watercourses and drainage systems. The different sources of flooding include tidal, fluvial (e.g. rivers), surface water, groundwater and reservoir flooding, and are managed by different bodies. The Environment Agency is responsible for tidal, reservoirs and fluvial flooding from main rivers and Essex County Council (ECC), as the Lead Local Flood Authority (LLFA), is responsible for reducing the risk of flooding from surface water, groundwater and ordinary watercourses in the borough.

18.13 Canvey Island is identified as being within Flood Zone 3a. It is defended by sea defences which are currently effective in managing the current tidal flood risk to the Island. However, the *South Essex Strategic Flood Risk Assessment 2018 (SFRA)* identifies that future impacts of climate change require these defences to be improved to take account of the possibility of over topping from an extremely high tide. The *Thames Estuary 2100 Plan (TE2100 Plan)* identified Canvey Island as being subject to Policy P4 (of the 2100 Plan), which requires further action to be taken to keep up with climate and land use change so that flood risk does not increase.

18.14 Hadleigh Marshes and parts of South Benfleet are also affected by tidal flood risk, with both areas sitting within Flood Risk Zone 3. The *South Essex SFRA 2018* indicates that the risk, depth and extent of flooding in these areas will increase as a result of climate change. The *TE2100 Plan* identifies the Hadleigh Marshes Policy unit as a subject to Policy P3 which requires the continuation of existing or alternative actions to manage flood risk. Flood defences will be maintained at their current level, accepting that the likelihood and/or consequence of a flood will increase because of climate change.

18.15 The southern section of South Benfleet within Flood Risk Zone 3 falls within the *TE2100 Plan's* Bowers Marsh policy unit which is subject to Policy P4 as explained in paragraph 18.13.

18.16 ECC hosts an online *Interactive Flood and Water Management Map*, which identifies the locations in the borough that are at risk from surface water flooding (low, medium or high risk), areas located within Critical Drainage Areas (CDAs), and locations where schemes in the capital programme are being progressed. Most of the urban area within the borough lies within a CDA. In these locations, there is a need for surface water to be managed to a higher standard than normal to ensure any new development contributes to a reduction in flooding risks in line with the *NPPF*.

18.17 Increased experience of drought is also likely to be an impact of climate change. The *South Essex Watercycle Study 2012* indicates that water resources in the East of England are likely to become more scarce as a result of climate change. It recommends that consumption in Castle Point is reduced to 105 litres per person per day in order to reduce this deficit.

18.18 A changing climate can also impact on health. A report by the Health Protection Agency entitled the *Health Effects of Climate Change in the UK 2008* sets out evidence to this effect. Potential effects of climate change range from risks associated with flooding, to the effects of extreme temperatures.

Strategic Policy CC1

Responding to Climate Change

- 1. The Council will seek to mitigate and adapt to climate change and move to reducing the carbon footprint of the borough. This will be achieved by:**
 - a. Identifying development locations with good access by foot, cycling and public transport to services and public transport provision which reduce the need for travel;**
 - b. Providing improvements to the public transport network, and footpaths and cycle paths;**
 - c. Providing opportunities to deliver multi-functional green infrastructure and new habitat creation;**
 - d. Promoting the efficient use of natural resources such as water and energy;**
 - e. Encouraging high-quality sustainable design and construction techniques that contribute to climate change mitigation and adaptation; and**
 - f. Encouraging opportunities for the provision of renewable energy, low carbon technologies and decentralised energy as part of development proposals as appropriate.**
 - 2. The Council will seek to minimise the impacts of climate change on its communities through flood risk management that reduces the risk to people and property from extreme weather and flooding events.**
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Tidal Flood Risk Management

Policy Context

18.19 The *NPPF* requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exceptions Test.

18.20 The aim of the Sequential Test is to steer new development to areas with no or low risk of flooding, using the *SFRA* and if necessary, the Exceptions Test. Any such development would need to demonstrate that the development will offer wider sustainability benefits that outweigh the flood risk, and would be safe for its lifetime, without exacerbating or creating flood risk elsewhere.

18.21 The *NPPF* states that planning policies should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. A Coastal Change Management Area should identify likely areas to be affected by physical changes to the coast and be clear as to what development will be appropriate in such areas, in what circumstances, and make provision for development and infrastructure that needs to be relocated away from such areas.

Reasoned Justification

Canvey Island

18.22 The Environment Agency identifies Canvey Island as being within Flood Risk Zone 3a. Currently sea defences are effective in preventing Canvey Island from flooding from tidal inundation.

18.23 Fluvial flooding is possible from the watercourses and dykes that form the drainage system on Canvey Island, due to the flat and low-lying topography of the Island and the finite capacity of the piped sections of the drainage infrastructure. Some of this network drains to tide via flapped outfalls which only operate at low tide. If water were to overtop these dykes, the flat topography of the island could cause it to disperse over large areas.

18.24 The *South Essex SFRA 2018* undertook modelling of the risk of flooding to Canvey Island. Currently, the sea defences are effective in preventing Canvey Island from being flooded but there remains a very small probability they could be overtopped or breached. When the future impacts of climate change are taken into account, it is possible that on an extremely high tide the defences in some locations around the Island would over-top. This means that there is a requirement over the next 50 years to invest in improving these defences in order to protect future populations. The *TE2100 Plan*, prepared by the Environment Agency, sets out a policy for the maintenance and improvement of the sea defences on Canvey Island. It will be necessary to work with the Environment Agency to secure the funding to deliver the improvements required that will benefit both existing development and also any additional development that occurs.

18.25 In order for the sea defences to be improved on Canvey Island it is necessary for land adjacent to these defences to be left free from development as far as possible to provide the space for taller defences with a larger footprint. Accessibility is also essential in delivering such improvements (both for facilitating the construction of new defences as well as for the access to maintain and inspect and

repair the defences over their lifetime). The Environment Agency has advised that a maximum of 19m, as measured from the landward edge of the current sea defence structure, should be left free from development for this purpose.

18.26 Developers are encouraged to enter into discussions with the Environment Agency at a very early stage when formulating development proposals close to or within the safeguarded sea defence area. Flood Risk Activity Permits are separate to the planning application process and are required by the Environment Agency for any activities that fall within 16m of a sea defence. Flood Risk Activity Permits were introduced under the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations in April 2016. Early discussions with the Environment Agency will avoid the potential for costly development design and layout revisions or to avoid the risk of having a flood risk permit application refused by the Environment Agency. The safeguarding provision helps to enable the delivery of well-designed and landscaped defences that not only ensure the future safety of residents but are also attractive and contribute to the quality of the environment and will reflect the clear aspiration in NPPF for plans to safeguard land that is required or is likely to be required for current or future flood management.

18.27 The *NPPF* sets out a sequential test that seeks for development to be located to avoid flood risk, where possible. Canvey Island comprises around 40% of the borough's area and is home to around 40,000 people. In considering future development, consideration will need to be given to ensuring sites are safe from all types of flooding, either because of existing site conditions or through flood risk management. To leave this land vacant may undermine the quality of the local environment and have a detrimental effect on the community. The *TE2100 Plan* reinforces this stance, identifying Canvey Island as a thriving community with further development and regeneration planned in the future. It states that the maintenance and improvement of the sea defences is well justified, and that in order for these areas to thrive and for regeneration to be a success, flood risk management and emergency planning must continue to be integrated into the spatial planning process.

18.28 Where development is permitted on Canvey Island, it will need to demonstrate how it has satisfied the Sequential and Exception Tests and will need to be designed to ensure the safety of future residents and/or users. Additionally, consideration will also need to be given as to how surface water flood risk can be managed on site, so that surface water run-off is no greater than that prior to development taking place, as far as reasonably practical, thereby not increasing the risk of flooding in neighbouring properties. Finally, in the event that a flood occurs, and there has been no or limited warning, properties should be designed to offer safe refuge above the depth of flood water. The *South Essex SFRA 2018* identifies the likely depth of flooding across the Island during a 1 in 1000 year + climate change flood event. It is this depth of flooding that should be considered to help design refuge requirements for development on Canvey Island together with a clear assessment of the likely time of site inundation and the evaluation of flood hazard arising at and around the site throughout a flood event.

18.29 Whilst new development proposals may incorporate flood resilient design measures, this does little to ensure the safety of existing residents, particularly the large number who occupy bungalows, caravans and mobile homes. The *TE2100 Plan* notes the prevalence of vulnerable development such as these properties on Canvey Island and seeks the redevelopment of such forms of development for homes that can offer more flood resilient design. Favourable consideration should be given to proposals that see the replacement of such vulnerable development with more resilient forms of development that can offer safe refuge in the event of a flood. Such decisions will need to be made within the context of the principles set out within the Council's *Residential Design Guidance Supplementary Planning Document (SPD)* which seeks to ensure that privacy, amenity and high-

quality urban design are achieved taking into account the high-density character of development on some parts of Canvey Island, whilst providing safe refuge areas.

Hadleigh Marshes and South Benfleet

18.30 Tidal Flood Risk also affects Hadleigh Marshes and parts of South Benfleet, with parts of both areas being located within Flood Risk Zone 3 as identified by the Environment Agency and modelled by the *South Essex SFRA 2018*. The *SFRA* indicates that the risk, depth and extent of flooding in these areas will increase as a result of climate change.

18.31 Hadleigh Marshes is a largely undeveloped area, protected from significant levels of development by other policy and nature conservation designations. As a consequence, the *TE2100 Plan* seeks to maintain these defences at their current level, but does not plan to enhance them in order to accommodate the impacts of climate change. This has two significant implications:

1. The loss of inter-tidal marshland habitats. The Benfleet and Southend Marshes is designated as a Special Protection Area (SPA) and is recognised for its assemblage of migratory birds under the Ramsar Convention. As a consequence, there is a need to identify compensatory habitat. The *TE2100 Plan* seeks to identify compensatory provision to account for this loss; and
2. The London Fenchurch Street to Southend railway line passes through the area and is likely to be at risk from major flooding in the future. The owners and operators of this line will need to consider how they will deal with this issue. There is the potential that in the long-term (50+ years) they may decide to cease services if an economically viable solution to retaining the line in this location cannot be identified. The *TE2100 Plan* seeks to develop a joint long-term programme to ensure the long-term implications of climate change on the railway are understood, and to build in infrastructure improvements and flood warning.

18.32 The area at risk of flooding in South Benfleet is largely undeveloped flood plain in the form of South Benfleet Playing Fields. There are however a small number of properties at risk of flooding in 'old' South Benfleet, including the railway station, and also some homes on the periphery of the flood risk zone in the residential area. As with Hadleigh Marshes, the *TE2100 Plan* outlines that for the Bowers Marshes policy unit (encompassing South Benfleet) the aspiration is to take further action to keep up with climate and land use change so that tidal flood risk does not increase.

18.33 South Benfleet Playing Fields are a flood storage area recognised by the Environment Agency as a category C reservoir under the *Reservoirs Act 1975*. This area is therefore classified as falling within Flood Risk Zone 3b i.e. it is considered to be a functional flood plain. A functional flood plain is an area where water has flowed, or is stored, at times of flood with an annual probability of flooding of 5%.

Local Policy CC2

Tidal Flood Risk Management

1. **The extent of the Canvey, Hadleigh Marshes and South Benfleet Tidal Flood Risk Management Areas is defined on the Policies Map. Within these areas:**

- a. The Council will support the necessary improvements to the sea defences in the Borough as set out in the Thames 2100 Plan.
 - b. New bungalows and other forms of self-contained residential accommodation at ground level will be refused on Canvey Island unless safe refuge areas can be provided within the development, and favourable consideration will be given to the conversion of bungalows to houses, subject to those privacy, amenity and urban design considerations set out in the Residential Design Guidance SPD;
 - c. The Council will work with partners to maintain and improve nature conservation in the Hadleigh Marshes area, with a long-term view of securing appropriate compensatory sites within the Thames Estuary for any loss of designated habitats resulting from climate change; and
 - d. South Benfleet Playing Fields will be retained as a flood storage area for both tidal flooding and surface water management. Opportunities to increase the storage capacity of this area will be secured in the long-term;
2. The Council will work with partners in the railway industry to identify economically viable solutions to the potential risk of flooding of local railway lines in the long-term, to ensure the ongoing provision of services.
 3. Within flood zones 2 and 3 new development proposals will be permitted only where they meet the following criteria:
 - a. They pass the Sequential Test and where appropriate the exception test, as set out in the National Planning Policy Framework;
 - b. They have been designed to make space for water and do not increase flood risk elsewhere and where possible reduces flood risk overall; and
 - c. They are designed to be flood resistant and resilient and provide safe refuge for users/residents above predicted flood water depths for a 1 in 1,000 + year climate change flood event. Buildings should also be hydrostatically and hydrodynamically resistant to prevent damage to the structure. In this context resilient includes the ability of the development to be brought quickly back into use after a flood event.
 4. A buffer up to 19m wide of land adjacent to the existing flood defences on Canvey Island, as shown on the Policies Map, is safeguarded for future flood defence works and landscaping. Proposals for flood defence works within the safeguarded land, where appropriate, should provide information to support a project level HRA, as per the requirements set out in policy SD1.
 5. Where land safeguarded for future flood defence works falls within a development site, opportunities should be taken to integrate future flood defence requirements into the landscaping and open space provision for the site.
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Non-Tidal Flood Risk Management

Policy Context

18.34 The *NPPF* requires that strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in or affecting local areas susceptible to flooding and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as ECC as Lead Local Flood authority and internal drainage boards.

18.35 The *South Essex Catchment Flood Management Plan* sets out the approach that should be taken to fluvial and surface water flood issues in South Essex. It identifies two policy units covering watercourses in the Castle Point area. These are:

- Southend-on-Sea / Rayleigh policy unit. Within this populated area it is expected that further action will be taken to reduce flood risk now and in the future.
- Thames Urban Tidal policy unit. Within this area further action should be taken to sustain the current level of flood risk into the future, responding to the potential increases in risk from development and climate change.

Reasoned Justification

18.36 Surface water can arise from a variety of sources, including sewers, drains, groundwater, and run-off from the land, water courses and ditches. Approximately, 2,700 homes within Castle Point are at risk of surface water flooding.

18.37 The surface water flood risk across the borough shown on the *ECC Interactive Flood and Water Management Map*, excluding Canvey Island, is driven predominantly by topography relating to watercourse channels of Benfleet Creek, Prittle Brook and tributaries. Localised flooding is attributed in most cases to the steep westward sloping topography from an area of high elevation running through the mainland part of the borough, local topographic depressions, insufficient capacity in ordinary watercourse and culverted systems, and obstructions in the flow of surface water.

18.38 In respect of Canvey Island the surface water flood risk is largely associated with the localised capacity of the existing surface water sewer network to accommodate high intensity rainfall events or an associated failure of the managed and pumped drainage network during such events or as a result of tide locking of gravity outfalls.

18.39 There are 25 main rivers, watercourses and many smaller reaches of ordinary watercourses (minor ditches and dykes), most of which are tributaries to main river reaches. Those on Canvey Island have been incorporated into a wider drainage system, elements of which are regulated by various risk management authorities and is reliant predominantly upon gravity whilst being pumped to tide by external pumping stations. The areas of the Benfleet Creek, Prittle Brook and their tributaries and the tributaries of the Rawreth Brook are vulnerable to fluvial flooding, which can contribute to surface water flooding.

18.40 *ECC's Interactive Flood and Water Management Map* identifies Critical Drainage Areas (CDAs), these are areas notified to the local planning authority by the Environment Agency with a

high risk of flooding which have critical drainage problems, this can affect people, property or infrastructure. There are six defined CDAs in Castle Point covering most of the borough's land area. These are as follows:

South Benfleet	(NCAST_001)
North Canvey Island	(NCAST_002)
Leigh Beck	(NCAST_003)
Reeds Hill Farm	(NCAST_004)
Eastwood	(NRoch_001)
Southend- On-Sea	(NRoch 002)
New Thundersley	(NRoch 005)

18.41 The Plan identifies a number of potential measures and options to deal with surface water within the borough, specific to those CDAs where the risk to people, property and infrastructure are greatest. This includes:

- increased community awareness
- improved management regimes of main rivers, ordinary water courses and their tributaries
- increased conveyance
- retained and increased flood storage capacity
- improved land management
- increased online storage
- incorporation of Sustainable Drainage Systems (SuDS) appropriate to the development type, size and location

18.42 The *South Essex SFRA 2018* makes reference to Prittle Brook and Benfleet Hall Sewer, as being sources of fluvial flooding. The Kersey Marsh Sewer and Hadleigh Marsh Sewer are also referred to as main rivers located within the borough. Fluvial flooding is also possible from the watercourses and dykes that form the drainage system on Canvey Island, due to the flat and low-lying topography of the island and the finite capacity of the culverted sections of the drainage infrastructure. Some of this network drains to tide via flapped outfalls which only operate at low-tide. If water were to overtop these dykes, the flat topography of the borough could cause it to disperse over large areas.

18.43 A single integrated urban drainage model (IUD) has been prepared to enhance the understanding of the drainage network, and associated flood risk on Canvey Island. This collaborative work between risk management authorities (the Environment Agency, Anglian Water and ECC) has provided a detailed representation of the drainage network on Canvey Island. This has been used to update the Environment Agency's *Risk of Flooding from Surface Water Map*. This map ascribes a high risk of surface water flooding to those areas where there is a 1 in 30-year chance of surface water flooding. A medium risk is ascribed to areas with a 1 in 100-year chance of surface water flooding.

18.44 Benfleet Hall Sewer enters the South Benfleet Playing Fields flood storage area, which is recognised by the Environment Agency as a large raised reservoir under the Reservoirs Act. This flood storage area provides a 1 in 1,000-year standard of protection to people and property at the southern end of Benfleet Hall Sewer. The flood storage area does not however provide any protection from surface water flooding generated by flow paths from rainfall over the steep impermeable topography.

18.45 The evidence and guidance provided under the Tidal Flood Risk Management Area section, in respect of flood risk, and the use of the Sequential and Exception Tests is equally relevant when considering the impact of fluvial and surface water flooding on development and its location.

18.46 Sustainable Drainage Systems (SuDS) are useful in mitigating the impact of flooding. These take a variety of forms, some of which are more appropriate in certain locations than others. The predominant soil geology underlying Castle Point is London Clay, which is impermeable, and is prone to rapid runoff. Site-specific ground investigation should be undertaken to determine the local variations in soil permeability before discounting infiltration to discharge surface water runoff from the site. If infiltration is not found to be favourable, surface water attenuation using above ground features should be used wherever possible. These source control mechanisms would restrict the volume and rates of surface water runoff leaving a site. Underground storage tanks are the least favourable option and should only be used as a last resort.

18.47 Examples often used in the borough are rainwater harvesting, which captures and stores rainwater from roof runoff. This provides a dual advantage, of not only decreasing the volume of water leaving a site and decreasing surface water and potential flooding, but also provides a direct source of water for re-use, thus reducing the amount of water supply to a site. Tree planting and the provision of green roofs can also act to reduce runoff, whilst also offering benefits to ecology.

18.48 For any proposed development schemes such measures can complement site control SuDS techniques. Site control SUDs techniques include the provision of balancing ponds, swales, attenuation tanks and other surface water attenuation features. The runoff from properties and sites can be routed through to such provisions and subsequently re-used for other purposes such as irrigation or as part of a greywater system. Site control SUDS can be integrated into the open spaces within development and can form part of the multi-functional Green Infrastructure network.

18.49 Reference should be made to the ECC SuDS Guidance when submitting an application for development, in order to accord with the Lead Local Flood Authority criteria.

Strategic Policy CC3

Non-Tidal Flood Risk Management

- 1. The Critical Drainage Areas for the borough are defined by ECC as the Lead Local Flood Authority.**
- 2. New development proposals within an area at risk of fluvial flooding, or within an area at risk from surface water flooding in a 1 in 100 year event, will be considered against the sequential test set out in the NPPF.**
- 3. If the sequential test shows that it is not possible to use an alternative site, the exceptions test will be applied as appropriate. Development would be permitted where through the application of the exceptions test, the sustainability benefits of the development to the community outweigh the flood risk, and that the development will be safe for its lifetime taking into account the vulnerability of its users, and that it will not increase flood risk elsewhere.**

4. Where a development proposal is located in an area at risk of fluvial or surface water flooding and passes the sequential test and, where appropriate, the exception tests, the design and layout of development must be taken to avoid built development on those parts of the site most at risk of flooding. This includes those parts of the site that form natural or pre-existing flow paths for fluvial flood water or surface water. Easements will be required adjacent to designated Main Rivers to allow for future maintenance.
5. Where a development proposal is for a site in an area at risk of fluvial or surface water flooding, or is within a Critical Drainage Area, any natural or semi-natural water features such as ditches, dykes and ponds must be retained in their natural or semi-natural form in order to maintain existing attenuation provision and existing flow paths.
6. All development proposals, including the redevelopment of existing buildings, will be required to manage surface water run-off so that the rate is no greater than the run-off prior to development taking place or if the site is previously developed, development reduces run-off rates and volumes, as far as is reasonably practical. Where possible, SuDS should be incorporated into the landscaping proposals for development schemes in order to achieve additional benefits for the built, natural and historic environment.
7. Consideration must be given to whether the capacity of existing flow paths, and the design capacity of any SuDS proposals for a development, could cope with extreme rainfall events. Where appropriate, additional flow paths should be provided to direct excess surface water away from people and property. This must not increase the risk to existing properties nearby.
8. In order to protect people and property, any development located in an area at risk from fluvial or surface water flooding should be designed to be flood resistant to a 1 in 1,000 year + climate change level. Fluvial and/or surface water must not be able to enter property, and buildings should be hydrostatically and hydrodynamically resistant to prevent damage to the structure. Regard should be had to the Essex County Council Interactive Flood and Water Management Map, to determine the need for flood resistant design. Where an application relies on guidance from the Map, a precautionary approach will be taken, and upper flood depths for the location of the site will be applied when determining the appropriateness of the resistance proposed. Applications which seek to provide lower levels of resistance must be supported by their own robust, site specific, modelling which demonstrates that the development will be resistant to fluvial and/or surface water inundation and hydrostatic damage.

Sustainable Buildings

Policy Context

18.50 The *NPPF* advises that the planning system should support the transition to a low carbon future given the potential impacts arising from changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and

improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

18.51 New development is expected to comply with adopted policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable, and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

18.52 The *NPPF* indicates that local planning authorities should not, however, require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. Furthermore, they should also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if their impacts are (or can be made) acceptable, unless material considerations indicate otherwise.

18.53 There are standards in relation to ensuring new development is sustainable. For residential development the Government has set out energy efficiency standards within the *Building Regulations* for new development, which will become more demanding over time as energy efficiency technologies and innovations advance. With regard to water efficiency, there is a national minimum standard with the Building Regulations and a higher standard which may optionally be applied in areas of water deficit. For non-residential development, *Building Research Establishment Environmental Assessment Method (BREEAM)* standards are normally applied, which again set standards in terms of water and energy efficiency.

Reasoned Justification

18.54 The *Sustainability Appraisal* work advises on the ecological footprint of Castle Point. An ecological footprint measures the amount of land each person uses in order to sustain their lifestyle. This shows that Castle Point has an ecological footprint of 5.65 ha/person. This is higher than the national average of 5.4 ha/person, and significantly above the footprint considered to be sustainable at 1.8 ha/person.

18.55 Energy use accounts for 0.9 ha/person and could be significantly reduced through improvements to the energy and thermal efficiency of the buildings which are constructed. Reducing the emissions of greenhouse gases and the consumption of energy can be achieved in several ways. Simple measures such as loft insulation and cavity wall insulation can achieve significant reductions in energy consumption, whilst there is the opportunity through improvements to existing buildings and the provision of new buildings to integrate renewable energy sources such as solar and wind power.

18.56 Part L of the Building Regulations details the minimum requirements for energy efficiency in new buildings. The Council would encourage developers to consider these requirements as a minimum and strive towards Zero Carbon buildings as soon as possible. The Association of South Essex Local Authorities aims to make the area carbon zero by 2040 and will introduce requirements to achieve this which will be reflected in reviews of this plan. In the meantime, there is an opportunity to limit the energy consumption of a building in the first instance through the way it is designed and located. The orientation of development is important in influencing the potential to reduce energy consumption within the development and maximising the potential energy production from renewable sources. Building design can also provide good opportunities to manage solar gain

through non-mechanical means for heating in the winter and cooling in the summer. Careful orientation and arrangement of development can provide good opportunities for solar gain and daylight penetration. Designing for daylight in the form of appropriately located and sized windows, reduces the need for artificial light, and designing for passive solar gain reduces the need for internal space heating.

18.57 In respect of layout, providing taller buildings away from lower ones, or to the north of a development, providing parking and garaging to the north of buildings, as well as providing suitable vegetation in appropriate locations, can improve conditions for solar gain and reduce shadow.

18.58 Capital investment (including construction) accounts for a further 0.76 ha/person of ecological footprint, indicating that regard should be had to the materials used in building new homes in terms of the energy required in their production. Materials produced in a more sustainable way will have a smaller ecological footprint, whilst those sourced locally may have a reduced impact on the environment due to reduced transport distances.

18.59 Construction activities also produce waste, which can significantly increase the ecological footprint of new homes and buildings. The *Sustainability Appraisal* work advises that approximately 50% of the waste generated in Essex is from construction and demolition activities. It is therefore important that site waste is appropriately managed in order to promote re-use and recycling of materials, on-site where possible.

18.60 The *South Essex Watercycle Study (WCS) 2012* shows that South Essex is a net importer of water. There are no sources of water supply within Castle Point itself. Currently, the supply of water is sufficient to meet the borough's needs as part of the wider network of water supply in the East of England. However, the East of England is the driest region in England, and there are likely to be significant pressures on water resources as the climate continues to change into the future, particularly as growth continues to occur and demand increases.

18.61 Water demand calculations in the *South Essex WCS 2012* indicate that growth in Castle Point could result in over 1 mega-litres per day (Ml/d) of additional water being needed to meet demand by 2031. This could be reduced if best practice regarding water efficiency is sought from new developments. The *South Essex WCS 2012* recommended water use of 105 litres per person per day (lpppd). It is however recognised that there may be costs associated with achieving this level of water consumption reduction in the short-term.

18.62 In order to achieve the water efficiency needed in South Essex as identified through the *South Essex WCS 2012*, the Council will apply the optional water efficiency requirements set out in Regulation 36(2)(b) of the Building Regulations 2010 as amended to new residential developments which will secure consumption levels at 110 lpppd, and also encourage measures such as rainwater harvesting, and greywater recycling schemes to be installed within all developments. The equivalent BREEAM credits will be sought for non-residential developments.

18.63 Many of the measures that would make new buildings more sustainable also apply to existing buildings. Applications for extensions and alterations present the opportunity to consider the installation of energy and water efficiency measures. It will also be possible in most cases to sustainably source materials for such works, and to make the best use of construction waste through re-use and recycling.

18.64 Additionally, extensions and alterations to existing buildings also present the opportunity to improve the resilience of existing buildings to extreme weather events such as heavy rainfall and periods of hot or cold weather. This can be achieved through measures such as raising the finished floor levels, installing high level electrical circuits and sockets, by being well insulated, and by arranging windows to enable passive air circulation.

18.65 The need for passive air circulation is relevant to habitable rooms. There are occasions where development schemes rely on non-opening windows within habitable rooms in order to meet residential amenity and privacy standards. This may not always be an appropriate method of making the development acceptable if it results in a room that cannot reasonably be cooled in a sustainable manner through passive air circulation.

18.66 In order to ensure successful integration into a development, it is essential that sustainability requirements such as energy and water efficiency are considered from the outset. The installation, in particular, of renewable energy sources, on existing buildings after construction can result in prominent structures and alien features, which detract from the appearance of the building and surroundings. Such sources are also often more difficult and expensive to retro-fit.

18.67 The potential for maximising energy and water efficiency and the use of renewable energy sources will vary depending on the size and nature of the development it relates to, as well as feasibility and viability of a scheme. This is particularly the case within Castle Point where there is a mix of development types and sizes. In order for this to be effectively reflected it is important that each development can clearly demonstrate how it will achieve such measures. This is best understood by forming part of any planning application submission.

18.68 The visual impact of the provision of renewable energy sources and the layout outcomes of seeking to achieve the maximum energy and water efficiency of a development are also important considerations. There is a balance to be achieved between optimum energy and water efficiency and reducing energy consumption that can be achieved through a development, and the visual and amenity impacts such a development can have on buildings, and the surrounding area.

Strategic Policy CC4

Sustainable Buildings

- 1. All new development should seek to minimise its impact on climate change arising from energy consumption by:**
 - a. Utilising design, siting and layout to maximise opportunities for solar gain and daylight penetration, and reduce energy consumption; and**
 - b. Integrating measures to achieve high levels of energy efficiency and where feasible and viable, decentralised energy generation, to meet as a minimum, the energy efficiency requirements of the Building Regulations.**
- 2. The design of all new development should incorporate measures for achieving high levels of water efficiency. As a minimum:**

- a. Residential development should meet the optional water efficiency requirements set out in part G2 and Regulation 36(2)(b) of the Building Regulations, currently 110litres/person/day;
 - b. Non-residential development should achieve at least 50% of the credits available for water consumption under the relevant BREEAM very good scheme or its equivalent for the development proposed: and
 - 3. Space should be made available within the site to enable segregated waste storage for that waste arising from the proposed use of the development.
 - 4. The waste resulting from the construction of all new buildings should be managed in a way that maximises the re-use and recycling of materials, including aggregates, on-site where possible.
 - 5. Sustainability measures installed, and sustainable materials must be consistent with the overall architectural approach of the development. Their design and siting should be an integral part of the development and must not result in prominent, dominant, alien or incongruous features which detract from the visual appearance of the development or its surroundings.
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19. Conserving and Enhancing the Natural Environment

Green and Blue Infrastructure and the Undeveloped Coast

Policy Context

19.1 Green infrastructure is a strategically planned and delivered network of green spaces and other environmental features. It should be designed and managed as a multi-functional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure, urban and rural, includes playing fields, allotments, woodlands, heathlands, marshlands, wetlands, coastlines, public parks and gardens. Within and alongside green infrastructure within Castle Point are bodies of water which form blue infrastructure. This blue infrastructure is a fundamental part of the natural environment in Castle Point with the undeveloped coast providing a key point of interaction between the terrestrial and marine environment for people and for wildlife.

19.2 The planning system should contribute to protecting and enhancing our natural environment and should identify and pursue opportunities for securing measurable net gains for biodiversity. Some open land can perform many functions for wildlife, recreation, flood risk mitigation, carbon storage, or food production.

19.3 The *National Planning Policy Framework (NPPF)* states that planning policies should identify and pursue opportunities for securing measurable net gains for biodiversity. Planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value, maintaining the character of the undeveloped coast and improving public access to the coast where appropriate. Policies should establish coherent ecological networks that are resilient to current and future pressures.

19.4 In this regard the *NPPF* recognises that some open land can perform many functions for: wildlife, recreation, flood risk mitigation, carbon storage, or food production. Planning policies should encourage and promote the use of land to achieve multiple benefits. The *NPPF* is also clear that planning policies should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links where needed to the existing rights of way network.

19.5 NE176, *Natural England's Green Infrastructure Guidance*, sets out how local planning authorities should plan for Green Infrastructure in order to ensure it is multi-functional and provides environmental, social and economic benefits to the local community.

19.6 The *Thames River Basin Management Plan* produced by the Environment Agency, seeks to deliver the requirements of the EU Water Framework Directive and with regard to the lower Thames Estuary, the plan's objective is to achieve Good Ecological Potential by 2027 and Good Chemical Status by 2027. It contains an action plan for achieving these objectives which requires local planning authorities to contribute towards improving water quality by seeking improvements to green infrastructure and biodiversity through the plan-making and decision-taking processes. This is a clear example of how green infrastructure can bring about multi-functional benefits in the borough.

19.7 The Greater Thames Marshes Nature Improvement Area (NIA), which covers 50,000ha of land in South Essex, North Kent and Greater London, includes around 50% of the southern part of Castle Point including Canvey Island and Hadleigh Marshes. It was established by the Department for

Environment, Food and Rural Affairs (DEFRA) in 2011 with the aim of creating ecological networks in strategic locations to benefit wildlife and people. The overarching objectives of the Nature Improvement Area are:

- Set out all evidence to date about existing biodiversity value and the anticipated pressures for change in the NIA;
- Deliver on the ground through new and extensive projects for habitat creation, management and restoration. This will include creating and enhancing habitats for the scarce Thames Terrace Invertebrates and for breeding waders;
- Deliver on the ground by working in partnership and adding value to existing initiatives. For example, working with landowners to maximise the biodiversity of the farmed landscape, piloting approaches to biodiversity off-setting and working more creatively with commercial regeneration partners;
- Communication and access - through a variety of activities and projects increase local community and stakeholder understanding and participation in the NIA; and
- Provide a long-term legacy through ongoing funding bids, investment in community involvement, stewardship and fostering long term stakeholder engagement.

19.8 The initial targets of the Nature Improvement Area Partnership were to deliver 158ha of restored grazing marsh; 16km of enhanced ditches with associated flora and fauna; the creation of Thames Terrace Invertebrate habitat; and an improved green infrastructure network. Beyond 2015, the partnership aimed to create a minimum 500ha of new priority habitat for local species. The NIA Partnership prepared a Planning Guidance Note explaining how development proposals can contribute towards these aims and objectives.

19.9 The *South Essex Green Grid Strategy* sets out a Green Infrastructure Plan for the sub-region. Strategic elements of the plan are already in place including the restoration of West Canvey Marshes (as part of South Essex Marshlands) and the creation of a nature reserve at Canvey Wick SSSI. These projects will contribute positively to the vision of the NIA. More recently, a *South Essex Green and Blue Infrastructure Strategy* has been developed for the area which looks to the future in terms of Green and Blue infrastructure planning. This includes looking to take forward further proposals to create an Estuary Park, enhancing and better linking up wildlife habitats across the South Essex area, and creating more opportunities for access and recreation for communities in South Essex. This provides a framework for further enhancements to the Green and Blue Infrastructure in South Essex and in Castle Point. Such an approach to planning for Green and Blue Infrastructure is advocated by the published *Essex Green Infrastructure Strategy*.

Reasoned Justification

19.10 The *South Essex Green Grid Strategy 2005*, and more recently the *South Essex Green and Blue Infrastructure Strategy*, identifies the significant green infrastructure assets in the borough including the coastline and coastal features along the Thames Estuary; marshland at West Canvey; Hadleigh Castle and Hadleigh Country Park; and woodlands and ancient landscape areas within Daws Heath Nature Reserves. The *Thames Gateway Historic Environment Characterisation Study 2007* identifies significant areas of historic value within the borough around the marshlands, Hadleigh Castle and Daws Heath.

19.11 The *Castle Point Open Space Appraisal 2012* identifies existing networks of green spaces and green corridors within the borough that are used for informal recreation and transport as well as acting as biodiversity networks. *The Open Space Appraisal*, along with more recent work on the *South Essex Green and Blue Infrastructure Study* indicates that there are clear opportunities to

enhance these networks through improving the accessibility of these spaces, providing new spaces and the creation of additional green corridors throughout the borough.

19.12 As well as the amenity and biodiversity benefit green infrastructure provides, green infrastructure can also improve help reduce potential sources of pollution. Trees can capture and absorb large amounts of water and thus help to reduce surface water run-off, (a major cause of water-based pollution in the borough). They also act to reduce levels of Carbon Dioxide (CO₂) and other pollutants in the air. There are no declared Air Quality Management Areas within the borough; however, there are six areas which are being monitored for Nitrogen Dioxide levels, (all next to transport interchanges). *The 2018 Air Quality Annual Status Report (ASR)* for Castle Point considered air pollution in the borough to be generally low with no areas exceeding the objective air quality level. Monitoring of results from 2011-2017 show that the six locations with the highest measured concentrations of Nitrogen Dioxide are improving, however provision of additional green infrastructure networks will help reduce air pollution further.

19.13 In securing green infrastructure provision, the Council will work with partners and the community, including specific user groups, in order to minimise conflict between human activities, including recreation, and sensitive ecological and heritage assets, and also between different types of human activity. The Council will seek to ensure that everyone can enjoy the Borough's green infrastructure in a sustainable way.

19.14 The Greater Thames Marshes Nature Improvement Area extends across the southern part of Castle Point. Within this area, the Council will work with partners to deliver projects which contribute positively to the vision for the Nature Improvement Area. Elsewhere in Castle Point, the Council will work with partners to deliver projects which extend the network of Green Infrastructure and create new habitats, providing links for wildlife and people to the Nature Improvement Area. It will encourage the management and enhancement of existing habitats and the creation of new ones to assist with species migration and to provide ways to adapt and mitigate from climate change, such as shading during higher temperatures. These actions are consistent with the recommendations set out in the *South Essex Green and Blue Infrastructure Strategy*, and the *Essex Green infrastructure Strategy*.

Strategic Policy NE1

Green and Blue Infrastructure and the Undeveloped Coast

- 1. Development which results in the creation, restoration, enhancement, expansion and improved connections between green infrastructure features will be encouraged. The provision of green and blue infrastructure that offers multiple benefits to the environment and local communities will be supported. Through development proposals the Council will seek to secure:**
 - a. The preservation and enhancement of green and blue infrastructure, ecological assets, areas of nature conservation and valued landscapes;**
 - b. A measurable net increase in biodiversity, with a focus on priority habitats and priority species;**
 - c. Management of and a reduction in pollution to air, water and soil through an increased provision of green infrastructure;**
 - d. Opportunities for local food production; and**

e. Recreational benefits for local people, including access to coast.

2. Proposals which will result in the loss, degradation, fragmentation and / or isolation of existing green and blue infrastructure will not be supported, unless it can be demonstrated through the provision of new or enhanced green and blue infrastructure in other areas of the Borough, that there will be no overall adverse impact in the provision of green and blue infrastructure in the area. Where appropriate a project level HRA may be required alongside the consideration of the proposal, as per the requirements set out in policy SD1.
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Historic Natural Landscapes

Policy Context

19.15 The *NPPF* states that planning policies should contribute to and enhance the natural and local environment by protecting, enhancing and conserving valued landscapes, sites of biodiversity or geodiversity, local wildlife habitats, protected species and wider ecological networks. Great weight should be given to conserving and enhancing landscape and scenic beauty in areas which have the highest status of protection.

19.16 The *NPPF* also emphasises the conservation of irreplaceable environmental and historic assets. Local planning policies should set out a positive strategy for the conservation and enjoyment of the historic environment and recognise and conserve historic assets which are an irreplaceable resource.

Reasoned Justification

19.17 There are two physically distinct ancient landscapes in the Borough, Daws Heath Woodland and the Canvey and Hadleigh Grazing Marshes. These were landscapes that contained a significant assemblage of visual features, both man-made and semi-natural of pre 1600 origin.

19.18 The *Essex Thames Gateway Historic Environment Characterisation 2007* reviewed the landscape in Castle Point in terms of its contribution towards the historic environment. Eighteen character areas were identified in Castle Point.

19.19 The Essex Wildlife Trust have developed a series of Living Landscapes across Essex which are promoted for nature conservation, wildlife habitats, public enjoyment and adaptation to climate change. The Living Landscapes are large landscape scale areas of the countryside, like river valleys, estuaries, forested ridges, and grass and heath mosaics. These areas are abundant in ecology and provide a superb range of habitats for many species of wild plants and animals.

19.20 There are four identified living landscapes within the Borough, including the network of woodlands around Hadleigh and Daws Heath, the areas around Hadleigh Downs and Benfleet, and Southend Marshes (Hadleigh Castle, Hadleigh Marshes, Southend Seafront and Maplin Sands), and the marshland traversing west Canvey, Fobbing and Pitsea (South Essex Marshes, known as the Wat Tyler Complex).

19.21 Living Landscapes is a strategic initiative involving partnership working to conserve, restore, recreate and re-connect priority habitats, ecological networks and populations of priority species

across South Essex. These Living Landscapes are situated within the Greater Thames Marshes NIA.

19.22 The Living Landscape areas overlap significantly with the areas that scored highly in the Historic Environment Characterisation Study. There are therefore three areas of both historic and natural landscape value in Castle Point that need to be preserved, and, where appropriate, enhanced. Details of each of these three areas is set out below.

19.23 The Daws Heath Historic Natural Landscape - The *Thames Gateway Historic Environment Characterisation Study 2007* states there has been a remarkable survival of historic patterns of irregular small fields and ancient woodland in the area surrounding Daws Heath. Many parts of the ancient woodland are in a favourable state due to their management as nature reserves. There is evidence within the area of archaeology indicating Roman settlement within the area. There are numerous earthworks throughout the woodland areas.

19.24 The Daws Heath Historic Natural Landscape presents a remarkable survival of historic patterns of irregular small fields and ancient woodland. Many parts of the ancient woodland are in a favourable state due to their management as nature reserves. There is evidence within the area of archaeology indicating roman settlement within the area. There are numerous earthworks throughout the woodland areas.

19.25 The Hadleigh and Daws Heath Living Landscape Scheme covers the area around Daws Heath. It recognises the area as an important historical landscape of ancient woodland with areas of open land supporting a wide range of wildlife including species which are scarce and declining in southern England. The scheme objectives are to:

- Conserve and positively manage ancient woodland and other important habitats which will benefit wildlife and people;
- Encourage the local community to use the land with public access and to be proud of its conservation and heritage value; and
- Safeguard and connect *UK post-2010 Biodiversity Framework* priority habitats within the landscape to make them more robust and sustainable.

19.26 The Hadleigh Castle and Marshes Historic Natural Landscape falls within the extent of the Greater Thames Marshes NIA. The *Thames Gateway Historic Environment Characterisation Study 2007* identifies the area around Hadleigh Castle itself as having an open and rural character with a dispersed settlement pattern and some mixed woodland. It is a topographically distinct area, comprising largely undeveloped land rising steeply above Hadleigh marshes and the Thames Estuary. Hadleigh Castle itself is a dominant feature within this landscape and dates back to the 13th Century when it was used as a royal palace.

19.27 The Hadleigh marshes are substantially undeveloped and provide open and exposed views across the Estuary. The field patterns in this area reflect historic patterns of land reclamation, with saltmarsh creeks and earthworks providing a regular pattern of large fields. Both areas contain significant archaeological deposits including iron age, roman and medieval finds. There are also palaeo-environmental deposits throughout this area providing an insight into the historic environment.

19.28 The creek that sits beyond the marsh is also historically significant. This area is rich in palaeo-environmental deposits also, as well as archaeological deposits covering an extensive period from the Holocene to World War Two. Examples of 16th Century Dutch sea defences can be seen in this area.

19.29 Significant areas of the marshland and creek in this location are designated due to its nature conservation value. Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI) covers an extensive area of the marshland and Hadleigh Ray creek, with a smaller area of this designated as a Special Protection Area (SPA) under European law. The marshlands are important for migratory bird species and are therefore designated under the Ramsar Convention. A large part of the SSSI is not currently considered to be in a favourable condition, and requirements enhanced management and improvement.

19.30 A Living Landscape scheme has not been devised for this area to date. However, there is a significant need to preserve and enhance this landscape, where appropriate, in order to retain important historical assets and to ensure nature conservation is properly protected and maintained.

19.31 The Canvey Marshes Historic Natural Landscape falls within the extent of the Greater Thames Marshes Nature Improvement Area.

19.32 The *Thames Gateway Historic Environment Characterisation Study 2007* identifies this area as being a relatively undisturbed landscape of marshland, which was enclosed into field systems for marsh grazing at an early date. There is evidence of Roman activity in this area from archaeological finds. Archaeology remains extends to World War Two artefacts when anti-glider systems were in place in the area. There are also paleo-environmental deposits in this area.

19.33 Canvey Marshes is also designated a Local Wildlife Site (LoWS) due to its assemblage of species and habitats, as identified in the *Essex Biodiversity Action Plan 2011*. A significant part of this area is owned by the Royal Society for Protection of Birds (RSPB) and managed as a nature reserve.

19.34 Canvey Marshes is part of a wider area of marshland also incorporating Bowers Marsh and Fobbing Marsh. A Living Landscape Scheme has been prepared to cover this wider area, known as Central South Essex Marshes Living Landscape Scheme. The vision for this living landscape is to deliver a range of benefits for wildlife, people and the local community:

- A landscape area of national and international conservation and heritage importance for its diverse habitats, associated important wildlife habitats and species that are flourishing in favourable condition as a result of good land management.
- Safeguarding UK and Essex with the *UK-post-2010 Biodiversity Framework* priority habitats and priority species as well as several nationally rare species within the Living Landscape Area.
- An exemplar of multifunctional green space where the many users from the local community are proud of the conservation and heritage value.

Local Policy NE2

Historic Natural Landscapes

- 1. Development which will have an impact on the Daws Heath, Hadleigh Castle and Marshes, and Canvey Marshes historic natural landscapes (as identified on the Policies Map) will be supported where the proposals:**
 - a. Protect and enhance the character and quality of the landscape and its heritage or ecological assets having regard to the level of protection set out in policies HE1 and NE5 respectively for different designations and the provisions of the NPPF.**

- b. **Seek to provide greater public access to and enjoyment of the landscape and its features, where appropriate.**
 - c. **Mitigate any residual harm to the quality of the landscape through the provision of landscaping, which should comprise native species and must be sufficiently mature to integrate effectively into the environment and provide effective mitigation.**
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The South Canvey Wildlife Corridor

Policy Context

19.35 The *NPPF* states that planning policies should protect and enhance biodiversity and establish coherent ecological networks. When determining planning applications local planning authorities should refuse permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for.

Reasoned Justification

19.36 The Council has identified a 51ha area of green infrastructure (identified on the Policies Map) which provides an undeveloped ecological corridor across the south of Canvey Island. The area links two Local Wildlife Sites and a Potential Local Wildlife Site that are designated within the Wildlife Corridor, namely Thorneycreek Fleet (CPT35) to the east, Brick House Farm Marsh (CPT38) and extension to Brick House Farm (PLoWS 15) to the west as shown on the Policies Map. Consequently, there is only 7 hectares of Wildlife Corridor which is unconstrained.

19.37 The Wildlife Corridor acts as an ecological corridor across the south of Canvey Island. It links the two designated Local Wildlife Sites and has the potential to enhance habitat creation given the limits to development and public access in the area. Located within the Greater Thames Marshes Nature Improvement Area, this site has the potential to contribute towards improved ecology on farmland and the creation of lowland meadows. The Wildlife Corridor also acts a buffer between existing residential development to the north and the hazardous installations to the south.

Local Policy NE3

The South Canvey Wildlife Corridor

- 1. The Council will not support development within the Wildlife Corridor (identified on the Policies Map) which will adversely affect its ecological value, and the ability of the area to provide a strategically important ecological corridor.**
 - 2. Proposals which support the creation of new habitats, having regard to the targets for the Nature Improvement Area, will be supported.**
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Local Wildlife Sites

Policy Context

19.38 The *NPPF* states that to protect and enhance biodiversity and geodiversity, planning policies should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks. Plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection of priority species.

19.39 The *NPPF* states planning permission for major developments resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland, for example) designated areas should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Reasoned Justification

19.40 Local Wildlife Sites (LoWS) are locally designated sites recognised as comprising priority habitats or being home to priority species. There were 41 LoWSs in the Borough, which were assessed through the *Castle Point Local Wildlife Site Register 2019*. Within this list site CPT44 Poors Lane has not been endorsed through the Essex Local Wildlife Partnership, therefore at this stage cannot be designated as a LoWS, as a consequence 40 LoWS can be found on the Policies Map.

19.41 LoWSs are located throughout the Borough. However, there are clusters of sites aligned closely with the Living Landscapes. These LoWS cover a broad range of different habitat sites including woodland, marshland and grassland habitats, reflecting the diversity of the natural environment in the Borough.

19.42 Additionally, 5 Potential Local Wildlife Sites (PLoWS) have been identified through the *Local Wildlife Site Register 2019* within the Borough. These are sites that are identified as having the potential to meet the LoWS selection criteria in the future through improvement to the quality of the habitats on site. Site CPT44 Poors Lane in addition to three other sites (extension to Kents Hill Wood; extension to Coombe Wood; extension to Brickhouse Farm) that were identified as forming extensions to existing LoWS but have not been endorsed through the Essex Local Wildlife Partnership, will be added to the list of PLoWS, equating to 9 PLoWS in the borough. Once the Essex Local Wildlife Partnership has recommenced these sites will be put forward to be designated as LoWS.

19.43 A schedule of LoWS and PLoWS in the Borough is provided in Appendix Four.

Local Policy NE4

Local Wildlife Sites

- 1. The Council seeks the conservation and enhancement of Local Wildlife Sites (as identified on the Policies Map) and will support proposals which ensure the active conservation and enhancement of biodiversity interest at these sites.**
- 2. The Council will encourage proposals for the active conservation and where appropriate biodiversity enhancement of potential Local Wildlife Sites in order to meet the selection criteria for designation as a Local Wildlife Site at a future date.**

3. **Development proposals which would result in harm to either a Local Wildlife Site or a potential Local Wildlife Site will not normally be permitted unless it can be demonstrated that every reasonable effort has been taken to minimise the harm arising through avoidance. Any harm arising must be fully mitigated, or compensated, resulting in a measurable net gain in biodiversity.**
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Determining Applications affecting Ecologically Sensitive and Designated Sites

Policy Context

19.44 The *NPPF* requires local policies to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks and corridors, including the hierarchy of international, national and locally designated sites of importance for biodiversity.

19.45 The *NPPF* states potential and designated SPAs, Special Areas of Conservation (SACs) and Ramsar sites should be given the highest level of protection. Where a proposal affects a SPA, SAC, or Ramsar site a Habitats Regulation Assessment will be required in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Additionally, planning permission should be refused for developments which result in the loss of irreplaceable wildlife habitats or landscapes such as Ancient Woodlands, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

19.46 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all local planning authorities to have regard to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making.

Reasoned Justification

19.47 Castle Point has a unique natural environment that comprises a diverse mix of habitats of nature conservation importance. Some 1,154ha of the Borough is designated due to its ecological quality. The following European and national designations are present within the Borough: Benfleet and Southend Marshes SPA, Ramsar Site and SSSI, Canvey Wick SSSI; Garrolds Meadow SSSI; Great Wood and Dodds Grove SSSI; Thundersley Great Common SSSI. The Borough also has two Local Nature Reserves at Belfairs and Canvey Lake, as well as one Special Roadside Verge along Poors Lane North.

19.48 Habitats sites include Natura 2000 sites (SPA and SAC sites) and Ramsar sites which the *NPPF* states should be afforded similar protection. The Benfleet and Southend Marshes SPA and Ramsar is the only Habitats site that is situated within the borough's boundary however Castle Point is also located within the Zone of Influence of other internationally designated sites and these cover the majority of the Essex coastline. Land at Holehaven Creek which is functionally linked to the Thames Estuary and Marshes SPA and Ramsar site may also be affected by development within Castle Point borough. These sites are designated for their inter-tidal Habitats and/or the presence of internationally important numbers of rare and migratory bird species, and therefore consideration must be given to the impact that development within the borough may have indirectly on these fragile eco-systems as harm to these sites must be avoided as required by the Conservation of Habitats and Species Regulations 2017, as amended. The *Habitats Regulations Assessment* prepared to support the Local Plan identified a potential for population growth arising in the Borough, in

combination with that arising elsewhere in Essex, to have an adverse effect on integrity of Habitats sites through increased recreational pressure. Whilst on-site green infrastructure provision can offset some of this pressure and impacts from the development alone, the coast will nonetheless be a draw to visitors as it provides an environment which cannot be replicated elsewhere. There is therefore a need for residential development in the borough to contribute towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure these recreation pressures from development are appropriately avoided or mitigated in combination with other plans and projects.

19.49 Following consultation with Natural England, an Essex Coast *Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)* and Supplementary Planning Document has been prepared and adopted to include all coastal Habitats sites. The Strategy identifies a Zone of Influence (ZOI) around each Habitats site where recreational disturbance is likely to result from residential development, mitigation is required from these developments to avoid adverse effect on the integrity of the relevant Habitats sites from recreational uses. New residential development that is likely to affect the adverse integrity of the Habitats sites will be required to contribute towards the implementation of the mitigation. Development in this ZOI is required to pay for the implementation of mitigation measures to protect the interest features of Habitats sites along the Essex Coast which include the Benfleet and Southend Marshes Special Protection Area and Ramsar site, the Crouch and Roach Estuaries Special Protection Area and Ramsar site, the Essex Estuaries Special Area of Conservation, the Blackwater Estuary, the Foulness Estuary and Thames Estuary and Marshes SPA and Ramsar site. Applicants who do not contribute to the Essex Coast RAMS will be required to undertake their own visitor surveys to inform the Council's HRA and implement the necessary measures in perpetuity to avoid adverse effect on the integrity of the relevant Habitats sites from recreational uses.

Strategic Policy NE5

Determining Applications affecting Ecologically Sensitive and Designated Sites

- 1. The Council will support proposals which can demonstrate a measurable net gain in biodiversity.**
- 2. Proposals which are likely to cause adverse effects on the integrity of (either individually or in combination with other developments) European and internationally designated sites, must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoiding or mitigating against impacts where identified. Where appropriate, contributions from development will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations.**
- 3. Proposals likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) (either individually or in combination with other developments), will not be permitted unless, on an exceptional basis, the benefits of the development clearly outweigh both the adverse impacts on the features of the site and any adverse impact on the wider network of SSSIs.**
- 4. Proposals likely to have an adverse effect on irreplaceable Habitats such as Ancient Woodlands will not be supported unless there are wholly exceptional reasons and an**

appropriate avoidance, on-site management and on-site mitigation strategy is submitted to and approved by the Council. Any loss must be compensated.

5. Proposals which may result in adverse impacts to biodiversity, protected species, priority species and/or priority habitats, will only be supported if they can meet the following requirements:
 - a. The application must demonstrate that impacts to biodiversity cannot be avoided through the location of development on an alternative site with less harmful impacts;
 - b. Where an alternative site is not available, the development proposal should seek to avoid adverse impact to biodiversity by virtue of the design and layout of the development. The Council must be satisfied that all reasonable opportunities to avoid impact to biodiversity have been taken;
 - c. Where it has not been possible to avoid all impacts to biodiversity, as required by a) and b), the development proposal should seek to apply management and mitigation techniques which retain and enhance biodiversity on site. The Council must be satisfied that all reasonable opportunities to secure on-site management and mitigation have been taken;
 - d. Where it is likely that impacts to a protected species, or Biodiversity Action Plan (BAP) species is not fully addressed through a), b) and c), species relocation within the site, or to a site nearby will be required to address the remaining impacts to that species. The Council must be satisfied that the relocation site will provide a long-term suitable habitat for the species in question. A management plan must be put in place to manage the relocation site as a suitable habitat for a period of at least 20 years; then
 - e. As a last resort, if the impacts to biodiversity in terms of both quantity and quality have not been fully addressed through a), b), c) and d), off-site compensation which would result in a net gain in biodiversity will be required. A compensation site must be identified which has the potential to be broadly equivalent to that habitat being lost, and a management plan prepared. Arrangements must be put in place to deliver that plan over a period of at least 20 years.
6. Proposals affecting ecologically sensitive sites and designated sites should be accompanied by an ecological assessment which should conform with guidance set out by the Chartered Institute of Ecology and Environmental Management (CIEEM) or an equivalent standard. Where insufficient information is provided, the Council will take a precautionary approach to the protection of ecological assets.

Protecting and Enhancing the Landscape and Landscape Features

Policy Context

19.50 The *NPPF* states that the planning policies and decisions should contribute to and enhance the natural and local environment.

Reasoned Justification

19.51 The *Thames Gateway Historic Environment Characterisation Study 2007* report identifies the natural and semi-natural environment that contributes towards historic landscape character in the Borough. These include hedgerows, trees, tree lines and areas of woodland. The nature of how these features interact to form field boundaries is also significant in some parts of the landscape.

19.52 The topography of the Borough contributes significantly to the landscape. Canvey Island is very flat and covered by a series of watercourses and flood defence bunds. This increases the prominence of taller buildings. Benfleet, Hadleigh and Thundersley are located on an escarpment which has several locally prominent ridge lines. Development on these ridge lines will impact the visual amenity of the landscape.

19.53 The *Thames Gateway Historic Environment Characterisation Study 2007* considered the openness of land beyond the urban area, where areas towards the north of the Borough that are formed of plots separated by vegetation. In these areas there is low density development that co-exists with the landscape creating an active rural environment.

19.54 To the west and centre of the Borough, where the land beyond the urban area is largely open and undeveloped, new development proposals would be likely to have a more significant visual impact on the character of the landscape.

Local Policy NE6

Protecting and Enhancing the Landscape and Landscape Features

- 1. All development proposals should contribute positively towards creating a visually attractive environment.**
 - 2. Development proposals should seek to protect and integrate key natural and semi-natural features including:**
 - a. Established field boundaries, hedgerows and tree lines;**
 - b. Established trees with a high visual amenity value;**
 - c. Established areas of woodland; and**
 - d. Topographical features including ridge lines, watercourses, ditch systems and bunds.**
 - 3. Development proposals should be designed to have regard to the character of the landscape, and seek to avoid harm to the landscape as a result of adverse impacts on:**
 - a. The degree of openness;**
 - b. The scale and nature of existing development; and**
 - c. The amount and density of existing vegetative screening.**
-

Pollution Control

Policy Context

19.55 The *NPPF* states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

19.56 The *NPPF* states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants., taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites. It is therefore important to have regard to the legal requirements, objectives and targets set out in key pieces of European legislation including:

- The new Air Quality Framework Directive 2008/50/EC which sets limits for air quality related to the following pollutants: Sulphur Dioxide; Nitrogen Dioxide and other oxides of Nitrogen; Particulate Matter (PM10 and PM2.5); Lead; Benzene; and Carbon monoxide.
- The Water Framework Directive 2000/60/EC which requires Member States to aim to reach good chemical and ecological status in inland and coastal waters by 2015 subject to certain limited exceptions.
- The Shellfish Waters Directive (2006/113/EC) which aims to protect shellfish populations, maintaining the high quality of shellfish in coastal waters. The directive sets the standard for water quality in estuaries and other areas where shellfish grow and reproduce.
- The Revised Bathing Waters Directive (76/160/EEC) which sets out stringent water quality standards for bathing waters, protecting public health whilst bathing.

19.57 The *Thames River Basin Management Plan* sets out objectives for the lower Thames Estuary in order to meet the requirements of the Water Framework Objective. Local planning authorities should have regard to the outcomes of water cycle studies in setting its policies, and for them to seek the avoidance of pollution of water sources from new development including from construction activity. Water efficiency and sustainable drainage measures should also be promoted in order to avoid undue pressure being placed on drainage infrastructure.

19.58 The *NPPF* requires planning policies to mitigate and reduce potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. Policies should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Reasoned Justification

Air pollution

19.59 The *Castle Point Air Quality Annual Status Report (2018)* identified that air quality in the borough is of relatively good quality. There are no Air Quality Management Areas (AQMA) designated within the borough. Of the 34 Nitrogen Dioxide (NO₂) monitoring locations throughout the borough, only six may be considered a potential issue, as these are located on the major transport corridors in the borough. The type and location of new development influences traffic generation in terms of its pattern and volume. The Council will seek to locate new development, to the most accessible locations prioritising travel by active and sustainable modes. Where housing growth impacts on key junctions these will be mitigated, either physically or through sustainable

transport measures, thereby helping to reduce congestion, the number of vehicles remaining idle and queuing in peak periods. Developers will be expected to contribute towards mitigating the impact of their development in terms of access to the highway network, junction capacity improvements, and the encouragement of sustainable modes.

19.60 Improvements in air quality can be assisted through the retention of existing trees and other landscape features where appropriate and promoting opportunities for new tree planting in developments. The design of new development through implementing energy efficient building techniques can contribute to a reduction of local greenhouse gas emissions and pollution levels.

19.61 ECC are also looking to improve air quality along the A127 with the *A127 Air Quality Management Plan*.

Noise pollution

19.62 Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

19.63 There are no EU monitored Noise Agglomerations in the Borough. As the Borough has largely separated land uses, industrial/residential noise quality conflicts are not regarded a major problem, but this will need to remain a consideration as permitted development occurs incrementally over time, in the consideration of development proposals, and as proposals are progressed bringing employment and residential uses into closer proximity through careful planning and design.

Water pollution

19.64 The Environment Agency's *Thames River Basin Management Plan* identifies that the lower Thames Estuary is of a moderate quality in terms of its ecological status and is failing to achieve a good chemical status. The plan seeks to raise both of these to 'good' by 2027, to meet the requirements of the *Water Framework Directive*. The Water Framework Directive aims to secure no further deterioration of waterbodies and aims to ensure that the status of waterbodies is improved. Whilst the Thames Estuary is the main waterbody in Castle Point to which this applies, it also applies to all other main rivers in the borough.

19.65 The *South Essex Water Cycle Study 2012* identifies that new development in South Essex is likely to impact on water quality. However, the Study concludes that with improvements such as through the delivery of the Asset Management Plans of the water supply company and the drainage undertakers, and through the use of Sustainable Drainage there is the capacity to accommodate growth in the borough without exceeding the qualitative and quantitative capacity of the Water Recycling Centres. It is recommended that the Council seeks to ensure water efficiency is achieved, and Sustainable Drainage Systems (SuDS) measures are incorporated into new development proposals, where necessary and viable, in order to minimise impacts on the drainage infrastructure, as required by the *Thames River Basin Management Plan*.

19.66 The *South Essex Water Cycle Study 2012* recommends that improvements in water efficiency levels which reduce consumption levels to at most 105 litres per person per day (lpppd) should be achieved in new development. The application of the optional water efficiency standard in part G of the Building Regulations will help to improve water efficiency to close to this level. This is a requirement of policy CC4.

19.67 The *ECC Sustainable Drainage Systems Design Guide* provides guidance on the appropriate use of SuDS in the borough. The Canvey Island Six Point Plan specifies the approach to be taken on Canvey Island in particular to managing surface water flood risk, and consequently any impact

on water quality arising from surface water flows. It is especially important for Castle Point that the Six Point Plan is implemented through the Asset Management Plans of drainage undertakers, and that the impact of development on water quality is managed to ensure there is no harm to the integrity of the nearby Benfleet and Southend Marshes SPA and Ramsar site or the Thames Estuary and Marshes SPA and Ramsar site.

Light pollution

19.68 Light pollution obscures the night sky and amenity around many urban areas within England and can also have a disruptive impact on wildlife and habitats. At a local level light nuisance exist where a source of artificial light significantly and unreasonably interferes with a person's use and enjoyment of their property or is prejudicial to their health. By encouraging good design, new developments will be required to consider the impact of potential light spillage on local amenity, intrinsically dark landscapes, nature conservation, and health and wellbeing.

Non-residential development

19.69 Non-residential development may give rise to pollution to land and water, and/or result in disturbance to habitat sites. Due to the limited scale of non-residential development proposed studies have not focused on the impacts of this type of development in the borough. These will be dealt with on a case by case basis in order to ensure that activities do not have an adverse impact on the environment or residential amenity. In particular, the implementation of SuDS in non-residential development proposals needs to be carefully considered, to ensure any pollutants carried in surface water do not result in the contamination of land or local water courses nearby, or further afield, or result in adverse impacts to human health and residential amenity.

Residential amenity

19.70 Planning conditions and environmental health regulations can be used to ensure that pollution and amenity impacts do not become a widespread issue within the borough. Where required, conditions limiting hours of construction, opening hours and placing requirements on applicants to submit details of waste storage and disposal have previously been implemented to ensure that any impacts on the environment and living environments have been reduced.

19.71 Harm to living environments may be caused where different uses, be it residential and commercial, come into conflict. Harm may also occur where new residential development is poorly located, poorly designed, or constitutes over-development resulting in a significant increase in disturbance to existing residents nearby. It is normal for individual development proposals in Castle Point to be considered in terms of their impact on residential amenity having regard to matters such as noise, light, heat, dust, vibrations and the potential to generate litter. Any new development will be expected to be compatible with neighbouring or existing uses in the vicinity of the development and protects wider amenities by avoiding unacceptable levels of polluting emissions, including noise, light, smell, fumes and vibrations, unless appropriate mitigation measures can be implemented and maintained.

Strategic Policy NE7

Pollution Control

- 1. Development proposals should be designed to manage and reduce pollution through energy and water efficient design, the installation of sustainable drainage systems, and the delivery or enhancement of green infrastructure.**
 - 2. Development proposals should be located, designed and constructed in such a manner as to not cause a significant adverse effect upon the environment, the health of new and existing residents or surrounding residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to, noise, light, odour, heat, dust and vibrations.**
 - 3. Development proposals adjacent to, or in the vicinity of, existing businesses or community facilities will need to demonstrate that the ongoing use of the existing businesses or community facilities would not be prejudiced by the proposed development, and that the impact of the continuing operation of the existing businesses or community facilities on the amenity of occupiers of the new development can be satisfactorily mitigated through the development proposals.**
 - 4. All major development proposals must be accompanied by a Construction Environment Management Plan prepared with regard to pollution prevention guidance. These plans shall include details of the proposed mitigation measures that will be implemented to prevent undue noise and disturbance to adjoining occupiers and Habitat sites and the entry of pollutants into the environment by all potential pathways including, but not limited to watercourses (including when dry). Where necessary, seasonal working may be required to avoid any adverse effects on the integrity of Habitats sites.**
 - 5. Where necessary, the Council will seek to manage and mitigate the effects of pollution and/or disturbance arising from development, (including during site clearance and construction) by means of appropriate planning conditions. Exceptionally, a Section 106 Agreement may be used to secure measures to control pollution and/or disturbance necessary to make the impacts of development acceptable.**
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Development on Contaminated Land

Policy Context

19.72 National policy places great importance on safeguarding the health of the environment and the public from contaminated land. Part IIA of the Environmental Protection Act 1990 defines contaminated land as 'any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) pollution of controlled waters is being, or is likely to be caused.

19.73 The *NPPF* states planning policies and decisions should also ensure the site is suitable for its proposed use taking account of ground conditions and land instability, including from natural hazards or former activities of the land and pollution arising from previous uses. Proposals or remediation of land should ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Reasoned Justification

19.74 Contaminated land could be created as a result of uses such as petrol stations, car washes, sites used for industrial and commercial storage, and agriculture due to pollutants produced by the previous or existing site uses. It is important to ensure pollutants do not harm the health of the public or environment and that future development does not exacerbate these issues.

Strategic Policy NE8

Development on Contaminated Land

- 1. Where appropriate, development proposals on land classified as contaminated, potentially contaminated, or suspected as being contaminated, should be supported by a desktop environment study, and (if guidance from statutory body indicates it is necessary) an intrusive site investigation.**
 - 2. Where a site is contaminated the Council will only permit development where it is satisfied that land is capable of remediation and is fit for the proposed use.**
 - 3. An agreed programme of remediation and validation must be undertaken before the implementation of any planning consent on a contaminated site. Following the remediation, the site must not pose a threat to public health or that of the environment, nor pose a threat of pollution to controlled waters including ground water. Evidence of remediation should be to the satisfaction of relevant statutory regulators.**
-

Developments near Hazardous Uses

Policy Context

19.75 The *NPPF* recognises that Health and Safety Executive (HSE) consultation distances apply when mitigating the consequences of public safety from major accidents associated with major hazard sites, installations and pipelines. The HSE provide planning advice to local authorities on developments which fall within the consultation zones of hazardous installations.

Reasoned Justification

19.76 There are two hazardous installations in the borough located towards the south of Canvey Island. These installations are regulated by the HSE in accordance with Control of Major Accident Hazards (COMAH) Regulations.

18.77 Each installation or pipeline has its own consultation zone which is determined by the HSE depending on the materials stored and technology operated at the site. These zones are periodically

reviewed, and updated where necessary by the HSE, and used in the determination of any relevant planning application within those zones.

19.78 Any development proposal within the HSE consultation zone will be consulted with the HSE by applying the *Planning Advice for Developments near Hazardous Installations* (PADHI) methodology. This will result in either a “Do not Advise Against” or “Advise Against” determination based on the level of risk posed to prospective occupants of the development.

Local Policy NE9

Developments near Hazardous Uses

Development proposals will be assessed in accordance with the Health and Safety Executive (HSE) Guidance where they fall within a consultation zone for one or more hazardous installations. Where the HSE advises against development the planning application will be refused on health and safety grounds.

Ensuring Capacity at Water Recycling Centres

Policy Context

19.79 The four Water Recycling Centres (WRC) serving Castle Point (Benfleet, Canvey, Rayleigh and Southend) all discharges into the Thames Estuary, or its tributaries. Waters within the Thames Estuary are designated as bathing waters and shellfish waters under EU Directives. Additionally, the EU Water Framework Directive applies to the Thames Estuary, with the *Thames River Basin Management Plan* setting out water quality objectives for improving the ecological status and chemical loading of the estuary over the next 20 years. The Environment Agency is responsible for the development and monitoring of this plan.

Reasoned Justification

19.80 Castle Point is served by four water recycling centres (WRC) which treat and transmit sewerage and waste water. Canvey Island is served by Canvey WRC, South Benfleet and west of Thundersley are served by Benfleet WRC, and the east of Thundersley and Hadleigh are served by Southend WRC and Rayleigh WRC. These are combined works which treat and transmit sewerage and waste water.

19.81 The *South Essex Water Cycle Study 2012* indicated that there is capacity to accommodate growth at the Canvey WRC and the Benfleet WRC. Anglian Water has also identified that there is sufficient capacity within the Southend WRC to accommodate growth in Southend and those parts of Castle Point and Rochford served by the works. However, the Study advised the removal of surface water from these combined systems would assist with additional capacity and help to prevent storm discharges into the Thames and Crouch Estuaries. Such discharges have the potential to cause harm to European sites in both estuaries, as well as influencing targets set out in the Water Framework Directive. Additionally, there are bathing waters and shellfish waters located in the Thames Estuary that may be harmed through any decline in water quality. The potential impacts are therefore economic as well as environmental.

19.82 In terms of roles and responsibilities Anglian Water are responsible for the water discharge consents and the quality of water that is discharged from the WRCs, any exceedances of the standards required would be a matter for Anglian Water. Developers pay Anglian Water a connection fee which should be used by Anglian Water to ensure that any necessary improvements are made to the local system to ensure that there is sufficient capacity in the local drainage network and in the local WRC, as appropriate. Allocated residential sites within this Plan have been assessed by Anglian Water, as identified within the Infrastructure Delivery Plan 2020, and improvements can be made to accommodate the new development through the payment of appropriate connection fees. Any additional development that comes forward will need to be tested by Anglian Water to ensure that there is capacity within the WRCs and appropriate mitigation will be required where relevant.

19.83 In order to reduce storm discharges, the *South Essex Water Cycle Study 2012* recommended surface water from new development sites, including brownfield, should not drain to the foul/combined network but should be managed on site. This approach to wastewater management is supported by Anglian Water.

19.84 The *South Essex Water Cycle Study 2012* indicated new development in the South Essex area is likely to impact on water quality owing to Essex being the driest county in England. This will require mitigation within new development. The study found that it would be preferable to ensure that water efficiency is achieved in new developments, and that SuDS are secured as part of new development proposals in order to minimise impacts on water quality.

Local Policy NE10

Ensuring Capacity at Water Recycling Centres

- 1. All new development should demonstrate that adequate foul water treatment and drainage already exists or can be provided in time to serve the development. This must include confirmation that there is adequate quantitative and qualitative capacity at the Water Recycling Centre which would serve the development. Where either the quantitative or qualitative capacity of the Water Recycling Centre would be exceeded, or would otherwise have an adverse effect on the water quality of the nearby Benfleet and Southend Marshes SPA and Ramsar site and Thames Estuary and Marshes SPA and Ramsar site thereby affecting their integrity, either alone or in combination with other plans and projects, the proposal will be refused.**
 - 2. The following types of development must incorporate sustainable drainage systems that prevent surface water entering the foul/combined drainage network:**
 - a. All new developments on greenfield land;**
 - b. All new developments on land currently in use as residential garden; and**
 - c. All developments comprising the redevelopment of previously developed land.**
 - 3. In order to ensure that the provision of sustainable drainage systems also achieve nature conservation and climate change objectives, regard should be had to policies NE1 and CC3 in their design.**
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20. Conserving and Enhancing the Historic Environment

Conserving and Enhancing the Historic Environment

Policy Context

20.1 A heritage asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include archaeological, designated and non-designated heritage features. Heritage assets within the Borough are collectively referred to as our historic environment.

20.2 The *National Planning Policy Framework (NPPF)* requires local plans to set out a positive strategy for the conservation and enjoyment of the historic environment, the principles and policies of which apply to the heritage-related consent regimes for which the local planning authority is responsible under the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

20.3 When developing a positive strategy, the *NPPF* requires decision makers to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, as well as the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

20.4 The *NPPF* states that great weight should be given to the asset's conservation, with greatest weight to those of most significance. Grade I and Grade II* listed buildings should be given the highest level of protection with any substantial harm or loss of such buildings being considered exceptional.

Reasoned Justification

20.5 There are a number of designated and non-designated historic assets. Whilst heritage assets are distributed throughout the Borough, there is a large concentration of listed buildings in the High Street in South Benfleet. This area was designated as the South Benfleet Conservation Area in 1988, and benefits from a *Conservation Area Management Plan*. Florence Gardens has also been designated as a conservation area, taking into account the design, layout, and uniformity cottages in the area.

20.6 Hadleigh contains a variety of heritage assets, including the Grade I listed St. James the Less Church and the Scheduled Ancient Monument of Hadleigh Castle. Canvey Island also has a number of listed buildings dating back to the Dutch occupation of the Island. This includes the Grade II listed Dutch Cottage on Canvey Road, and a collection of Grade II listed Dutch Cottages on Haven Road.

20.7 *Essex County Council's Essex Historic Environment Record (EHER) database* holds records for other significant archaeological finds in Castle Point. The records indicate finds dating back to the Palaeolithic, Mesolithic and Neolithic eras, as well as from Anglo Saxon, Romans and Vikings. More recent finds relate to Medieval times and World War Two structures.

20.8 There are also significant areas of Castle Point that are undeveloped, and the information on the *Essex Historic Environment Record* shows the potential for large parts of this undeveloped area of Castle Point to contain previously unidentified heritage assets.

20.9 All designated heritage assets within the Borough are listed within Appendix Five. At 2019, none of the designated historic assets in Castle Point Borough are included on the Historic England

Heritage at Risk Register. The Council will monitor this situation throughout the plan period, and if necessary, work with the owners of assets if they are found to fall onto the Register. However, at this time no such action is required. A schedule of non-designated locally significant heritage assets can also be found in Appendix Five.

Strategic Policy HE1

Conserving and Enhancing the Historic Environment

- 1. Development proposals affecting a heritage asset (either designated or non-designated) will be expected to conserve, and where appropriate enhance, the setting of the heritage asset, taking into account the contribution which the setting makes to the character and appearance of the surrounding area and the original function of the asset.**
- 2. When assessing applications for development, there will be a presumption in favour of the conservation and where appropriate enhancement of all heritage assets and their setting. The Council will encourage applicants to put heritage assets to viable and appropriate use, to secure their future conservation and enhancement.**
- 3. Development proposals affecting any heritage asset should demonstrate a comprehensive understanding of its significance. This should include an understanding of the contribution made to that significance by the current setting so that it is clear to decision makers how a change would impact on heritage significance. In assessing the impact of a development proposal on a heritage asset or its setting, the Council will consider:**
 - a. The level of any harm or loss;**
 - b. The significance of the asset;**
 - c. The sustainability, economic and conservation benefits of the assets; and**
 - d. The contribution the assets makes to local character and distinctiveness.**
- 4. Development proposals which would cause substantial harm to, or total loss of the significance of, a designated heritage asset will be dealt with in accordance with national policy set out in the NPPF.**
- 5. The effect of a development proposal on the significance of a non-designated heritage asset should be considered in determining the appropriateness of relevant planning applications. Consideration will be given to scale of any harm or loss, against the significance of the heritage asset.**
- 6. Planning permission will be granted for development affecting archaeological sites providing it protects, enhances and preserves sites of archaeological interest and their settings. Where there is a non-designated heritage asset of archaeological interest which is demonstrably of equivalent significance to scheduled monuments, it will be considered in accordance with the requirements for designated assets as set out in**

part 4 of this policy. In other cases where archaeological heritage assets are known or have the potential to be present, the Council will expect a desk-based assessment and as necessary a field evaluation to have been undertaken and will take into account the archaeological importance of any remains, the need for the development, the likely extent of any harm, and the likelihood of the proposal successfully preserving the archaeological interest of the site in determining any application for development.

WITHDRAWN

21. Monitoring and Review

Monitoring Framework

21.1 The *National Planning Policy Framework (NPPF)* is clear that plans and decisions should apply a presumption in favour of sustainable development. In order to ensure that local circumstances are adequately addressed through the plan-making process, it is important that the policies set out in this plan are monitored to ensure that they are delivering the objectives of this plan.

21.2 The Local Plan Monitoring Framework is set out below. It shows the alignment between the monitoring of the Local Plan and the sustainability appraisal. Each target is the target at the end of the first five years and these will be reviewed with each review of the plan.

21.3 The outcomes of this monitoring will be reported in the annual monitoring report, prepared each year to meet the requirements of regulation 34 of the *Town and Country Planning (Local Plan) (England) Regulations 2012*.

Table 21.1: Local Plan Monitoring Framework

Objective and theme	Indicator	Target
Objective 1: To protect and enhance the range of services that support healthy and active communities within Castle Point.		
Balancing the population by making provision for the needs of older people and young people.	Housing mix includes homes suitable for older people: <ul style="list-style-type: none"> • Bungalows • Specialist accommodation • Homes built to part M4(2) of the Building Regulations 	At least 10% of supply
	Number of additional bed spaces provided in residential/nursing homes.	At least 300 additional bed spaces
	Housing size mix aligns with the need identified in most recent SHMA	At 2020, that requirement is: 1 Bedroom – 6% 2 Bedrooms – 22% 3 Bedrooms – 43% 4 Bedrooms + - 29%
Objective 2: To provide high quality homes in sustainable locations that meet the needs of local people through an appropriate mix of housing sizes, types and tenures.		
Make provision for additional homes, including affordable housing.	Net number of new homes provided.	In accordance with the Housing Trajectory and the 5-Year Housing Land Supply. equating to at least 291 per annum on average through the first eight years of the plan period and 430 per annum for

Objective and theme	Indicator	Target
		the remainder of the plan period.
	Number of affordable homes provided.	At least 100 affordable homes on average per annum throughout the plan period
Objective 3: To make the town centres in Castle Point places where local people want to visit and access community and local facilities.		
Maintain the vitality of town centres	Vacancy level at ground floor within primary shopping frontages	Under 10%
	Vacancy level at ground floor in non-primary areas	Under 15%
Objective 4: To create an environment that supports business growth and creates local job opportunities.		
Reduce the levels of deprivation	Indices of Multiple Deprivation overall score.	No Lower Super Output areas in 20% most deprived (currently 2 of 25). Less than 8 Lower Super Output areas in 40% most deprived (currently 11 of 25).
Reduce the number of people commuting out of Castle Point for work.	People living in Castle Point and working in Castle Point	Greater than 45% (43% in 2011)
	Area of additional employment (E(g), B2 and B8) floorspace provided.	More than 10,000 sqm
Objective 5: To promote more sustainable travel patterns within Castle Point through the location of development, and the provision of public transport and cycling infrastructure to complement the existing highway network.		
Reduce traffic congestion	Journey time reliability as measured by am and pm peak free flow % speeds.	Free flow speeds greater than 40% across the entire strategic road network in Castle Point during the am and pm peaks.
Improve the adequacy of bus services and promote active travel modes in Castle Point.	Proximity of new housing completions of sites of 10+ dwellings to public transport provision	75% within 400m and 100% within 800m

Objective and theme	Indicator	Target
Ensure that adequate cycle parking is provided	New development completions of 10+ homes or 200m+ floorspace meeting the requirements for bicycle parking provision set out in the Essex Vehicle Parking Standards	At least 90%
Objective 6: To protect and enhance the network of high quality, accessible green and open space throughout Castle Point.		
Make provision for additional high quality public open space, connected to the wider network of accessible green spaces.	Area of additional public open space provided.	At least 32ha of additional open space.
Improved access by public rights of way	Length of additional Public Right of Ways delivered	At least 2km of additional Public Rights of Way.
Objective 7: To protect and enhance the quality of the natural, built and historic environment within Castle Point, having regard to features of ecological, landscape and heritage importance.		
Conserve, enhance and increase biodiversity and natural habitats in Castle Point.	Sites of Special Scientific Interest (SSSI) in a good or improving condition.	100%
	Area of Local Wildlife Site coverage.	At least 872ha
	Proportion of new developments over 1ha incorporating Green Infrastructure provision.	100%
Improved air quality	Number of monitoring points across the borough where NO ₂ levels exceed statutory maximum limits (40 ug-m-3).	Zero
	Number of monitoring points adjacent to the Benfleet and Southend Marshes Special Protection Area where NO ₂ levels have increased from base year 2021.	Zero
Protect the Thames Estuary Landscape and its historic assets from inappropriate development.	Development within Historic Natural Landscape	No instances of inappropriate Development within Historic monitoring Natural Landscape areas

Objective and theme	Indicator	Target
To maintain and enhance the Borough's cultural heritage assets and areas, assets of historical and archaeological importance and their settings	Designated Heritage Assets on Historic England's Heritage at Risk Register	Zero
Objective 8: To promote high levels of sustainability and resilience to natural and man-made risks through the location and design of development, having regard to the implications of climate change, including flood risk from all sources		
Reduce the risk of flooding from all sources and climate change for current and future residents and businesses.	Developments approved unconditionally against the advice of the Environment Agency or the lead local flood authority (Fluvial and Tidal).	0%
Development proposals include a high level of sustainable design and construction, promoting water, energy and thermal efficiency, and ensuring waste minimisation during construction.	Development proposals measured against the Building Regulations for Residential Development (M3), or the Very Good BREEAM standard for non-residential development.	<p>100% residential - 110lpppd water efficiency</p> <p>100% non-residential – at least 50% of the credits available for reduction in CO2 emissions (Ene1)</p> <p>100% non-residential - at least 50% of the credits available for reduction in water consumption (Wat1)</p>

Review

21.4 In order to ensure the policies in this plan remain relevant and applicable to the socio-economic and environmental circumstances of the borough, and any policy context in which the plan-making and development management processes operate, the Council will, as necessary, undertake partial reviews of this plan. The results of monitoring against the monitoring framework set out above will be used to indicate where socio-economic or environmental change justify such a review.

21.5 A full review of this plan will be completed within 5 years of its Adoption and every 5 years thereafter. The Plan will be rolled for 5-years on each review to maintain a 15-year plan period.

Appendices

WITHDRAWN

Appendix One: Urban Design Objectives

Table 1.1: Urban Design Objectives

Title	Definition	Objective
Character	A place with its own identity	To promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture
Continuity and Enclosure	A place where public and private space are clearly distinguished	To promote the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas
Quality of the Public Realm	A place with attractive and successful outdoor areas	To promote public spaces and routes that are attractive, safe, uncluttered and work effectively for all in society, including disabled and elderly people
Ease of Movement	A place that is easy to get to and move through	To promote accessibility and local permeability by making places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport
Legibility	A place that has a clear image and is easy to understand	To promote legibility through development that provides recognisable routes, intersections and landmarks to help people find their way around
Adaptability	A place that can change easily	To promote adaptability through development that can respond to changing social, technological and economic conditions
Diversity	A place with variety and choice	To promote diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs

Appendix Two: Urban Design Approaches

Table 2.1 Urban design approaches

Approach	Appropriate Elements
Arcadia	<ul style="list-style-type: none"> • housing laid out according to landscape dominated principles; • creating the illusion of a rural environment in a residential area; • layout allows houses to appear at intervals among trees and landscape features as surprise hidden features in the dominant landscape; • 'leafy' suburbs concealing houses among mature trees so visual appearance is of a landscape setting rather than housing; • typified by layout of parks of great country houses; • front gardens should be enclosed by hedges in order for the landscape to dominate the housing; • most suitable sites are those which already have significant density of mature trees and hedges; • consideration of how to enhance existing tree cover with new planting, and to establishing new patterns of substantial tree and hedge cover where existing vegetation is sparse; • plant material should not be alien to naturally occurring species
Boulevard	<ul style="list-style-type: none"> • formal plans and geometric patterns, such as boulevards, avenues, crescents, circuses, ovals or rectangles, and common architectural style and detailing; • success depends on abundant and appropriate tree planting; • structural tree and hedge planting reinforces the concept; • trees predominate and enclose public space, but more formal arrangement of housing allows higher densities than the Arcadia approach; • trees provide link between housing, which appears at intervals seen through driveway entrances; • tree lined avenues contain space for motorists, and pedestrians contained within inner space formed by roadside trees and front garden hedges; • layout relying on subtle combination of landscape and buildings; • create the right relationship between the height of buildings and trees and width of spaces between them, where spaces are partly created by trees and hedges and partly reliant on building groupings
Major Entry Point	<ul style="list-style-type: none"> • housing arranged as a composition centred on junction giving access to the site; • focal feature at junction; • tree planted verges along entrance road into site; • anti-noise bunds if heavily trafficked; • entrances to dwellings onto entrance road, rather than existing main road, to discourage on street or front forecourt parking
Large Landscaped Square	<ul style="list-style-type: none"> • housing enclosing a large landscaped square; • parking and garaging provided on-plot to the rear, accessed through carriage arches to prevent car-dominated frontages; • front gardens achievable; • generous tree planting around and within square; • possible reduction in private garden provision due to housing facing landscaped square;

Approach	Appropriate Elements
	<ul style="list-style-type: none"> • particularly successful in combination with the Arcadia or Boulevard approaches
Formal Square	<ul style="list-style-type: none"> • similar to the Large Landscaped Approach, but mainly detached houses designed to a single architectural theme set in a formal plan; • parking and garaging provided on-plot between housing or to the rear, accessed through gateways; • front gardens achievable; • formal tree planting in square and central feature; • particularly successful in combination with the Arcadia or Boulevard approaches
Village Green	<ul style="list-style-type: none"> • variety of housing providing continuity of frontage to the green; • parking provided on-plot or communally with natural surveillance; • often accessed through carriage arches; • possible reduction in private garden provision due to housing facing green; particularly successful in combination with the Arcadia approach
Mews Court	<ul style="list-style-type: none"> • housing arranged in courtyard layout; • courtyard containing visitor parking square and trees; • enclosed corners to square; • resident parking beneath or behind buildings; • carriage arches maintain continuity of frontage; • taller buildings emphasis central axis

Appendix Three: Open Spaces

The Table below lists the open spaces as identified on the Policies Map. These spaces together with smaller open spaces, which are too small to accurately detail on the Policies Map, are subject to Policy HS7.

Table 3.1 Schedule of Open Spaces

Name	Address	Ward	Type of Open Space
Arthur Stevens Open Space	Top of Limetree Avenue, Benfleet	Appleton	Natural and semi natural areas
The Crescent Recreation Ground	Crescent Road, Hadleigh	St. James'	Amenity greenspace
The Crescent Play Area	Crescent Road, Hadleigh	St. James'	Young people and children
Thundersley Glen	Off Kiln Road, Thundersley	Boyce	Natural and semi natural areas
Hadleigh Castle Country Park	Castle Lane, Hadleigh	St. James'	Country parks
John H Burrows Recreation Ground	Daws Heath Road, Hadleigh	Victoria	Outdoor sports facilities
John H Burrows Play Area	Daws Heath Road, Hadleigh	Victoria	Young people and children
King George V Playing Field (Thun)	Shipwrights Drive, South Benfleet	Boyce	Amenity greenspace
King George V Playing Field Play Area (Thun)	Shipwrights Drive, South Benfleet	Boyce	Young people and children
Little Common	Great Burches Road, Thundersley	St. Peter's	Natural and semi natural areas
Memorial Ground	London Road, Hadleigh	St. James'	Amenity greenspace
Memorial Ground Play Area	London Road, Hadleigh	St. James'	Young people and children
Memorial Ground War Memorial Garden	London Road, Hadleigh	St. James'	Parks and Public gardens
Shipwrights Wood	Shipwrights Drive, South Benfleet	Boyce	Natural and semi natural areas
South Benfleet Playing Fields	Brook Road, South Benfleet	St. Mary's	Outdoor sports facilities
South Benfleet Playing Fields Play Area	Brook Road, South Benfleet	St. Mary's	Young people and children
Swans Green Recreation Ground	Hart Road, Thundersley	Cedar Hall	Amenity greenspace
Swans Green Play Area	Hart Road, Thundersley	Cedar Hall	Young people and children
Tarpots Recreation Ground	Church Road, New Thundersley	St. George's	Amenity greenspace
Tarpots Play Area	Church Road, New Thundersley	St. George's	Young people and children

Name	Address	Ward	Type of Open Space
Thundersley Great Common	Common Approach, Thundersley	Cedar Hall	Natural and semi natural areas
Thundersley Common Recreation Ground	Common Approach, Thundersley	Cedar Hall	Amenity greenspace
Thundersley Common Recreation Ground Play Area	Common Approach, Thundersley	Cedar Hall	Young people and children
Woodside Park	Manor Road, New Thundersley	St. Peter's	Amenity greenspace
Woodside Park Playing Fields	Manor Road, New Thundersley	St. Peter's	Outdoor sports facilities
Woodside Park Playground (East)	Manor Road, New Thundersley	St. Peter's	Young people and children
Woodside Park Playground (West) (Skate Ramp)	Manor Road, New Thundersley	St. Peter's	Young people and children
Beveland Open Space	Beveland Road, Canvey Island	Canvey East	Amenity greenspace
The Gun Site Recreation Ground	West Crescent, Canvey Island	Canvey Central	Amenity greenspace
King George V Recreation Ground (Canvey)	Blackthorne Road, Canvey Island	Outdoor sports facilities	Canvey South
King George V Play Area (Canvey)	Blackthorne Road, Canvey Island	Canvey South	Outdoor sports facilities
Kismet Park	Weel Road, Canvey Island	Canvey East	Amenity greenspace
Kismet Park Play Area	Weel Road, Canvey Island	Canvey East	Young people and children
Labworth Park	Furtherwick Road, Canvey Island	Canvey South	Amenity greenspace
Inland Esplanade	Furtherwick Road, Canvey Island	Canvey East	Green corridors
Thames Estuary/ Waterfront	Furtherwick Road, Canvey Island	Canvey East	Thames Estuary / Waterfront
Esplanade paddling pool	East Esplanade, Canvey Island	Canvey South	Young people and children
Thorney Bay Play Area	Furtherwick Road, Canvey Island	Canvey South	Young people and children
The Lake	End of Denham Road, Canvey Island	Canvey Central	Green corridors
Larup Gardens	Larup Avenue, Canvey Island	Canvey North	Young people and children
Canvey FC	Park Lane, Canvey Island	Canvey East	Outdoor sports facilities
Leigh Beck Recreation Ground	Park Lane, Canvey Island	Canvey East	Amenity greenspace
Leigh Beck Recreation Ground	Park Lane, Canvey Island	Canvey East	Young people and children
Waterside Farm Synthetic Pitch	Somnes Avenue, Canvey Island	Canvey West	Outdoor sports facilities

Name	Address	Ward	Type of Open Space
Woodside Park Playing Fields Play Area (West)	Manor Road, New Thundersley	St. Peter's	Young people and children
Russell Head Farm	Somnes Avenue, Canvey Island	Canvey West	Amenity greenspace
Smallgains Recreation Ground	Creek Road, Canvey Island	Canvey East	Outdoor sports facilities
Southwick Dyke	Link Road, Canvey Island	Canvey Central	Green corridors
Tewkes Creek Recreation Ground	Dovervelt Road, Canvey Island	Canvey Winter Gardens	Outdoor sports facilities
Tewkes Creek	Dovervelt Road, Canvey Island	Canvey Winter Gardens	Natural and semi natural areas
Villa Road Recreation Ground	Villa Road, South Benfleet	Appleton	Amenity greenspace
Villa Road Play area	Villa Road, South Benfleet	Appleton	Young people and children
Waterside Farm Recreation Ground	Somnes Avenue, Canvey Island	Canvey West	Outdoor sports facilities
Waterside Farm Play Area	Church Parade, Canvey Island	Canvey West	Young people and children
Waterside Farm Skate Park	Somnes Avenue, Canvey Island	Canvey West	Young people and children
Canvey Heights Country Park	Off Smallgains Avenue, Canvey Island	Canvey North	Country parks
Two Trees Island	Two Trees Island, Leigh-on-Sea	St. James'	Country parks
Concord Rovers FC	Thames Road, Canvey Island	Canvey West	Outdoor sports facilities
Dutch Cottage Garden	Canvey Road, Canvey Island	Canvey West	Parks and public gardens
Northwick Road Playing Field	Canvey Road, Canvey Island	Canvey West	Outdoor sports facilities
Hadleigh tennis club	Elm Road, Hadleigh	St. James'	Outdoor sports facilities
Canvey FC Youth Team	Somnes Avenue, Canvey Island	Canvey West	Outdoor sports facilities
St Michaels Church	Bramble Road, Hadleigh	Victoria	Natural and semi natural areas
South Benfleet Cemetery	Jotmans Lane, South Benfleet	St. Mary's	Cemeteries and churchyards
Woodside Cemetery	Woodside Avenue, Thundersley	St. Peter's	Cemeteries and churchyards
St. Mary's Churchyard	High Road, South Benfleet	St. Mary's	Cemeteries and churchyards
St. Peter's Churchyard	Church Road, Thundersley	St. Peter's	Cemeteries and churchyards
St. James-the-less Churchyard	50 Rectory Road, Hadleigh	St. James'	Cemeteries and churchyards
Willow Cemetery	Northwick Road, Canvey Island	Canvey West	Cemeteries and churchyards
St. Katherine's Churchyard	Canvey Road, Canvey Island	Canvey West	Cemeteries and churchyards

Name	Address	Ward	Type of Open Space
North Benfleet Hall Wood	Woodside Avenue, Thundersley	St. George's	Natural and semi natural areas
Coombe Wood	London Road, Hadleigh	St. Peters	Natural and semi natural areas
Starvelarks Wood	Off Daws Heath Road, Hadleigh	Victoria	Natural and semi natural areas
Tile Wood	St Michael's Road, Benfleet	Victoria	Natural and semi natural areas
Wyburn Wood (Tile Wood West)	Off Daws Heath Road, Hadleigh	Victoria	Natural and semi natural areas
Pound Wood	Bramble Road, Benfleet	Victoria	Natural and semi natural areas
Great Wood Nature Reserve	Scrub Lane, Hadleigh	St. James'	Natural and semi natural areas
Dodds Grove	Off Poors Lane, Hadleigh	Victoria	Natural and semi natural areas
Poors Lane Golf Course	From Poors Lane North and Sylvan Road	Victoria	Natural and semi natural areas
West Wood	Off Rayleigh Road, Hadleigh	Victoria	Natural and semi natural areas
Fane Wood	Off Fane Road, New Thundersley	St. Peter's	Natural and semi natural areas
Castle Point Golf Course	Somnes Avenue, Canvey Island	Canvey Winter Gardens	Outdoor sports facilities
Boyce Hill Golf Course	Vicarage Hill	Boyce	Outdoor sports facilities
West Canvey Marshes (RSPB Land)	Off of roundabout junction of Canvey Road and Roscommon Way	Canvey West	Natural and semi natural areas
Canvey Wick SSSI	Northwick Road, Canvey Island	Canvey West	Natural and semi natural areas
Creekside	Creekside Recreation Ground, Watlington Road, Benfleet	St. Mary's	Natural and semi natural areas
Woodside Avenue Recreation Ground	Woodside Avenue, Benfleet	St. George's	Amenity greenspace
Kismet Park Adizone	Eastern Esplanade, Canvey Island	Canvey East	Outdoor sports facilities
West Canvey Marshes Play Area	Off of roundabout junction of Canvey Road and Roscommon Way	Canvey West	Young people and children
Labworth Park Bumblebee Park	Furtherwick Road, Canvey Island	South Canvey	Parks and Public gardens
Labworth Park Sensory Gardens	Furtherwick Road, Canvey Island	Canvey South	Parks and Public gardens
Canvey Gateway	Canvey Way, Canvey Island	Canvey West	Parks and Public gardens
Hadleigh Castle	Castle Lane, Hadleigh	St. James'	Natural and semi natural areas

Name	Address	Ward	Type of Open Space
Long Road Playing Field	Long Road, Canvey Island	Canvey Central	Outdoor sports facilities
King George V Childrens Play Area (Canvey)	Blackthorne Road, Canvey Island	Canvey South	Young people and children
Legacy XS Centre Skate Park	Richmond Park, High Road	St. Mary's	Young people and children
Woodside Park Bowls Pavilion	Woodside Park, Manor Road, Thundersley	St. Peter's	Outdoor sports facilities
Hadleigh Bowls Club Pavilion	John H Burrows Recreation Ground, Rectory Road, Hadleigh	Victoria	Outdoor sports facilities
John H Burrows Recreation Ground Tennis Courts	Rectory Road, Hadleigh	Victoria	Outdoor sports facilities
South Benfleet & Canvey Bowling Club	Brook Road, Benfleet	St. Mary's	Outdoor sports facilities
Canvey Sea Wall (North)	Canvey Island	Canvey East	Green corridors
Benfleet to Leigh Pathway	Benfleet	Boyce	Green corridors
Daws Heath Evangelical Church	Daws Heath Road, Daws Heath	Victoria	Cemeteries and churchyards
Wall Road Amenity Space	Wall Road, Canvey Island	Canvey East	Amenity Space

Table 3.2 Schedule of Allotment Gardens

Name	Address	Ward
Daws Heath Allotment	Daws Heath Road, Hadleigh	Victoria
London Road Allotment	London Road, Hadleigh	St. James'
Jotmans Farm Allotment	Malwood Road, Benfleet	Appleton
Waterside Farm Allotment	Ferry Road, Canvey Island	Canvey West
Smallgains Allotment	Smallgains Avenue, Canvey Island	Canvey East
Watlington Allotment	Watlington Road, South Benfleet	St. Mary's
Hatley Gardens Allotment	Hatley Gardens, Benfleet	Appleton

Table 3.3 Schedule of Playing Fields Associated with Educational Uses

Name	Address	Ward
Kingston Primary School	Church Road, Thundersley	St. Peter's
Thundersley Primary	School Hart Road, Thundersley	Cedar Hall
Cedar Hall School	Hart Road, Thundersley	Cedar Hall
King John Senior School	Shipwrights Drive, Benfleet	Boyce
The Deanes School	Daws Heath Road	Victoria
Appleton School	Croft Road, South Benfleet	Appleton

Kents Hill Infant and Junior Schools	Kents Hill Road, South Benfleet	Appleton
Jotmans Hall Primary School	High Road, Benfleet	Appleton
Robert Drake Primary School	Church Road, Benfleet	St. Peter's
Montgomerie Primary School	Rushbottom Lane, Thundersley	St. George's
Glenwood School	Rushbottom Lane, Thundersley	St. George's
Hadleigh Junior School	Bilton Road, Hadleigh	St. James'
Westwood Academy	Beresford Close, Hadleigh	Victoria
South Benfleet Primary School	High Road, South Benfleet	St. Mary's
St Katherines Primary School	Hilton Road, Canvey Island	Canvey Winter Gardens
St Josephs Primary School	Vaagen Road, Canvey Island	Canvey Central
Leigh Beck Junior School	Point Road, Canvey Island	Canvey East
Lubbins Park Community School	May Avenue, Canvey Island	Canvey South
Northwick Park Nursery, Infant and Junior Schools	Third Avenue, Canvey Island	Canvey Winter Gardens
William Read Primary School	Long Road, Canvey Island	Canvey West
Canvey Infant and Junior Schools	Long Road, Canvey Island	Canvey West
Canvey Skills Campus (Formerly Castle View)	Meppel Avenue, Canvey Island	Canvey Winter Gardens
Cornelius Vermuyden School	Dinant Avenue, Canvey Island	Canvey West
Castle View School (Formerly Furtherwick School)	Meppel Avenue, Canvey Island	Canvey South
Leigh Beck Infants and Nursery School	Point Road, Canvey Island	St. Mary's
Woodham Ley Primary School	Rushbottom Lane, Benfleet	St. George's
Holy Family Catholic School	Kents Hill Road, Benfleet	Appleton
Winter Gardens Primary School	Hilton Road, Canvey Island	Canvey East
The Chase Playing Fields	The Chase, Benfleet	Cedar Hall

Appendix Four: Local Wildlife Sites

Table 4.1 Schedule of Local Wildlife Sites

LoWS Name	Selection Criteria	England BAP Priority Habitats
CPT3 Rushbottom Lane Flood Pound	HC11 Other Neutral Grasslands HC28 Small-component Mosaics	None
CPT4 West Canvey Marshes	HC20 Coastal Grazing Marsh HC23 Saltmarsh and Mudflats SC1 Vascular Plants SC16 Hotspots for Reptile Diversity	Coastal and Floodplain Grazing Marsh Coastal Saltmarsh Intertidal mudflats
CPT5 Canvey Village Marsh	HC15 Reedbeds HC20 Coastal Grazing Marsh SC12 Breeding Water Vole Colonies SC18 England BAP Priority Invertebrates	Coastal and Floodplain Grazing Marsh Reedbed
CPT6 Benfleet Sewage Works	HC20 Coastal Grazing Marsh HC23 Saltmarsh and Mudflats HC28 Small Component Mosaics SC16 Hotspots for Reptile Diversity	Coastal Saltmarsh Intertidal Mudflats Coastal and Floodplain Grazing Marsh
CPT7 North Benfleet Hall Wood	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	Lowland Mixed Deciduous Woodland
CPT8 Fane Road Meadows	HC9 Lowland Meadows	Lowland Meadows
CPT9 Kents Hill Wood	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	Lowland Mixed Deciduous Woodland
CPT10 Coombe Wood	HC1 Ancient Woodland Sites HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	Lowland Mixed Deciduous Woodland
CPT11 Mount Road Wood	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	None
CPT12 Vicarage Hill	HC11 Other Neutral Grassland HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	None
CPT13 Reeds Hill Pasture	HC9 Lowland Meadows	Lowland Meadows
CPT14 Thundersley Glen	HC1 Ancient Woodland Sites	Lowland Mixed Deciduous Woodland

LoWS Name	Selection Criteria	England BAP Priority Habitats
	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites HC9 Lowland Meadows HC13 Heathland and Acid Grassland	Lowland Meadows Lowland Dry Acid Grassland
CPT15 Jervis Wood Lane	HC8 Hedgerows and Green Lanes	Lowland Mixed Deciduous Woodland
CPT16 The Chase Paddocks	HC9 Lowland Meadows	Lowland Meadows
CPT17 Shipwrights Meadow	HC9 Lowland Meadows HC11 Other Neutral Grasslands	Lowland Meadows
CPT18 Shipwrights Wood	HC1 Ancient Woodland Sites HC2 Lowland Mixed Deciduous Woodland on Non-Ancient Sites	Lowland Mixed Deciduous Woodland
CPT19 The Lake, Canvey	HC15 Reedbeds	Reedbed
CPT20 Coopers Wood	HC2 Lowland Mixed Deciduous Woodland on Non-Ancient Sites	Lowland Mixed Deciduous Woodland
CPT21 Thundersley Great Common Wood	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	Lowland Mixed Deciduous Woodland
CPT22 Nine Acre Wood	HC1 Ancient Woodland Sites	Lowland Mixed Deciduous Woodland
CPT23 Thundersley Plotlands	HC28 Small-component Mosaics HC31 Urban Sites	Lowland Mixed Deciduous Woodland Lowland Meadows
CPT24 West Wood	HC1 Ancient Woodland Sites	Lowland Mixed Deciduous Woodland
CPT25 Castle Farm	HC9 Lowland Meadows HC13 Heathland and Acid Grassland SC16 Hotspots for Reptile Diversity SC19 Important invertebrate Assemblages	Lowland Dry Acid Grassland Lowland Meadows
CPT26 Cottage Plantation and Rag Wood	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	Lowland Mixed Deciduous Woodland
CPT27 Hadleigh Marsh Borrow Dyke and Sea Wall	HC11 Other Neutral Grassland HC15 Reedbeds	Reedbed
CPT28 Little Haven/Tile Wood Complex	HC1 Ancient Woodland Sites HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites HC13 Heathland and Acid Grassland HC11 Other Neutral Grasslands SC18 England BAP Priority Invertebrates	Lowland Mixed Deciduous Woodland Lowland Dry Acid Grassland

LoWS Name	Selection Criteria	England BAP Priority Habitats
CPT29 Two Tree Island West	HC24 Saline Lagoons and Borrow Dyke Habitat HC27 Post-industrial Sites SC1 Vascular Plants SC5 Notable Bird Species SC16 Hotspots for Reptile Diversity SC18 England BAP Priority Invertebrates SC19 Important Invertebrate Assemblages	Saline Lagoons Open Mosaic Habitats on Previously Developed Land
CPT30 Coxall Wood	HC1 Ancient Woodland Sites	Lowland Mixed Deciduous Woodland
CPT31 Pound Wood	HC1 Ancient Woodland Sites HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites SC7 Dormouse SC18 England BAP Priority Invertebrates	Lowland Mixed Deciduous Woodland
CPT33 Oakwood Reservoir	HC13 Heathland and Acid Grassland	Lowland Dry Acid Grassland
CPT34 Belfairs Park Wood	HC1 Ancient Woodland Sites	Lowland Mixed Deciduous Woodland
CPT35 Thorneycreek Fleet	HC15 Reedbeds	Reedbed
CPT36 Northwick Farm and Sea Wall	HC15 Reedbeds HC27 Post-industrial Sites SC18 England BAP Priority Invertebrates SC19 Important Invertebrate Assemblages	Reedbed Open Mosaic Habitats on Previously Developed Land
CPT37 Benfleet Marsh	HC20 Coastal Grazing Marsh	Coastal and Floodplain Grazing Marsh
CPT38 Brick House Farm Marsh	HC20 Coastal Grazing Marsh SC1 Vascular Plants	Coastal and Floodplain Grazing Marsh
CPT39 Benfleet Creek and Sea Wall	HC11 Other Neutral Grassland HC23 Saltmarsh and Mudflats HC27 Post-industrial Sites HC31 Urban Sites	Coastal Saltmarsh Intertidal Mudflats
CPT40 Thundersley Brickfields	HC1 Ancient Woodland Sites HC27 Post Industrial Sites HC28 Small Component Mosaics SC19 Important Invertebrate Assemblages	Open Mosaic Habitats on Previously Developed Land Lowland Mixed Deciduous Woodland
CPT41 Wall Wood	HC1 Ancient Woodland Sites	Lowland Mixed Deciduous Woodland
CPT42 Hadleigh Castle Grasslands	HC9 Lowland Meadows SC1 Vascular Plants SC18 England BAP Priority Invertebrates	Lowland Meadows

LoWS Name	Selection Criteria	England BAP Priority Habitats
	SC19 Important Invertebrate Assemblages	
CPT43 Badger Hall Woods	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites	Lowland Mixed Deciduous Woodland

Table 4.2 Schedule of Potential Wildlife Sites

PLoWS Name	Future Potential Selection Criteria
PLoWS 5 Windemere Road Woodland	HC27 Small-component Mosaics HC9 Lowland Meadows (may or may not be applied)
PLoWS 8 Grasmere Road Pastures	SC18 England BAP Priority Invertebrate SC19 Important Invertebrate Assemblage
PLoWS 10 Braeside Farm Pastures	HC12 Heathland and Acid Grassland SC19 Important Invertebrate Assemblages
PLoWS 11 St Michael's Road Fields	HC27 Small component Mosaics Other Species criteria could be applied
PLoWS 12 Canvey Heights Country Park	SC16 Hotspots for Reptile Diversity
PLoWS 13 Extension to Kents Hill Wood	HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites
PLoWS 14 Extension to Coombe Wood	HC1 Ancient Woodland Sites HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites
PLoWS 15 Extension to Brick House Farm Marsh	HC20 Coastal Grazing Marsh SC1 Vascular Plants
PLoWS 16 Poors Lane	HC1 Ancient Woodland Sites HC2 Lowland Mixed Deciduous Woodland on Non-ancient Sites

Appendix Five: Designated Historic Assets

Listed Buildings

Benfleet

There are 20 Listed Buildings located in Benfleet

Table 5.1 Benfleet Listed Buildings

Address / Building Name	Grade	Date First Listed
Benfleet Water Tower, Benfleet Road	II	06-10-1981
The Roundhouse, 106 Benfleet Road	II	22-06-1981
Shipwrights, 241 Benfleet Road	II*	30-10-1979
5 and 7 The Close	II	15-01-1980
Street Lamp outside 7 The Close	II	22-07-1986
The Anchor Inn and Building attached to right, Essex Way	II*	22-07-1986
South Benfleet War Memorial, Essex Way	II	28-02-2008
Former Pumping Station, High Road	II	22-07-1986
Church of St Mary the Virgin, High Street	I	07-08-1952
Group of headstones between 18-22m south east of south porch of Church of St Mary the Virgin, High Street	II	22-07-1986
Table tomb approximately 14m south of south porch of Church of St Mary the Virgin, High Street	II	22-07-1986
The Hoy and Helmet Inn, High Street	II	07-08-1952
Street Lamp to west of 23 High Street	II	22-07-1986
The Half Crown Inn, 25, 27, 29 High Street	II	22-07-1986
Benfleet Conservative Club, 67 and 69 High Street	II	22-07-1986
Jarvis Hall, Thundersley Park Road	II	22-07-1986
Barn immediately to north of Jarvis Hall, Thundersley Park Road	II	22-07-1986
Cartlodge immediately north east of barn at Jarvis Hall, Thundersley Park Road	II	22-07-1986
Old Vicarage, Vicarage Hill	II	14-02-1994
Tombstone of Sir Charles Nicholson and family, High Street	II	09-11-2021

Canvey Island

There are five Listed Buildings on Canvey Island.

Table 5.2 Canvey Island Listed Buildings

Address / Building Name	Grade	Date First Listed
Dutch Cottage, Canvey Road	II	05-02-1952
Dutch Cottage, 6 Haven Road	II	05-02-1952
The Lobster Smack Public House, Haven Road	II	03-11-1972

1 - 9 Coastguard Cottages, Haven Road (consecutive)	II	13-09-1973
Labworth Café, Western Esplanade	II	16-04-1996

Hadleigh

There are six Listed Buildings in Hadleigh.

Table 5.3 Hadleigh Listed Buildings

Address / Building Name	Grade	Date First Listed
Hadleigh Castle, Castle Lane	I	07-08-1952
96 and 98 Daws Heath Road	II	22-07-1986
Tylerset Farmhouse, 325 Daws Heath Road	II	22-07-1986
Church of St James the Less, High Street	I	07-08-1952
Junction of London Road and Meadow Road Milestone	II	06-06-1990
Hadleigh War Memorial, Memorial Recreation Ground, London Road	II	15-06-2020

Thundersley

There are five Listed Buildings in Thundersley.

Table 5.4 Thundersley Listed Buildings

Address / Building Name	Grade	Date First Listed
Great Burches Farmhouse, Burches Road	II	22-07-1986
Church of St Peter, Church Road	II*	07-08-1952
Thundersley Hall, 192 Church Road	II	05-02-1981
8 and 10 Hart Road	II	22-07-1986
Thundersley Lodge, Runnymede Chase	II	22-07-1986

Scheduled Monuments

Benfleet

There are no Scheduled Monuments in Benfleet.

Canvey Island

There are three Scheduled Monuments on Canvey Island.

Table 5.5 Canvey Island Scheduled Monuments

Address / Monument Name	Date First Scheduled
Heavy Anti-aircraft gun site 170m south west of the junction of Cedar Road and West Crescent	22-01-2001
Roman Saltern 260m south east of Great Russell Head Farm	15-03-1972
Heavy Anti-aircraft gun site 380m east of Northwick Farm	07-07-2000

Hadleigh

There are four Scheduled Monuments in Hadleigh.

Table 5.6 Hadleigh Scheduled Monuments

Address / Monument Name	Date First Scheduled
Hadleigh Castle: An enclosure castle and an associated dam and mill	13-01-1915
Roman-British site N of Pound Wood	13-09-1974
Roman Fort (near Hadleigh)	14-01-1955
Heavy Anti-aircraft gun site on Sandpit Hill	09-03-2001

Thundersley

There are no Scheduled Monuments in Thundersley.

Conservation Areas

Benfleet

There is one Conservation Area in Benfleet.

South Benfleet Conservation Area - Designated 18th November 1988

An Article 4 (2) Direction was made on 29th October 1997 which removed permitted development rights for the following:

- *'The erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse*
- *Any of the following development which would front a highway, waterway or open space:*
 - *The enlargement, improvement or any other alteration of a dwellinghouse*
 - *The alteration of a dwellinghouse roof*
 - *The erection or construction of a porch outside any external door of a dwellinghouse*
 - *The provision within the curtilage of a dwellinghouse of a building, or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure*
 - *The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such*
 - *The installation, alteration or replacement of a satellite antenna on a dwellinghouse, or within its curtilage*
 - *The erection, construction, maintenance, improvement, alteration or demolition of any gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse*
 - *The painting of the exterior of any part of a dwellinghouse or a building or enclosure within the curtilage of a dwellinghouse'*

Canvey Island

There are no Conservation Areas on Canvey Island.

Hadleigh

There is one Conservation Area in Hadleigh.

Florence Gardens Conservation Area - Designated 18th November 1997

An Article 4 (2) Direction was made on 29th October 1997 which removed permitted development rights for the following:

- *'The erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse*
- *The enlargement, improvement or any other alteration of a dwellinghouse where any part would front a highway, waterway or open space*
- *The alteration of a dwellinghouse roof where any part would front a highway, waterway or open space*
- *The erection or construction of a porch outside any external door of a dwellinghouse where that would front a highway, waterway or open space*
- *The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such where it would front a highway, waterway or open space*
- *The installation, alteration or replacement of a satellite antenna on a dwellinghouse, or within its curtilage, where the part of the building or structure on which is to be installed would front a highway, waterway or open space*
- *The erection, construction, maintenance, improvement, alteration or demolition of any gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse where it would front a highway, waterway or open space*
- *The painting of the exterior of any part of a dwellinghouse or a building or enclosure within the curtilage of a dwellinghouse where it would front a highway, waterway or open space'*

Thundersley

There are no Conservation Areas in Thundersley.

Register of Non-designated Buildings of Local Historic or architectural Importance

The list below is the list as set out in the 1998 Register. Assets that have either been formally listed or removed by reason of their demolition are removed. The Council reviewed the list in 2013 and identified potential new assets. A further review of these will be undertaken and consulted on, prior to a formal decision to add them to the register.

Benfleet

The Close

74 Essex Way 'The Moorings'

84 Essex Way 'Forge Cottage'

86-92 Essex Way

43-51 High Street, South Benfleet

Canvey Island

2 and 3 Beechcroft Road

St Katherine's Church, Canvey Road

7 Ferndale Crescent

1 , 3, 7 and 7 Haven Road

2 Haven Road and 1 Canvey Road

9 Haven Road

Former Council Offices, Long Road

Bus Depot, Point Road

Hadleigh

Sayers Farmhouse, Chapel Lane

137 Daws Heath Road

185 Daws Heath Road

1 to 4 Florence Gardens

The Castle Public House, High Street

12 and 14 High Street

Gas Lamp, St James Church

War Memorial, London Road

Junction of St Michaels Road and Bramble Road street sign

Park Farm House, Park Chase

31 to 33 Rectory Road

3 to 16 Seaview Terrace

Thundersley

17 Chancel Close

15 Common Approach

523 and 529 Rayleigh Road

Appendix Six: Glossary

Table 6.1 Glossary of terms

Relevant Abbreviation	Term	Definition (if required)
-	Active and Sustainable Travel Infrastructure	Such infrastructure includes, but is not limited to, walking and cycling routes, and bridleways to promote health and wellbeing of communities, cycle storage, bus stops, bus lanes, shelters, seating, real time bus information, and electric vehicle charging points.
-	Affordable Housing	Social rented, affordable rented and intermediate housing and Starter Homes, provided to eligible households whose needs are not met by the market. Eligibility is determined with regards to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
AQMA	Air Quality Management Area	An area where the level of NO ₂ emissions exceed 40 ugm-3 and special provisions must be made to reduce the level below 40 and this can include restrictions on new development that is likely to exacerbate the pollution levels or not support its reduction.
-	Allocation	An allocation is a proposal for land for housing, industry or other uses within a Local Plan that identifies a specific area of land to be developed within the time period of the plan.
-	Ancient woodland	Ancient woodland is an area that has been wooded continuously since at least 1600 AD. Ancient woodlands are of prime ecological and landscape importance. Many rare and threatened species are associated with this habitat. Furthermore relatively undisturbed woodland often contains features of historical, archaeological and landscape importance.
AMR	Annual Monitoring Report	An Annual Monitoring Report (AMR) is a legal requirement to monitor various indicators of the Local Planning Authority in relation to preparing the Local Plan and planning decisions in the Borough. Section 35 of the <i>Planning and Compulsory Purchase Act 2004 (as amended)</i> requires every Local Planning Authority to prepare an annual report on the implementation of the Local Development Scheme and the extent to which local planning policies are being achieved.
ASELA	Association of South Essex Local Authorities	A partnership between Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex Council's to delivery sustainable growth across the sub-region, improved productivity, high-quality places and strategic infrastructure and a new joint strategic plan.
-	Biodiversity	The variety of life on earth embracing all species, communities, habitats and ecosystems associated with the terrestrial, aquatic and marine environments. Usually the term refers to the variety of species within a specified area.
BAP	Biodiversity Action Plan	A strategy prepared for the local area aimed at conserving biological diversity.
-	Brownfield Land	Land that has been developed previously.
BLR	Brownfield Land Register	Brownfield Land Registers (BLR) are a statutory requirement and are designed to provide up-to-date and consistent

Relevant Abbreviation	Term	Definition (if required)
		information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in <i>Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017</i> .
-	Building Regulations	Building Regulations define what qualifies as 'building work' and therefore what falls under the control of the regulations. It covers what types of buildings are exempt and the notification procedures that must be followed when starting, carrying out, and completing building work as well as the requirements for specific aspects of building design and construction.
BREEAM	Building Research Establishment Environmental Assessment Method	An assessment for the sustainability and environmental quality of non-residential buildings.
CQC	Care Quality Commission	The independent regulator of all health and social care services in England.
-	Climate Change	Long term changes in temperature, precipitation, wind and all other aspects of the Earth's climate. Often regarded as a result of human activity and fossil fuel consumption.
CCG	Clinical Commissioning Group	Clinical Commissioning Groups (CCGs) were created following the Health and Social Care Act in 2012, and replaced Primary Care Trusts on 1 April 2013. They are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area.
CIL	Community Infrastructure Levy	The Community Infrastructure Levy (CIL) is a charge that is levied on new development floor space which is intended to contribute towards the provision of infrastructure to support growth.
COMAH	Control of Major Accident Hazards Regulations	The Control of Major Accident Hazards (COMAH) Regulations ensuring that businesses: 'Take all necessary measures to prevent major accidents involving dangerous substances. Limit the consequences to people and the environment of any major accidents which do occur'.
-	Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, designated under section 69 of the <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i> .
-	Contaminated Land	Contaminated Land is defined legally as land where substances could cause significant harm to people or protected species and significant pollution of surface waters or groundwater. This definition refers to contamination caused by past uses of sites such as former factories, mines, steelworks, refineries and landfills.
CDA	Critical Drainage Area	A Critical Drainage Area (CDA) is an area that has critical drainage problems and which has been notified to the local planning authority as such by the Environment Agency.
-	Density	The density of development within a given area, usually measured for housing in terms of the number of dwellings per hectare.
-	Designated Heritage Asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden,

Relevant Abbreviation	Term	Definition (if required)
		Registered Battlefield or Conservation Area designated under the relevant legislation.
-	Development	Defined in section 55 of the Town and Country Planning Act 1990 as 'The carrying out of a building, engineering, mining or other operations in, on, over or under land; or the making of any material change in the use of any building or land.'
-	Development Brief	A development brief is a document that is prepared in advance of a planning application and sets out the vision, constraints, opportunities and considerations for the site such as access, biodiversity and infrastructure. Within this Plan development briefs are required for certain residential allocations but are usually for residential development schemes of 10-60 units.
DM	Development Management	Development management is the process through which the local planning authority determines whether applications for consent should be granted (often subject to conditions or a legal agreement) or refused, also involves the planning enforcement function and giving of advice on planning matters. Consideration of these matters must be done by taking into account the Local Plan and any other material considerations.
DPD	Development Plan Document	Documents prepared by the local planning authority (including the Local Plan) setting out the main spatial strategy, policies and proposals for the area. These documents will be statutory documents and subject to an independent examination by an Inspector. They will undergo rigorous procedures of community involvement and consultation. DPDs must be consistent with and have regard to national planning policy.
DtC	Duty to Cooperate	The duty to cooperate places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.
EDNA	Economic Development Needs Assessment	Assesses the supply of, and demand for, employment land in an area.
-	Ecology	Ecology is the study of the distribution and abundance of organisms, the interaction between organisms, the interaction between organisms and their environment, and structure and function of ecosystems.
EA	Environment Agency	The public organisation with responsibility for protecting and improving the environment in England and Wales.
ECC	Essex County Council	Castle Point Borough is a two-tier authority area, with ECC providing a range of services and infrastructure such as (but not limited to) highways and transportation, education and social services, and surface water management at a county-wide level.
-	Flood Risk Zones	Zones of flood risk includes Zone 1 'Low Probability of flood', Zone 2 'Medium Probability', Zone 3a 'High Probability', and Zone 3b 'The Functional Floodplain'.
-	Fluvial Flooding	Fluvial flooding relates to river flooding.

Relevant Abbreviation	Term	Definition (if required)
GPDO	General Permitted Development Order	Permitted Development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity.
-	Green Belt	A designation for land around certain cities and large built-up areas, which aims to keep this land permanently open or largely undeveloped.
-	Green Corridor	Green Corridors can link housing areas to the national cycle network, town and city centres, places of employment, and community facilities. They help to promote environmentally sustainable forms of transport such as walking and cycling within urban areas and can also act as vital linkages for wildlife dispersal between wetlands and the countryside.
-	Greenfield Land	A general term to describe all sites that have not previously been developed.
-	Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.
-	Gypsy and Travellers	Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.
HRA	Habitats Regulations Assessment	<i>European Directive 92/43/EEC</i> (the Habitats Directive) requires that any plan or project, not directly connected with or necessary to the management of a designated habitats site but likely to have significant effect thereon, should be subject to an assessment of its implications for the site.
HSE	Health and Safety Executive	The national independent watchdog for work-related health, safety and illness.
Ha	Hectare	A hectare is a unit of measurement.
-	Heritage Asset	Buildings, monuments, sites, places, areas or landscapes identified as having a degree of significant meriting consideration in planning decisions, because of a heritage interest. A heritage asset includes designated heritage assets, such as Listed Buildings, Conservation Areas and Scheduled Monuments, and assets identified by the local planning authority, including those on a local list.
-	Highway Authority	A highway authority (Essex County Council for this borough) has the responsibility of planning and maintaining the highways network (excepting trunk roads and motorways) and transportation within their area.
-	Infrastructure	Any facility, service or physical structure which supports or enables proposed development.
IDP	Infrastructure Delivery Plan	This document sets out the infrastructure requirements for the borough, including but not limited to highways, healthcare, education and open space. It includes timescales, costs and how it will be delivered.
JSP	Joint Strategic Plan	A plan for South Essex produced by the Association of South Essex Local Authorities.

Relevant Abbreviation	Term	Definition (if required)
-	Listed Building	Buildings designated to be of 'special architectural or historic interest' by the Secretary of State under the <i>Listed Buildings and Conservation Areas Act 1991</i> .
LTP	Local Transport Plan	Essex wide transport plan.
LPA	Local Planning Authority	The local authority responsible for planning matters in its area, Essex County Council and Castle Point Borough Council are both Local Planning Authorities (LPAs) for different planning matters in Castle Point Borough Council.
LoWS	Local Wildlife Site	Areas of land with significant wildlife value. Local Wildlife Sites support both locally and nationally threatened wildlife, and many sites will contain habitats and species that are priorities under the Essex or UK Biodiversity Action Plans that sets out strategies for the conservation of much of our most vulnerable wildlife.
LSOA	Lower Super Output Area	The smallest areas by which the Office of National Statistics produces data.
-	Master Plan	A master plan is a document that is prepared in advance of a planning application and sets out the vision, constraints, opportunities and considerations for the site such as access, biodiversity and infrastructure. Preparation of a master plan should include engagement with the community, stakeholders and the Council. Master plans are usually required for residential development schemes of 60+ units. In some instances the Council may adopt a master plan as a Supplementary Planning Document depending on the scale and complexity of the particular site.
m	Metre	A unit of measurement.
-	Material Consideration	Any consideration that relates to the use and development of land is capable of being a material planning consideration.
MSA	Mineral Safeguarding Area	An area designated by Minerals Planning Authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.
MHCLG	Ministry for Housing, Communities and Local Government	Responsible for planning and housing within central government.
-	Mixed Use	A site that is developed for more than one use, e.g. retail, residential, business, leisure etc.
MOU	Memorandum of Understanding	A document that describes the general principles of an agreement between parties, but does not amount to a substantive contract.
NPPF	National Planning Policy Framework	A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance, and Circulars. The National Planning Policy Framework (NPPF) is a material consideration in the preparation of development plans and when considering planning applications.
-	Natura 2000 Sites	Natura 2000 is a network of nature protection areas in the territory of the European Union. It is made up of SPAs and SACs designated respectively under the Habitats Directive and Birds Directive.

Relevant Abbreviation	Term	Definition (if required)
NIA	Nature Improvement Area	Nature Improvement Areas (NIA) were established to create joined up and resilient ecological networks at a landscape scale. They are run by partnerships of local authorities, local communities and landowners, the private sector and conservation organisations with funding provided by the Department for the Environment, Food and Rural Affairs (Defra) and Natural England.
-	Non-designated heritage assets	Buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, but which are not formally designated heritage assets.
OAN	Objectively Assessed Need	The NPPF requires local planning authorities to meet the full objectively assessed need for housing based on up-to-date evidence.
-	Open Space	All open space of public value, including not just land, but also areas such as water (e.g. rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.
OSE	Opportunity South Essex	A partnership of South Essex authorities and businesses that provides input into the South East Local Enterprise Partnership.
PPG	Planning Policy Guidance	Provides details to support the effective implementation of the NPPF.
-	Pluvial Flooding	Pluvial flooding occurs when an extremely heavy downpour of rain saturates the urban drainage system and the excess water cannot be absorbed.
-	Policies Map	A map illustrating the spatial extent of all the policies in Development Plan Documents.
PLoWS	Potential Local Wildlife Site	These are areas of land with potential for wildlife value. Potential Local Wildlife Sites have the potential to support both locally and nationally threatened wildlife, and sites may contain habitats and species that are priorities under the Essex or UK Biodiversity Action Plans that sets out strategies for the conservation of much of our most vulnerable wildlife. Potential Local Wildlife Sites may be endorsed through the plan period by the Essex Local Wildlife Site Partnership, when this occurs these sites will be designated as Local Wildlife Sites.
-	Primary Shopping Area	Defined area where retail development is concentrated.
-	Primary and Secondary Frontages	Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.
-	Priority Habitats and Species	Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.
PRoW	Public Rights of Way	Public rights of way include footpaths, byways, bridleways and are provided over public and private land by Essex County Council.
-	Ramsar	Ramsar sites are wetlands of international importance designated under the Ramsar site Convention. The Ramsar

Relevant Abbreviation	Term	Definition (if required)
		Convention is an international agreement, which provides for the conservation and good use of wetlands.
RAMS	Recreational disturbance Avoidance Mitigation Strategy	A strategy for the improvement and protection of birds and habitats Special Protection Areas in the Essex Coastal Area to mitigate against the impact of growth within 11 local council areas, including Castle Point caused by increase visitor numbers to those areas.
-	Scheduled Monument	'Scheduling' is shorthand for the process through which nationally important sites and monuments - Scheduled Monument are given legal protection by being placed on a list, or 'schedule'. A schedule has been kept since 1882 of monuments whose preservation is given priority over other land uses.
S106	Section 106 Agreement	An agreement entered into between a landowner and the Local Planning Authority, whereby the landowner undertakes to do specific actions in Section 106 (<i>of the Town and Country Planning Act</i>). This could cover, for example, providing public open space or agreeing the detailed use of the land.
SSSI	Site of Special Scientific Interest	A Site of Special Scientific Interest (SSSI) is a formal conservation designation for an area which is of particular interest because of its fauna, flora or geological physiological features, these areas have extremely high conservation value.
SELEP	South East Local Enterprise Partnership	The South East Local Enterprise Partnership is the business led, public/private body established to drive economic growth across East Sussex, Essex, Kent, Medway, Southend and Thurrock.
SAC	Special Area of Conservation	Special Areas of Conservation (SACs) are areas which have been given special protection under the Habitats Regulations. They provide increased protection to a variety of animals, plants and habitats and are a vital part of global efforts to conserve world's biodiversity.
SPA	Special Protection Areas	Special Protection Areas (SPAs) are areas which have been identified as being of national and international importance for the breeding, feeding wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the ' <i>Birds Directive 1979</i> '.
SFRA	Strategic Flood Risk Assessment	An assessment of the flood defences and consequent risk of flooding for development within the borough.
SHMA	Strategic Housing Market Assessment	A cross boundary study of how housing markets are working together and the specific housing needs required within the borough including size, type and affordability.
SPD	Supplementary Planning Document	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents (SPDs) are capable of being a material consideration in planning decisions but are not part of the development plan.
-	Surface Water Flooding	Surface water flooding happens when rainwater does not drain away through the normal drainage systems or soak into the ground but lies on or flows over ground instead.

Relevant Abbreviation	Term	Definition (if required)
-	Sustainable Development	Development which meets the need of the present without comprising the ability of future generations to meet their own need.
SUDS	Sustainable Drainage System	Designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.
-	Town Centre	A defined area, including the primary shopping area where retail development is concentrated, and areas predominately occupied by main town centre uses adjacent to the primary shopping area.
-	Travelling Showpeople	Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as identified above.
-	Use Classes Order	<p>The <i>Town and Country Planning (Use Classes) Order 1987</i> puts uses of land and buildings into various categories. Planning permission is not needed for changes of use within the same use class.</p> <p>The B use classes consist of: B2 - general industrial B8 - storage or distribution:</p> <p>The C use classes consist of: C1 - hotels C2 - residential institutions C2A - secure residential institution C3 - dwellinghouses C4 - houses in multiple occupation</p> <p>The E use classes consist of: E(a) Display or retail sale of goods, other than hot food E(b) Sale of food and drink for consumption (mostly) on the premises E(c) Provision of: <ul style="list-style-type: none"> E(c)(i) Financial services, E(c)(ii) Professional services (other than health or medical services), or E(c)(iii) Other appropriate services in a commercial, business or service locality E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,) E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) E(f) Creche, day nursery or day centre (not including a residential use) E(g) Uses which can be carried out in a residential area without detriment to its amenity: <ul style="list-style-type: none"> E(g)(i) Offices to carry out any operational or administrative functions, </p>

Relevant Abbreviation	Term	Definition (if required)
		<ul style="list-style-type: none"> • E(g)(ii) Research and development of products or processes • E(g)(iii) Industrial processes <p>The F use classes consist of:</p> <p>F1 Learning and non-residential institutions – Use (not including residential use) defined in 7 parts:</p> <ul style="list-style-type: none"> • F1(a) Provision of education • F1(b) Display of works of art (otherwise than for sale or hire) • F1(c) Museums • F1(d) Public libraries or public reading rooms • F1(e) Public halls or exhibition halls • F1(f) Public worship or religious instruction (or in connection with such use) • F1(g) Law courts <p>F2 Local community – Use as defined in 4 parts:</p> <ul style="list-style-type: none"> • F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres • F2(b) Halls or meeting places for the principal use of the local community • F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms) • F2(d) Indoor or outdoor swimming pools or skating rinks <p>Sui Generis Certain uses do not fall within any use class and are considered 'sui generis'.</p>
-	Viability	An economic measure of health.
WCS	Water Cycle Study	A water cycle study is a voluntary study that helps organisations work together to plan for sustainable growth. It uses water and planning evidence and the expertise of partners to understand environmental and infrastructure capacity.
-	Windfall Site	Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available.

Appendix Seven: Superseded Policies

Policies in this plan will replace in their entirety the 2007 saved policies from the Castle Point Borough Local Plan adopted in 1998.

Table 7.1 Policy changes from 1998 Adopted Local Plan

Saved policies 2007	Relevant policies in the new Local Plan
Green Belt	
GB2 – Re-use of buildings in the Green Belt	GB2
GB4 – Rebuilding of existing dwellings in the Green Belt	GB2
GB5 – Extensions to dwellings	GB2
GB6 – Garden extensions	Not included
GB7 – Agricultural dwellings	GB2
Environment and conservation	
EC2 - Design	DS1
EC3 – Residential amenity	NE7
EC4 - Pollution	NE1, NE7
EC5 – Crime prevention	DS1
EC7 – Natural and semi-natural features in urban areas	HS1, HS7, NE1, NE2, NE6
EC8 – The green lung	NE3
EC9 – Development affecting commercial farmland	Not included
EC10 – Protection of high quality agricultural land	Not included
EC13 – Protection of wildlife and their habitats	NE1, NE3, NE4, NE5
EC14 – Creation of new wildlife habitats	NE1, NE3, NE5
EC15 – Control of permitted development in sensitive areas	NE5
EC16 – Protection of landscape	NE2, NE6
EC17 – Special landscape area	NE2
EC18 – Permitted development in the special landscape area	NE2, NE6
EC19 – Ancient landscapes	NE2, NE6
EC20 – Landscape improvement area	Not included
EC21 – Woodland management and tree preservation orders	HS7, HS3, NE6
EC22 – Retention of trees, woodland and hedgerows	NE6
EC23 – Tree and shrub planting	DS2
EC25 – Principles of control	HE1, HS7, NE5
EC26 – Design and development	HE1
EC27 – Planning applications	Not included

Saved policies 2007	Relevant policies in the new Local Plan
EC28 – Restrictions on permitted development	HE1
EC29 – Control of demolition	HE1
EC30 – Shopfront design	DS4
EC31 - Advertisements	DS3
EC32 – Protection from demolition	HE1
EC33 – Alterations to listed buildings	HE1
EC34 – Setting of listed buildings	Appendix 5
EC35 – Re-use of listed buildings	HE1
EC36 – Grant aid	Not included
EC37 – Local list of buildings	Appendix 6
EC38 – Archaeological sites and monuments	HE1, Appendix 5
EC39 – Seafront entertainment area	EC3
Housing	
H2 – Residential land	HO1
H3 – New development sites	HO30 (Remaining sites no longer relevant)
H4 – Safeguarding of land for long term housing needs	Sites no longer relevant
H5 – Safeguarding of land for long term housing needs	Sites no longer relevant
H6 – Safeguarding of land for long term housing needs	Sites no longer relevant
H7 – Affordable housing	HO4
H9 – New housing densities	HO1, DS1
H10 – Mix of development	HO3
H11 – Accessible and wheelchair housing	DS1
H12 – Piecemeal development	Not included
H13 – Location of development	HO1, HO9-HO32
H14 – Living over the shop	HO1, TC2
H16 – Winter gardens	Not included
H17 – Housing development – design and layout	DS1, chapter 10
Employment	
ED1 – Provision of land to the south of Northwick Road	EC2
ED2 – Long term employment needs	EC2
ED3 – Protection of employment areas	EC1
ED5 – Piecemeal development	Not included
ED6 – Parking and servicing	TP8, TP9
ED7 – Environmental improvements	DS1, CC1, NE5
ED9 – Hazardous installations	NE9
Shopping	
S1 – Location of retail development	TC1, TC3, TC5, TC6, TC7

Saved policies 2007	Relevant policies in the new Local Plan
S2 – Shopping facilities at Rayleigh Weir	TC4
S3 – Primary shopping frontages	TC1
S4 – Non-retail development	TC1, TC2
S5 – Parking and servicing	TP8, TP9
S7 – Environmental improvements	DS1, TC2
S9 – Local shopping parades	TC3
S10 – Supermarket and retail warehouse development	TC4
S12 – Design, siting and illumination of advertisements	DS3
S13 – Proliferation of advertisements	DS3
S14 – Advertisements and public safety	DS3
S15 – Hoardings and poster panels	DS3
Transport	
T1 – Strategic highway network	TP1, TP2
T2 – Intensification of access use	TP4
T5 – New link road access to employment land	Not included
T6 – Access to employment land	EC2
T7 – Unmade roads	Not included
T8 – Car parking standards	TP8
T10 - Cycleways	TP1, TP4, TP5, TP7
T11 – Cycleway construction	TP1, TP4, TP5, TP7
T12 – Bus services	TP1, TP5
T15 – Water-borne freight	Not included
Recreation	
RE2 – Golf courses	HS3
RE4 – Provision of children’s play space and parks	HS3
RE5 – Public open space	HS7
RE6 - Allotments	HS7
RE7 – Romsey Road allotments	HS7
RE8 – Hadleigh Castle Country Park	Not included
RE9 – Informal recreation in the countryside	Not included
RE10 – Water recreation	Not included
RE12 – Public rights of way	HS3, TP4
RE14 – Planning agreements and recreational development	HO1, SD2
Community facilities	
CF1 – Social and physical infrastructure and new developments	Infrastructure Delivery Programme (IDP)
CF2 – Education facilities	HS4
CF4 – Workplace nurseries	Not included

Saved policies 2007	Relevant policies in the new Local Plan
CF6 – Places of worship and community centres	HS6
CF7 – Health facilities	HS5
CF8 – Non-residential health care	HS5
CF9 – Access and non-domestic development	Not included
CF12 – Powerlines and cables	CM1
CF13 – Phasing of development	Chapter 9 and 10
CF14 – Surface water disposal	CC3
CF15 – Water supply	CC4
CF16 - Telecommunications	CM1
CF17 – Waste recycling	CC4, TP9

Appendix Eight: Community Facilities

The Table below lists the community facilities as identified on the Policies Map. These community facilities are subject to Policy HS6.

Table 8.1: List of Community Facilities

Community facility	Address	Type of community facility
Glenwood School	Rushbottom Lane, Thundersley	Education
Montgomerie Primary School	Rushbottom Lane, Thundersley	Education
Woodham Ley Primary School	Rushbottom Lane, Thundersley	Education
St George's Church	Rushbottom Lane, Thundersley	Religious establishment
St George's Medical Practice	Rushbottom Lane, Thundersley	Healthcare
Hesten Day Centre	Off Church Road, Thunderlsey	Community centre
The Robert Drake Primary School	Off Church Road, Thunderlsey	Education
Great Tarpots Library	London Road, Thundersley	Library
Thundersley Methodist Church	Kennington Avenue, Thudnderlsey	Religious establishment
Kingdom Hall of Jevoah's Witnesses	Selbourne Road, Thundersley	Religious establishment
St Peter's Church	Off Church Road, Thunderlsey	Religious establishment
St Peter's Pre-School	Off Church Road, Thunderlsey	Education
Kingston Primary School	Off Church Road, Thunderlsey	Education
Thundersley Primary School	Dark Lane, Thundersley	Education
Little Footprints Nursery	Dark Lane, Thundersley	Education
Hart Road Surgery	Off Hart Road, Thundersley	Healthcare
Cedar Hall School	Off Hart Road, Thundersley	Education
Thundersley Congregational Church	Kenneth Road/ London Road, Thundersley	Religious establishment
SEEVIC (USP) College	Kiln Road, Thundersley	Education
Castle Point Borough Concil	Kiln Road, Thundersley	Community centre
Runnymede Leisure Centre	Off Kiln Road, Thundersley	Sport and recreation
Runnymede Pre School	Off Kiln Road, Thundersley	Education
Runnymede Hall	Off Kiln Road, Thundersley	Community Hall
The Deanes School	Off Daws Heath Road, Thundersley	Education
The Enchanted Wood Pre School	Off Daws Heath Road, Thundersley	Education
The Deanes Sports Centre	Off Daws Heath Road, Thundersley	Sport and recreation
Rayleigh Weir Fire Station	Rayleigh Road / Stadium Way, Thundersley	Emergency Services
Rayleigh Ambulance Station	Claydons Lane, Thundersley	Emergency Services
Daws Heath Social Hall	Off Daws Heath Road, Daws Heath	Community Hall
Daws Heath Evangelical Church	Off Daws Heath Road, Daws Heath	Religious establishment

Community facility	Address	Type of community facility
St Michael and All Angels Church	St Michael's Road, Daws Heath	Religious establishment
St Michael's Church Hall	St Michael's Road, Daws Heath	Community Hall
Virgin Active	Rayleigh Road, Thundersley	Sport and recreation
Westwood Academy	Beresford Close, Hadleigh	Education
The Hollies Surgery	Rectory Road / Softwater Lane, Hadleigh	Healthcare
Hadleigh URC Church	Off Church Road, Hadleigh	Religious establishment
Hadleigh Infants and Nursery School	Off Bilton Road, Hadleigh	Education
St Barnabas Church	Woodfield Road, Hadleigh	Religious establishment
St James the Less	London Road / High Street, Hadleigh	Religious establishment
The Salvation Army	London Road, Hadleigh	Religious establishment
St Thomas More Church Hall	High Street, Hadleigh	Community Hall
Hadleigh Methodist Church	Chapel Lane, Hadleigh	Religious establishment
TGH Evangelical Church	Kiln Road, Thundersley	Religious establishment
The King John School	Shipwrights Drive / Benfleet Road, Thundersley	Education
Holy Family Church Benfleet	High Road, South Benfleet	Religious establishment
Jotmans Hall Primary School	High Road, South Benfleet	Education
The Appleton School	Croft Road, South Benfleet	Education
Holy Family Catholic Primary School	Kents Hill Road, South Benfleet	Education
Kents Hill Infants and Junior School	Kents Hill Road, South Benfleet	Education
St Mary's Church Hall	High Road, South Benfleet	Community Hall
South Benfleet Primary School	Off Richmond Avenue, South Benfleet	Education
Richmond Pre-School CIC	High Road, South Benfleet	Education
Richmond Hall	Off Richmond Avenue, South Benfleet	Community Hall
Benfleet Theatre School	Off Richmond Avenue, South Benfleet	Sport and recreation
Benfleet Baptist Church	Kents Hill Road / Constitution Hill, South Benfleet	Religious establishment
Benfleet Surgery	Constitution Hill, South Benfleet	Healthcare
South Benfleet Library	Constitution Hill / High Road, South Benfleet	Library
Oasis Christian Fellowship	High Road, South Benfleet	Religious establishment
Benfleet Methodist Church	High Road, South Benfleet	Religious establishment
Church of St Mary the Virgin, South Benfleet	High Road, South Benfleet	Religious establishment
Wesley Pre School	Hall Farm Road, South Benfleet	Education
Essex Way Surgery	Essex Way, South Benfleet	Healthcare
Waterside Farm Leisure Centre	Off Somnes Avenue, Canvey Island	Sport and recreation
The Cornelius Vermuyden School	Off Dinant Avenue, Canvey Island	Education

Community facility	Address	Type of community facility
Northwick Park Primary and Nursery Academy	Off Third Avenue, Canvey Island	Education
Third Avenue Healthcare Centre	Third Avenue, Canvey Island	Healthcare
Canvey Island Heritage Centre and Museum	Canvey Road, Canvey Island	Sport and recreation
St Katherine's Church of England Primary School	Off Hilton Road, Canvey Island	Education
Winter Gardens Academy	Link Road, Canvey Island	Education
Winter Gardens Baptist Church	Hilton Road, Canvey Island	Religious establishment
Kingdom Hall of Jehovah's Witnesses	Off Meppel Avenue, Canvey Island	Religious establishment
Jewish Congregation of Canvey Island	Off Meppel Avenue, Canvey Island	Religious establishment
South Essex College - PROCAT	Off Meppel Avenue / Somnes Avenue, Canvey Island	Education
Canvey Village Surgery	Long Road, Canvey Island	Healthcare
The Surgery	Hawkesbury Road, Canvey Island	Healthcare
Canvey Junior School	Off Long Road, Canvey Island	Education
Hawkesbury Pre-School	Off Long Road, Canvey Island	Education
Canvey Island Infant School	Off Long Road, Canvey Island	Education
Our Lady of Canvey and The English Martyrs R C Church	Long Road, Canvey Island	Religious establishment
St Nicholas Anglican Church	Long Road, Canvey Island	Religious establishment
William Read Primary School and Nursery	Long Road, Canvey Island	Education
Canvey Island Police Station	Long Road, Canvey Island	Emergency Services
Canvey Island Fire Station	Long Road, Canvey Island	Emergency Services
Little Tewkes Pre-School	Dovervelt Road, Canvey Island	Education
Methodist Church	Waarden Road, Canvey Island	Religious establishment
Little Nippers Pre School	Waarden Road, Canvey Island	Education
St Joseph's Catholic Primary School	Vaagen Road, Canvey Island	Education
The Paddocks Community Centre	Off Long Road, Canvey Island	Community Hall
Central Canvey Primary Care Centre	Off Long Road, Canvey Island	Healthcare
Castle View School	Furtherwick Road, Canvey Island	Education
Willow Pre School Playgroup	Blackthorne Road, Canvey Island	Education
Canvey Island Youth Project	Poplar Road, Canvey Island	Community centre
Canvey Island Library	Elder Tree Road, Canvey Island	Library
Canvey Island War Memorial Hall	High Street, Canvey Island	Community Hall
Canvey Island Baptist Church	High Street, Canvey Island	Religious establishment

Community facility	Address	Type of community facility
The Salvation Army	Mitchells Avenue, Canvey Island	Religious establishment
Smallgains Hall	Off Creek Road, Canvey Island	Community Hall
Lubbins Park Primary School and Nursery	Off May Avenue, Canvey Island	Education
Saint Annes Church	Off St Annes Road, Canvey Island	Religious establishment
Leigh Beck Junior School	Off Point Road, Canvey Island	Education
Leigh Beck Infant and Nursery Academy	Off Point Road, Canvey Island	Education
Thundersley Clinic	Kenneth Road, Thundersley	Healthcare
Benfleet Clinic	High Road, South Benfleet	Healthcare
Hadleigh Junior School	Church Road / The Avenue, Hadleigh	Education
Hadleigh Clinic	London Road, Hadleigh	Healthcare
Sandscastles Nursery	London Road, Hadleigh	Education
Georgie Porgie Ltd	London Road, Hadleigh	Education
Queen Bee's Day Nursery and Pre School	London Road, Thundersley	Education
Thundersley Christian Spiritualist Church	London Road, Thundersley	Religious establishment
Canvey Island Transport Museum	Point Road, Canvey Island	Sport and recreation
Canvey Island Rugby Union Football Club	Dovervelt Road, Canvey Island	Sport and community



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A SPECIAL MEETING OF THE COUNCIL of the Borough of Castle Point will be held in the **Council Chamber, Council Offices, Kiln Road, Thundersley**, on **WEDNESDAY, 15TH JUNE 2022 at 7.30p.m or on the rising of Cabinet whichever is later NB Time** and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors, M.A Tucker (The Worshipful the Mayor), Ms L. McCarthy-Calvert,(Deputy Mayor), A. Acott, Ms S.A Ainsley, J. Anderson, Ms H.L Barton-Brown, D. Blackwell, Mrs. J.A Blissett, K. Bowker, B. Campagna, S. Cole, J.M. Cutler, M. Dixon, A.E Edwards, Mrs. B. Egan, E. Egan, M. J Fuller, T.Gibson, W. Gibson, P.C. Greig, S. Hart, N. Harvey, G.I. Isaacs, C.A. MacLean, P. May, S Mountford, C. Mumford, Mrs. S. Mumford, B.A. Palmer, J.A. Payne, Mrs. J Payne, C.R Riley, Mrs. C.J Sach, R. Savage, T.F. Skipp, A. Taylor, D.J. Thomas, A. Thornton, Mrs. J Thornton, Walter and G.St.J. Withers

Rob Tinlin
Interim Chief Executive

AGENDA

PART I

(Business to be taken in public)

1. Apologies for absence

2. Members' Interests

3. Notice of Motion

At the meeting of Ordinary Council on 23 March 2022, the Motion set out below was deferred without debate to the next Ordinary Council for a report to Cabinet as the Motion had budget implications Council Procedure Rule 13 applied.

Cabinet having considered the attached report at the meeting held earlier this evening, the Motion has been brought before the Council at the earliest opportunity for debate, time being of the essence.

The Local Plan examination has now been completed and in the event of the Local Plan not being adopted we call on the Council to start work immediately on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous

proposals this must be supported by robust evidence. All housing developments should prioritize brownfield development. We hope that in the interests of our borough this motion is supported on a cross party basis.

The Motion was moved by Councillor Warren Gibson and was seconded by Councillor Mountford.

CABINET

15TH JUNE 2022

Subject: Report on Notice of Motion regarding the Castle Point Local Plan

Cabinet Member: Interim Chief Executive, Section 151 Officer and Head of Place and Policy

1. Purpose of Report

To set out a response to and implications of the Motion:

'The Local Plan examination has now been completed and in the event of the Local Plan not being adopted we call on the Council to start work immediately on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence. All housing developments should prioritize brownfield development. We hope that in the interests of our borough this motion is supported on a cross party basis.'

2. Links to Council's Priorities and Objectives

The local plan seeks to achieve elements within each of the new Corporate Plan objectives - Economy and Growth, People, Place and Environment .

3. Recommendations

That Cabinet notes the implications of the Motion and refers this report to Council to inform debate on the Motion

4. Background

Notice of Motion

- 4.1 At the Ordinary Council on 23rd March 2022 the Motion in respect of the new Castle Point Local Plan set out below was deferred without debate for a report

to Cabinet on the Motion to consider the implications and report Council Rule 13 applied. The Motion as published was:

Councillor Gibson has given notice of the following:

'The Local Plan examination has now been completed and in the event of the Local Plan not being adopted we call on the Council to start work immediately on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence. All housing developments should prioritize brownfield development. We hope that in the interests of our borough this motion is supported on a cross party basis.'

The Motion is to be seconded by Councillor Mountford'

The New Castle Point Local Plan

- 4.2 The current Development Plan for Castle Point is the Castle Point Local Plan which was adopted in 1998. That plan ran to 2001 and was prepared prior to the 2004 Act, which established the 'new style' local plan based on a local development framework.
- 4.3 The 2004 Act did allow for local planning authorities with recently adopted 'old-style' local plans to save policies, which met the objectives of national policy at that time. In 2007 the Council saved some of the Policies in the 1998 Local Plan.
- 4.4 The Council is currently in a position of not having an up-to-date local plan in place. National policy changed in 2012 with the National Planning Policy Framework, and an out-of-date Local Plan puts the Council at risk of not be able to defend against inappropriate development, including on appeal.
- 4.5 On 22nd October 2019 the Council agreed to proceed with the publication of the Pre-Submission Local Plan and submit the Plan for examination, following a period of public consultation.
- 4.6 The Plan was submitted for examination in October 2020. The Inspector, Mr Philip Lewis, held hearings in May and June 2021 and issued his post hearings letter in September 2021, in which he concluded that *'Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound.'* He further stated in that paragraph that he *'will set out my reasoning for this in my final report.'*
- 4.7 Following consultation on the proposed main modifications, and the Inspector's consideration of responses to the main modifications, he published his final report on 3rd March 2022. In paragraph 220 of his Report, the Inspector, Mr Philip Lewis, concluded that:

'The Council has requested that I recommend MMs [Main Modifications] to make the Plan sound and/or legally compliant and capable of adoption. I

conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the New Castle Point Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.'

- 4.8 The Inspector's report together with a final version of the new Local Plan, the Sustainability Appraisal, Habitats Regulations Assessment and the Equalities Impact Assessment were reported to Ordinary Council on 23rd March 2022, with the recommendation that the new Local Plan be adopted.
- 4.9 The Council voted not to adopt the new Local Plan.
- 4.10 Recommendation 8 of the report for 23 March 2022, said:
- 'In the event that recommendation 2 [to adopt the plan] is not agreed, that a report be made to a future meeting of the Council.'*
- 4.11 It is not the purpose of this report to consider what a new local plan would incorporate, but to address the issues raised in the Motion. A further report will need to be made, together with a new Local Development Scheme if the Council decides to prepare a new local plan.

The report

- 5.1 The Motion before Cabinet is:

'The Local Plan examination has now been completed and in the event of the Local Plan not being adopted we call on the Council to start work immediately on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence. All housing developments should prioritise brownfield development. We hope that in the interests of our borough this motion is supported on a cross party basis.'

The new Castle Point Local Plan ("unadopted plan")

- 5.2 The current adopted Local Plan is the Castle Point Local Plan 1998. That Plan will remain as the development plan until a new plan, which replaces it, is adopted. The intention with the new Castle Point Local Plan was that the new plan would replace the 1998 Plan in its entirety on adoption.
- 5.3 Any new local plan under preparation going forward will grow in weight as a material planning consideration as it is progressed but will not carry full weight until it has been examined, found sound **and** adopted. As the situation currently stands, the unadopted local plan is a significant material planning consideration as it has been examined and found sound.

The Motion

- 5.4 The Motion as drafted suggests that the Council should in the event of non-adoption of the local plan, prepare a new local plan that, in summary:
- a) protect and preserve the precious green belt in our local area;
 - b) produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence.
 - c) Prioritise brownfield development.
- 5.5 This report takes each in turn. However, there is a logical sequence in the preparation of a plan on those principles namely to:
- a) assess local housing need;
 - b) assess the urban capacity; and
 - c) assess the need for green belt sites.

This report will, therefore, follow that sequence.

Assess local housing need

- 5.6 The report in response to the motion by Councillor Mountford that was considered at Council on 23 March 2022, sets out in detail background on housing numbers for the borough. This can be found in paragraphs 5.52 to 5.66 at:

<https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjm4n6508.pdf&ver=10444>

- 5.7 The Government state in paragraph 61 of the NPPF:

'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.'

- 5.8 The Standard methodology is, therefore, the starting point. It will be for the Council to justify an alternative approach and prove that exceptional circumstances apply. The further below the Standard Methodology target the Council plans for, greater the risk of a plan being found unsound. In addition, the Council will still need to demonstrate where any unmet need will be accommodated.
- 5.9 The Council will need to commission an assessment of housing need that is independent of the standard methodology, but robust enough to be successfully examined and found sound. The methodology of determining objectively assessed needs verifiable data on population (the 2021 Census may be available) and household formation projections. It will also need to take account of affordability, concealed households and inward and outward migration, economic and jobs growth within the Borough and surrounding area (out commuting) and other factors.

- 5.10 The standard methodology is based on the 2014 Household Projections (ONS) which have been updated since. The most recent projections (2018) show the projected number of households to be lower than the 2014 projections. Therefore, a new assessment will need to test both the 2014 and 2018 household projections. There is a potential argument to central Government that the 2014 household projections should not be used. However, this is not an easy argument, as it does not necessarily deal with economic growth and the needs of concealed households.
- 5.11 The Council will need to commission this work through a specialist consultant. However, as with all local plan evidence, it must be independently prepared and a robust examination of all the data and evidence rather than having a pre-determined conclusion. It will be for the Council to decide how that evidence is used and whether the development needs can be accommodated within the borough. Unmet need will have to be met elsewhere, however.
- 5.12 An independent assessment was prepared for the unadopted local plan. The South Essex Strategic Housing Market Assessment (SHMA) in 2017 concluded that the housing need for the Borough was 311 dwellings per annum. However, that was prepared prior to the introduction of the standard methodology. The South Essex planning authorities have commissioned a new SHMA: this will provide a starting point for assessing need in Castle Point.
- 5.13 The housing needs assessment will also need to set out what type of dwellings are required. This will take into account demographics; the housing register; aspirations for those seeking a new home; the needs of concealed households; and specialised housing, amongst others. This will provide the Council with a target for affordable housing and housing mix.
- 5.14 The housing mix requirements affects the potential site selection and densities. The unadopted plan set a target of up to 40% affordable housing and a balance of 68% houses, 25% bungalows and 7% flats: as well as 22% two-bed homes, 43% three-bed, and 29% four or more bed.

Assess the urban capacity

- 5.15 Running alongside an assessment of need, work will need to be undertaken on a new urban capacity assessment. This will incorporate the findings of the previous assessments; a call for sites to demonstrate that the sites are deliverable; a sustainability appraisal of each site; and an appraisal of whether the sites are developable, and for what scale of development.
- 5.16 Urban land is a finite resource, in particular brownfields urban land. Each year the Council must publish a Register of Brownfield sites. Those sites are already factored into the housing supply contributing an estimate 179 homes.
- 5.17 In addition, the unadopted plan includes a total of 272 homes on policy compliant sites – small sites in the urban area – and a windfall allowance of 600 (sites not yet identified).

- 5.18 The unadopted plan also includes allocations on brownfield and urban sites totalling 1,272 units.
- 5.19 Together with extant permissions (as at 1 April 2021) the above suggest an urban capacity (and non-urban extant permissions) of 2,323 dwellings. This would be the baseline for a new study.
- 5.20 However, in order to achieve the standard methodology target this is not enough. It may also be insufficient to meet an independently assessed need. In such a scenario the urban capacity study will need to consider the implications of achieving higher figures within urban areas. This could be in the form of higher densities. What must be borne in mind, however, is that higher densities are usually in the form of flatted development, but current evidence suggests that only 7% of the new homes requirement is for flats. This is something that the new evidence will need to test.
- 5.21 Alongside this work and the preparation of a new local plan, viability assessments will be undertaken, and a new infrastructure delivery plan prepared. The evidence prepared to support the Community Infrastructure Levy (CIL) concluded that brownfield sites are less viable which may mean it is not possible to secure high levels of affordable housing, and large infrastructure contributions.

Assess the need for Green Belt sites

- 5.22 The report in response to the Motion by Councillor Mountford that was considered at Council on 23 March 2022, sets out in detail background on housing numbers for the Borough. This can be found in paragraphs 5.39 to 5.51 at:

<https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjm4n6508.pdf&ver=10444>.

- 5.23 National policy is clear (NPPF paragraph 140):

‘Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.’

And (NPPF paragraph 141):

‘Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) *makes as much use as possible of suitable brownfield sites and underutilised land;*

- b) *optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) *has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.'*

- 5.24 Even though an objective of a new plan is to protect the green belt from development, in order to demonstrate that there is no need for green belt allocations and such an approach is sound, the tests outlined above will need to be satisfied.
- 5.25 Members also need to note that if the objective is to protect the green belt, that will include all of the green belt. Whilst it is not the objective of a local plan examination Inspector to allocate additional sites, if the Council does not have clear evidence the Inspector may find the plan unsound or ask the Council to find land for additional development. If that means that a limited green belt release, is required, then a green belt review will be required of all of the borough.
- 5.26 Part c of paragraph 141 of the NPPF, implies that where need cannot be met that through discussions with neighbouring authorities need could be met elsewhere. However, through duty to cooperate, nearby local authorities have advised that they are not prepared to accept any unmet need and similarly experienced the same issue in making their own plans. Indeed, through duty to cooperate they have asked Council officers, if Castle Point would be willing to take any of their unmet need. This has been resisted.
- 5.27 A new plan that does not meet housing need (as defined by the standard methodology) and in order to meet that need does not allocate sufficient land, including green belt, will be subject to objections for landowners, housebuilders and developers. The most robust argument in favour of the Council's approach will be needed.

6. Implications

Status of the unadopted plan

- 6.1 Preparation of a new local plan has significant implications for the unadopted plan. The Motion does not specifically call for the withdrawal of the unadopted local plan. However, in order to prepare a new local plan and have that plan examined, the unadopted plan would have to be withdrawn. The options and implications for doing so, are set out below.
- 6.2 The Planning and Compulsory Purchase Act 2004 ("the 2004 Act") states in section 22 that:

‘22 Withdrawal of local development documents

- (1) A local planning authority may at any time before a local development document is adopted under section 23 withdraw the document.’*

Section 23 refers to the powers of an authority to adopt a local plan.

- 6.3 It is, therefore, permissible for a Council to withdraw a plan prior to adoption, although it should only be done in consideration of all of the risks.
- 6.4 Withdrawing a local plan to prepare a new plan has very significant implications:
- a) The Council will not have an up-to-date local plan in place. This means that decisions on planning applications will have to take into account the 1998 Plan and the NPPF.

Planning law is clear, as set out in paragraph 2 of the National Planning Policy Framework (NPPF) that:

‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.’

If the unadopted plan is withdrawn, that plan ceases to be a material consideration, as it effectively no longer exists.

As a consequence, the Council will have less control through an up-to-date suite of policies to ensure that development proposals provide maximum benefit for the Borough and minimum harm and to most effectively secure affordable housing and infrastructure. The NPPF does provide significant obligations on developers, it does not set local thresholds for things such as affordable housing, which the government expects local plans to do.

Withdrawing the plan does not mean that speculative developments will cease or that planning applications for sites allocated in the unadopted plan will not be submitted. Some developers have already undertaken pre-application public consultation and are preparing planning applications for sites allocated in the unadopted plan.

Officers will do everything they can to ensure that development proposals have the minimal impact on the environment and amenities of residents, but without an up-to-date local plan or an unadopted but sound local plan, the ability to do so is diminished.

- b) Until a new plan is adopted, the Council will not be able to demonstrate that there is five-year housing land supply and passing the annual housing delivery test will not be possible (the test’s annual target is the standard methodology figure).

The Authority Monitoring Report is clear that housing delivery remains below 50% of the target and the Council is failing the Housing Delivery Test. This

puts the Borough at risk of continued inappropriate speculative development including within the green belt, and results in a small number of affordable homes being built.

- c) Without a supply of development sites, affordable housing delivery will be at risk. The Council has a current waiting list of about 600 households, which is growing annually faster than people can be housed through relets.

The unadopted local plan not only allocates sufficient housing land to meet the assessed need, it includes an affordable housing policy that would secure up to 40% of the new dwellings as affordable (and could have delivered around 1,200 affordable homes). In addition, the viability of these sites has been tested through the plan making process, and proven that affordable housing, and infrastructure can be provided.

- d) Without an up-to-date local plan in place, there is an increased risk of appeals and associated costs. It is difficult to quantify what the full implications will be without knowledge of what applications will be submitted and what the grounds for an appeal will be.

Although in the event of the plan being withdrawn, its policies cease, the evidence that was used to prepare the unadopted plan remains and will be used by developers as justification for their proposals for sites that were allocated in the unadopted plan.

The risks were set out in paragraphs 6.17 to 6.19 the report to adopt the plan on 23 March 2022:

'During plan preparation a critical factor in demonstrating whether a site is developable, or deliverable is through discussion with prospective landowners and developers. The Council has established the Local Plan Delivery Board as a discussion forum to ensure that developers submit planning applications that accord with the Plan and can deliver, inter alia, the necessary infrastructure, highest quality standards and affordable housing. The formation of this board was a recommendation of the Development Control Peer Review.'

In the event that the plan is delayed or not adopted, it is highly likely that the developers will continue with the preparation and submission of planning applications. Without an up-to-date local plan, there is a risk that the Council would decide to refuse planning permission. Developers will contend that there are very special circumstances to grant planning permission and appeal a decision to refuse.'

The evidence that informed the current plan remains valid, as are the conclusions in the Inspector's report. The Inspector has examined the plan using this evidence and is satisfied that the evidence supports the plan and its soundness. Whilst the weight attributed to an Inspector's conclusions does not hold the same weight as an adopted plan, in the absence of an adopted plan and no five-year land supply, there is a risk of the evidence being used successfully by developers on appeal.'

It must also be borne in mind that should the Council lose more than 10% of appeals, the Secretary of State could exercise their Designation powers under Section 62A of the Town and Country Planning Act to determine planning applications. The Secretary of State used those powers for the first time in February 2022, when he served notice of designation on Uttlesford.

- e) There remains a risk of Government intervention. Notwithstanding statements in the last year regarding planning reforms, the Secretary of State and Housing Minister want plans in preparation to proceed in accordance with the current regulations, national guidance, and local development schemes. This was set out in some detail in the report on the Motion by Councillor Mountford reported to Council on 23rd March 2022.

In 2018 the Council was put on formal notice of possible intervention by the Secretary of State. Unless the Council made progress in its plan making, the implications of the intervention notice was that the Secretary of State would appoint another body to prepare a new local plan. The Council has avoided full intervention by the progress made on the Local Plan, but withdrawing the plan puts the Council back to where it was in 2017/2018.

Section 27 of the 2004 Acts states that

‘...if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document

(2) The Secretary of State may—

(a) prepare or revise (as the case may be) the document, or

(b) give directions to the authority in relation to the preparation or revision of the document...

In doing so the Secretary of State will also hold an examination and publish any modifications to his plan.

The Secretary of State also has powers by the 2004 Act to approve the Plan. Sub-section 5 of Section 27 states that:

(5) The Secretary of State may—

(a) approve the document, or approve it subject to specified modifications, as a local development document,

(b) direct the authority to consider adopting the document by resolution of the authority as a local development document, or

(c) (except where it was prepared or revised by the Secretary of State under subsection (2)(a)) reject the document.’

In order for the Secretary of State to use his powers he will need to be aware of the risk of a sound plan not being adopted or withdrawn.

Secretary of State approval of a local plan is not something that is to be taken lightly. For the Council it indicates that there is a failing in the ability of the Council to adopt a plan. For the Secretary of State, although the powers exist, it is seen as imposing on local decision making.

The Secretary of State now knows the outcome of the examination process and that the Council did not adopt the plan in March 2022. The withdrawal of the unadopted plan may be taken by the Secretary of State as unsatisfactory and could trigger a call-in.

- f) The financial implications of withdrawing the unadopted plan and preparing a new plan are set out in paragraphs 7.1 to 7.10 of this report.

Members will need to note that in addition to the direct costs, the costs incurred in the preparation and examination of the unadopted plan amounted to £1.4 million. Much of this was spent on producing evidence, but also the examination costs which in themselves amounted to c£130,000.

Officers will test the evidence to see whether it needs updating or a completely new set, but a new local plan will need to be examined and similar costs could be incurred.

If the Council decides to prepare a new local plan, a full report will need to be made to Council on a Local Development Scheme which will set out the process (including engagement), resources and timetable for preparing a new local plan.

- g) There is a risk that a new plan will not be found sound.

A new plan that does not meet the requirements of the standard methodology is likely to be challenged and the Council should only proceed if it is certain it has the most robust justification for doing so. If it does not, there is a high likelihood that the plan would be found unsound.

- h) There could be a negative impact on infrastructure investment. The Infrastructure Delivery Plan that accompanied the unadopted plan set out the infrastructure needed to support growth. Securing that investment will be in doubt. Whilst the need for the new infrastructure to support growth is diminished, not having the tools to obligate developers and provide the strongest justifications for grant investment will impact on the Council's ability to address infrastructure issues in the Borough. This includes revenue from CIL.

After the Council meeting in March, the CIL Examiner has asked the Council to set out the implications of non-adoption and asked for an addendum to the Infrastructure Delivery Plan and Viability assessment, effectively stripping out the local plan sites.

- i) The Government require that each local planning authority has an up-to-date local plan in place by the end of 2023. The preparation of a new plan to replace the unadopted plan is unlikely to be completed by that date. The Council is at risk of failing to meet that deadline. It is not clear what the sanction from the government would be, however.

Planning Reform

- 6.5 The Government published the Levelling Up and Regeneration Bill on 11 May 2022. That Bill contains changes to the planning system. There is no definitive timetable for the passage of the Bill towards enactment, although it was announced in the Queens Speech on 10 May for this parliamentary session.
- 6.6 The Government has also announced that there will be further revisions to national planning policy and a revised NPPF. It is not clear what that will contain. It would not be appropriate to speculate on what may or may not be in revised national policy.
- 6.7 If works start on a new local plan, any changes in national policy will need to be taken into account as they emerge.

7 Financial Implications

- 7.1 The Motion calls for the preparation of a new local plan. This will at some point require the withdrawal of the unadopted plan.
- 7.2 Should a new local plan be prepared; the Council will find itself with significant costs to fund. The estimated costs are shown in the following table. With such significant costs, this is very clearly an issue which could have an impact on the financial stability of the whole Council.

	2022/23	2023/24	2024/25	Total
	£000s	£000s	£000s	£000s
Plan formulation	855	855	0	1,710
Staffing	150	150	0	300
Costs of appeals	338	1,262	295	1,895
Total	1,343	2,267	295	3,905

- 7.3 The cost of appeals is an estimate based on planning applications being submitted on all of the strategic allocations in the green belt in the unadopted plan and the costs the Council may incur if the developments are allowed on appeal and costs awarded against the Council. This will be offset to some extent by the additional planning application fees and does present a worst-case scenario.
- 7.4 The table does not include the Government intervention costs likely to be recharged to the Council by the Department for Levelling Up, Housing and Communities should they intervene under section 27 of the Planning and Compulsory Purchase Act 2004.

- 7.5 Also excluded is North West Thundersley which is referenced in the unadopted plan as a possible area for long term development. If the Council was to pursue that area in a new local plan the costs of evidence and master planning is estimated at about £900,000.
- 7.6 Every year, the Council's Section 151 Officer (Strategic Director, Resources) is required under section 25 of the Local Government Act 2003 to report on the adequacy of the proposed financial reserves, and this is done within the Policy Framework and Budget Setting Report.
- 7.7 Whilst a very small amount is allowed for as a provision for planning appeals, that envisages only the usual 'business as usual' type appeals rather than appeals on larger sites such as those coming forward in the local plan. Consequently, the Council does not have the reserves earmarked to meet the estimated costs shown above, whilst any significant use of the reserves could result in the Section 151 determining the proposed financial reserves are inadequate.
- 7.8 With reserves unavailable to fund the estimated costs, the Council would instead need to find new savings in order to balance the budget. Service areas have already, as part of the 2023/24 budget process, been identifying savings so that the existing budget gap of £1.4m (as reported in the Policy Framework and Budget Setting for 2022/23 report) can be closed.
- 7.9 Given services have already been identifying savings, and against the backdrop of the Council needing to find savings in prior years as Government funding as reduced, there are no easy options that remain. Should the Council need to incur the estimated costs above, the Council's activity will need to be scaled back significantly with a number of non-statutory services being reduced or, more likely given the scale of the issue, ceased altogether.
- 7.10 The Council has a legal requirement to set a balanced budget, with a risk of significant Government intervention if there is or, in the opinion of the Section 151 Officer, is likely to be an unbalanced budget. Therefore, in the event significant additional savings are required, a report containing an initial analysis of available options will be presented to a future Council meeting for consideration.

8. Corporate Implications

(a) Financial Implications

These are set out in a main report

(b) Legal Implications

The Council has a statutory duty to prepare and maintain an up-to-date local plan. Sanctions of intervention are included within the Planning Acts as set out in the main report.

The report also highlights the implications for decision making, appeals and ability to secure necessary infrastructure and affordable housing. In defending appeals, the Council may need legal representation.

There is also a risk of judicial review into any decision by the council to withdraw the plan.

(c) Human Resources and Equality Implications

Human Resources

It is likely that should applications on sites allocated in the draft plan result in appeals, the Council will need to employ consultants to represent the Council at those appeals. Officers who represented the Council in support of the plan would be precluded from arguing against the development of the same sites by the RTPI Code of Ethics and Professional Standards (rtpi.org.uk).

Preparing a new plan will require new staff. The new plan will need to be adopted by the end of December 2023, to meet the Government's deadline. This is less than two years away. In response to the decision to withdraw the Plan, the Housing Minister advised Basildon Council that he may consider intervention, unless progress is made towards a new plan.

It will be more difficult for the Council to attract new professional staff, and retain existing staff, if the uncertainty of the local plan remains.

Should the Council be in the position of needing to find new savings to fund the costs shown in paragraph 7.2 above, it is likely that a reduction in services will be required.

Equality Implications

A new local plan will be subject to an equalities impact assessment at each stage.

(d) IT and Asset Management Implications

The unadopted Local Plan includes green belt releases of two parcels of land owned by the Council: the Former WRVS site in South Benfleet and land to the east of Kings Park Village. The Plan also includes the allocation of the Hadleigh Island site, which is partly owned by the Council.

The Government have announced greater investment in a digital approach to planning, including plan making. Details of this are awaited, but investment in IT may be required by the Council, unless New Burdens Funding is made available.

8. Background Papers

As highlighted in the report

Report Author:

Ian Butt – Head of Place and Policy
Lance Wosko – Manager of Financial Services.

Appeal Decisions

Inquiry held between 26 April – 6 May 2021

Site visits made on 1 April 2021 and 4 May 2021

by C Masters MA (Hons) MRTPI

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

Decision date: 14 June 2021

Appeal A: APP/B1930/W/20/3265925

Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Canton Ltd against St Albans City & District Council.
 - The application Ref 5/2020/1992/LSM was dated 28 August 2020.
 - The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath.
-

Appeal B: APP/C1950/W/20/3265926

Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Canton Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/2248/OUTLINE, dated 28 August 2020, was refused by notice dated 2 December 2020.
 - The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath.
-

Decision

1. The appeals are allowed and planning permission is granted for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath, in accordance with the terms of the applications: 5/2020/1992 /LSM dated 28 August 2020 and 6/2020/2248/OUTLINE dated 28 August 2020, subject to the conditions set out on the attached schedule.

Preliminary Matters

2. The boundary between St Albans City & District Council (SADC) and Welwyn Hatfield Borough Council (WHBC) transects the appeal site with the proposed access falling within WHBC off Bullens Green Lane and the western part of the site abutting Roestock Park and the Pumping Station falling within SADC. The planning applications, subject to these appeals, were essentially the same and were submitted to each of the planning authorities and considered collectively at the same public inquiry. For this reason, I have considered the proposed scheme in its entirety rather than as two separate and divisible schemes. I have thus determined the appeals on that basis.
-

3. In the context of appeal APP/B1930/W/20/3265925, this scheme was presented to planning committee on 18 January 2021 to request that members confirm how they would have determined the application had it not been subject to an appeal against non determination. At this committee meeting, it was resolved that the Council would have refused planning permission.
4. The reasons for refusal given by WHBC and putative reasons by SADC were similar, in respect to objections related to the suitability of the location, character and appearance, highways, ecology, archaeology, impacts on local infrastructure and services, Green Belt and heritage matters.
5. It was common ground that the Councils could not demonstrate a 5 year supply of housing sites. However, the parties disagreed on the extent of this shortfall. It was agreed that the variation between the two parties was not a matter which was material to the decision on these appeals. I will return to this matter below.
6. Since the appeals were submitted, the appellant has submitted an updated Ecological Impact Assessment. An agreed statement of common ground (SoCG) was submitted prior to the start of the inquiry which set out, amongst other things, principal matters of agreement and disagreement. This confirmed that objections relating to archaeology, ecology and impacts on local infrastructure and services could be addressed by suitably worded conditions/the completion of a Section 106 Agreement. Where necessary, I return to these matters within my report. In addition, appendix A to the SoCG included an agreed facilities plan illustrating the location and average distances to a number of services and facilities within Colney Heath and beyond. I return to this matter below.
7. At the start of the inquiry, a further SoCG was submitted in relation to highways matters. The Councils, Hertfordshire County Council (HCC) as highways authority and the appellant agreed that the appeals would have an acceptable impact on highways safety and therefore reason for refusal (RfR) number 3 on the WHBC decision and putative RfR number 4 of SADC were therefore withdrawn. Notwithstanding this position and in light of third party representations in relation to this issue, this topic was still subject to a round table discussion as part of the inquiry.
8. A replacement access drawing was submitted prior to the inquiry. It was subject to a separate consultation. Neither WHBC or SADC objected to the plan being substituted and all parties had an opportunity to comment on the drawing. Accordingly, I do not consider anybody would be prejudice by my taking this drawing into account and have considered the appeals on this basis.
9. The appellants submitted an unsigned Section 106 (S106) to the inquiry. This was discussed at a round table session and I allowed a short amount of time after the inquiry for the document to be signed. The signed version was received on 24 May 2021. The agreement made included a number of obligations and provision for payments to be made to WHBC, SADC and HCC. I return to this matter below.

Main Issues

10. The appeal site is located within an area of Green Belt. It was agreed between the appellant and the Councils that in the context of the Framework, the

proposals would present inappropriate development within the Green Belt, a matter that must attract substantial weight against the proposals. I concur with this view. As a result and against the background I have set out above, the main issues are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- the effect of the proposed development on the setting of the nearby listed building 68 Roestock Lane;
- whether the site is in an accessible location with regards to local services and facilities;
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Effect on Character and Appearance

11. The appeal site comprises a parcel of land of approximately 5 hectares on the eastern edge of Colney Heath. It is bounded by residential development to the northern boundary. There is a short terrace of cottages to the eastern corner along Bullens Green Lane before the boundary opens out into open countryside and beyond. To the south, the site is contained by Fellowes Lane where again residential dwellings are present on the south western corner. The western boundary comprises Roestock Park and the Pumping Station.
12. The parties agree that the site is not a valued landscape under the Framework paragraph 170 definition and that no other landscape designations are applicable to the appeal site. The Hertfordshire Landscape Strategy, 2005 notes the site is located within the Mimms Hall Valley, where the landscape character is described, amongst other things, as being strongly influenced by the major transport routes and the surrounding settlement which give it an urban-edge rather than rural character.
13. The A1 and railway line do not have any visual impact on the appeal site. From what I saw on the site visits, the character of the area is a mix of edge of settlement and countryside. Walking along the footpaths which traverse the site, the experience is one of being on the edge of a settlement rather than a wholly rural context. Whilst the open countryside to the south and east is clearly visible, the surrounding residential properties either facing the site or their rear gardens and associated boundary treatment is also clearly visible. These range in scale and form from bungalows fronting Fellowes Lane, glimpsed views of the 3 storey dwellings within Admiral Close and Hall Gardens and the rear elevations and gardens of properties along Roestock Gardens. Bullens Green Lane and Fellowes Lane serve to enclose the appeal site and provide a degree of containment from the wider countryside and beyond. My judgement leads me to conclude that the site strongly resonates with this urban edge definition provided by the 2005 Landscape Strategy.

14. Turning to consider the area beyond the appeal site itself, the sense of countryside prevails via the public footpath network and road network. These public footpaths continue within Bullens Green Wood and further beyond the appeal site at Tollgate Farm. Contrary to the views expressed by the Council, my experience of the views to the appeal site within Bullens Green Wood are of glimpse views of the appeal site. From the south and in the wider landscape context, the appeal site appears against the backdrop of the existing dwellings as a relatively self contained parcel of land on the edge of the settlement. These longer distance views of the appeal site reinforce the urban edge definition.
15. The Councils contend that the appeal site provides a positive element of the countryside that frames Colney Heath. I do not agree. The very clear sense of countryside is only evident when you travel beyond the appeal site south along Tollgate Road. Here the landscape character changes from mixed residential and open field to predominantly open fields with dotted farm buildings and isolated residential dwellings set within this open landscape. This is entirely different to my experience of the appeal site which I have outlined above.
16. The Councils raised specific concerns regarding alleged harm which would arise as a result of the new vehicular access off Bullens Green Lane and also the new pedestrian footpath and access point along Fellowes Lane. The new access road would be located towards the northern end of Bullens Green Lane, where the character of the existing area is already influenced by cars parked on the public highway, and the visibility of the residential properties beyond, all contributing to the edge of settlement character. Along Fellowes Lane, a new pedestrian access to the site would be introduced along with a public footpath. These characteristics are entirely compatible with the urban edge environment which currently exists.
17. The changes brought about by the built development and changes to the surrounding roads would result in visual changes to the area, which in my view would be localised in impact. Landscaping of the site which would be the subject of any reserved matters submission would mean that in the context of the existing immediate locality, the impacts of the development would be significantly reduced over time. Nevertheless, the proposed development would introduce built development here where currently no development exists which would cause some harm to the character and appearance of the area.
18. Taking into account all of the above factors, I conclude that the proposals would cause limited harm to the character and appearance of the area. I attach moderate weight to this factor. There would be conflict with policy D2 of the Welwyn Hatfield District Plan, 2005. Policy D2 requires all new development to respect and relate to the character and context of the areas. Proposals should as a minimum maintain and where possible should enhance or improve the character of the existing area.
19. The Council have also referred to policies D1, RA10 and RA11 in their reasons for refusal. Policy D1 requires a high standard of design in all new developments. Policy RA10 relates specifically to the Landscape Character Assessment outlined above, requiring proposals to contribute, where appropriate to the maintenance and enhancement of the local landscape character. Policy RA11 refers to the location of the site within the Watling Chase Community Forest boundary. The policy requires, amongst other things,

that proposals seek to include planting, leisure and landscape improvements, where this accords with Green Belt policies. I shall return to the matter of Green Belt below. However, in broad terms I see no reason why these policy objectives could not be readily achieved at reserved matters stage through an appropriately designed scheme and landscape strategy for the site.

20. For the same reasons, the proposals would conflict with policy 2 of the St Albans Local Plan, 1994. Policy 2 of the St Albans Local Plan 1994 identifies, amongst other things, Colney Heath as a Green Belt settlement whereby development will not normally be permitted except for the local housing needs, local services and facilities needs of the settlement and development must not detract from the character and setting of the settlement.
21. The Council have also referred me to policies 69, 70 and 74 of the St Albans Local Plan, 1994. There would be some conflict with policy 69. In relation to the requirements regarding scale and character in terms of plot ratios, height, size and scale, as well as the requirements in relation to materials, I can see no reason why these matters could not be satisfactorily addressed at the reserved matters stage. However the policy also cross references to the requirements of policy 2 outlined above which I have already identified a conflict with. Policy 70 goes on to set out a number of design criteria and layout criteria including but not limited to the dwelling mix, privacy between dwellings, parking and materials. Policy 74 relates specifically to landscaping and tree preservation. Again noting this is an outline scheme, and subject to the reserved matters submission, I can see no reason why the matters raised by policies 70 and 74 could not be appropriately addressed at the reserved matters stage.

Purposes of including land within the Green Belt

22. The Framework and in particular paragraph 133 makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics. It was common ground between the parties that the proposals represent inappropriate development as identified by the Framework. In terms of the five purposes of the Green Belt identified at paragraph 134 of the Framework, it was also common ground that the key tests in the context of these appeals are the effect on openness, encroachment and urban regeneration. I deal with each of these matters in turn.

Openness of the Green Belt

23. The appeal site comprises an open agricultural field with a number of public footpaths which traverse the site. It is entirely free from built development. The appeal proposals would introduce built development to the site in the form of 100 dwellings with associated access roads and pavements, residential gardens, open space and driveways. The precise layout and form of the development would be determined at reserved matters stage. Even taking into account the potential for boundary treatment and landscaping which could include open green space and play space and could be integral to the layout of the residential development proposed, this would have the effect of a considerable reduction in the openness of the site. The proposals would lead to conflict with policy 1 of the St Albans District Council Local Plan, 1994. This policy identifies the extent of Green Belt within the Borough, and outlines the developments which would be permitted which broadly align with the

development identified by the Framework. This, harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.

Safeguarding the countryside from encroachment

24. It was generally agreed that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. This is a view that I share. In terms of the impact of the development on the purpose of safeguarding the countryside from encroachment, my attention has been drawn to a number of background evidence documents including Green Belt studies. These include a report prepared by SKM Consultants in 2013 which included an assessment of Green Belt in both WHBC, SADC and Dacorum Borough Council. Here, the appeal site is assessed as part of parcel 34, a 419ha parcel of land. Reflective of the size and scale of the parcel of land, the report sets out a number of key characteristics of the land. With reference to the gap between Hatfield and London Colney, preventing the merger of St Albans and Hatfield, and preserving the setting of London Colney, Sleepshyde and Tyttenhanger Park, the report states that the parcel makes a significant contribution towards safeguarding the countryside and settlement pattern and gaps between settlements. These characteristics bear little or no relationship to the appeal site, and given the sheer size and scale of the land identified within the report when compared to the appeal site, I place only very limited correlation between the conclusions drawn here in relation to the function of the land or assessment of its function relative to the purposes of the Green Belt when compared to the appeal site.
25. The most recent Green Belt Assessment which was prepared in relation to the WHBC Local Plan review is noted as a Stage 3 review and was prepared by LUC in March 2019. Only the part of the appeal site which falls within Welwyn Hatfield forms part of the assessment, and is included within the much wider site area known as parcel 54. The report notes that whilst residential development is visible across much of the parcel, the parcel *as a whole* makes a significant contribution to the safeguarding of the countryside from encroachment. The report notes that the impact of the release of the parcel *as a whole* from the Green Belt would be moderate-high, however the impact on the integrity of the wider Green Belt would be limited. Again, I place only limited weight on the findings of this report relative to the appeal site as the assessment and conclusions drawn relate specifically to parcel 54 *as a whole* which includes a much wider area and excludes part of the appeal site in any event.
26. I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences, the consequences of the development at the appeal site would mean that the proposals would have only a localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in term of the encroachment of the Green Belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

27. The harm alleged here is limited to WHBC where the Council contend that the proposal would not assist in respect of this fifth purpose of the Green Belt. I am aware that the emerging plan proposes a number of urban regeneration sites, some of which already have planning permission. However, I have no substantive evidence to suggest that the development at this site would disincentivise the urban regeneration of sites elsewhere. Given the scale of development proposed to be located within the WHBC boundary I do not consider that the proposals would be likely to adversely impact on the regeneration of urban redevelopment sites elsewhere. There would as a result be no conflict with this purpose. Again, this is a neutral factor which weighs neither in favour nor against the appeal proposals.

The effect of the proposed development on the setting of the nearby listed building 68 Roestock Lane

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. It is therefore necessary to consider the effect of the appeal proposals on the setting of the listed building itself.
29. The heritage asset concerned is a grade II listed residential dwelling. It is located adjacent to the northern boundary of the site. The house which was formerly two cottages, dates from the late C17 and has been subject to a number of modifications and extensions over the years. The dwelling is accessed from Roestock Lane. In this context, it is seen within its garden enclosure set back from the road adjacent to the Pumping Station and within the build fabric of residential development along Roestock Lane extending into Roestock Gardens.
30. From what I saw on my site visits, the significance of the heritage asset is in the main, locked into its built form and fabric. Given the mature vegetation which borders the rear garden, the extent of its setting that contributes to its significance is limited to the rear garden, and the way the front of the house addresses the main road. From Roestock Lane, the aesthetic value of the dwelling is evident through architectural detailing to the front elevation which is clearly visible.
31. The appeal proposals would see residential development introduced to the existing open agricultural field which abuts the rear boundary of the heritage asset. There would be no change to the built form or fabric of the dwelling, or the relationship of the heritage asset with its immediate garden. To my mind, these are the factors which provide the greatest contribution to the significance of the heritage asset.
32. The Council's heritage witness stated that the listed building has an historical association with the surrounding agricultural land and that the appeal site allows the listed building to have uninterrupted longer range views towards the south east. I do not agree. There is no evidence which confirms that the occupiers of the heritage asset were engaged directly with the appeal site. Neither does this serve to demonstrate any functional relationship between the appeal site and the heritage asset concerned. There is no evidence of an

existing or former access that existed between the appeal site and the heritage asset. Whilst the property may well have been at times occupied by agricultural workers, I have no doubt that this would be common to many residential dwellings in the area at that time and would indeed be reflective of the historical associations with farming in years gone past in the immediate area and beyond.

33. Turning to consider the issue of views, I am unable to agree with the Councils contention that uninterrupted longer-range views across the appeal site from the property contribute to the significance of the listed building. The extensive and mature boundary vegetation to the property provides significant screening to the boundary of the property, such that these views would at best be described as limited. In any event, given my conclusions above regarding the linkage between the appeal site and the heritage asset, I am not convinced that longer-range views from the property make any contribution to the historical significance of the dwelling. As I have already set out, the main front of the dwelling addresses Roestock Lane. That situation would not be changed. Neither, given the existing screening, that could be augmented through reserved matters, would the significance the listed building derives from its garden setting be undermined by the proposals.
34. Looking at the issue of views of the dwelling from the appeal site, the appreciation of the architectural interest of the building is limited. The rear elevation has been subject to extensions over time. The property is seen in the context of the other immediate surrounding residential dwellings which lie adjacent to the appeal site, their rear gardens and extensive and mature vegetation to these boundaries, not as an isolated heritage asset with any functional or historical link to the appeal site. The reserved matters submission will afford the Councils the opportunity for enhancements to the landscape setting in the vicinity of the site boundary.
35. It is common ground between the parties that the harm to the significance of the designated heritage asset would be less than substantial. It is also common ground that the public benefits of the scheme outweigh the less than substantial harm. For the reasons I have outlined above, even the appellants assessment at the very lowest end of the broad spectrum of less than substantial harm overstates the schemes likely effect in this context. As I have already set out, the main aspect of the dwelling is from Roestock Lane. In such views, the appeal proposals would have a very limited effect on the current position.
36. I conclude that the proposals would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy 86 of the St Albans District Local Plan (1994) which states, amongst other things, that where proposals effect the setting of a building of historic interest, the Council will have due regard to the desirability of preserving the building, its setting, or any features of architectural or historic interest which it possesses. Policy D1 is also referred to from the Welwyn Hatfield District Plan (2005). However, this policy concerns the provision of high quality design and is not of relevance to the heritage matters before me.

Whether the site is in an accessible location with regards to local services and facilities

37. The Councils contend that the appeal site is in an unsuitable and isolated location and as a result, it would fail to provide satisfactory access to services and facilities by means other than the private motor car. The appeal site is located on the eastern edge of Colney Heath. The parties agreed a facilities plan which clearly demonstrates the location of the appeal site relative to services, facilities and public transport and included walking and cycling distances from the appeal site. I will firstly assess the availability of and access to services and facilities outside of Colney Heath by means other than the private car, before turning to consider the facilities and services available within Colney Heath itself and how accessible these maybe to potential future occupiers at the appeal site.
38. In terms of public transport and travel outside of Colney Heath, there are a number of bus stops available most notably on Roestock Lane, Fellowes Lane and Hall Gardens. These are all within an 800m walking distance of the site, a flat comfortable walk. These stops provide services to both Potters Bar, Welwyn Garden City, St Albans and Hatfield Tesco Extra where more extensive shopping, medical, education, employment and leisure facilities are located. Whilst I accept that the buses serving these stops are limited in number and frequency and could by no means support regular commuting, they nevertheless provide an alternative mode of transport to the private car and could provide an important alternative to those sectors of the community who do not have access to a private car. Although the reliability of the services was questioned, I have no robust evidence to suggest that the service is so severely unreliable that it would lead me to reach a different conclusion on this issue.
39. For travel further afield, the nearest train services are provided at Welham Green, approximately 3.5km away with direct and frequent services to London. Turning to consider cycling, the Council's witness raised a number of concerns in relation to the nature of the roads and suitability for cycling. HCC as highways authority advised that cycling facilities are adequate with safe routes and access to the national cycle route network. These include National Cycle Route 61 approximately 3km from the appeal site providing access to St Albans and cycle route 12 approximately 2km to the south east providing access to both Welham Green and Hatfield. The agreed facilities plan indicates that taking into account average cycling times, a number of services and facilities would be available between 6 and 12 minutes away. I saw evidence on my site visits of both Bullens Green Lane and Fellowes Lane being well used for recreational purposes, including walkers and cyclists. Taking into account the average cycle times and distances to facilities outside of Colney Heath as set out within the facilities plan, I concur with HCC that cycling provides a reasonable alternative in this location to the private car.
40. Turning to consider journeys possible on foot, Colney Heath itself has a number of facilities and services which one would expect in a settlement of this size. These include but are not limited to a public house, primary school which has some albeit limited capacity and pre school, church, takeaway, village hall, hairdressers, scout hut, post office and mini mart. The availability of the public rights of way (PROW) within the site mean that these facilities and services could be accessible through a choice of routes, utilising the connections to

either Roestock Lane or Fellowes Lane and then onwards to the High Street. This choice of routes adds to the quality of the walking experience in this location however I acknowledge the concerns expressed regarding the use of the underpass under the A1 and the quality of the pedestrian environment provided here. In common with other lower order settlements in both SADC and WHBC, residents are expected to travel to larger settlements highlighted above for medical facilities, larger scale supermarkets, employment and secondary education and beyond. To my mind, the facilities and services available within Colney Heath and the accessibility of these facilities both on foot and by cycle mean that a number of day to day needs could be met without reliance on the private car. As a result, the location of the appeal site cannot be described as isolated. These factors weigh in favour of the appeal proposals.

41. Overall and to conclude, taking into account the essence of the Framework test as to whether a genuine choice of transport modes is on offer, the appeal proposals would in my view represent a sustainable location for new residential development.
42. My attention has been drawn to policy 2 of the St Albans Local Plan 1994 which identifies, amongst other things, Colney Heath as Green Belt settlement whereby development will not normally be permitted except for the local housing needs, local services and facilities needs of the settlement and development must not detract from the character and setting of the settlement. Given the policy wording, there would be a conflict with this policy. In relation to WHDC, I also conclude that the proposals would accord with policies SD1 and H2 of the Welwyn Hatfield District Plan, 2005. Policy SD1 confirms that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Policy H2 applies a criteria based approach to windfall residential development, which includes, amongst other things, the location and accessibility of the site to services and facilities by transport modes other than the car.
43. Policy GBSP2 is also referred to however this is a policy relating to towns and specified settlements where development will be located and the settlement of Colney Heath is not identified by the policy however the supporting text to the policy identifies Bullen's Green and refers to development to support services and facilities. Overall, the proposals would not accord with this policy.
44. Policy R1 requires development to take place on land which has been previously used or development. It goes on to state that development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land. The proposals would conflict with this policy.

Whether very special circumstances exist

45. Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or

uncommon¹. I now turn to consider the factors which I have taken into account in making this assessment.

Provision of Market Housing

46. Paragraph 59 of the Framework seeks to support the Government's objective of significantly boosting the supply of homes. In order to achieve this, the Framework notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
47. I am aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However, in common with the appeal decision² referred to, I note that this provision has not been incorporated within the Framework which has subsequently been updated and similar guidance within the Planning Practice Guidance has been removed. I can therefore see no reason to give this anything other than little weight as a material consideration.
48. It is common ground that neither SADC or WHBC can demonstrate a five year supply of deliverable homes. Whilst there is disagreement between the parties regarding the extent of this shortfall, the parties also agreed that this is not a matter upon which the appeals would turn. I agree with this position. Even taking the Councils' supply positions of WHBC 2.58 years and SADC at 2.4 years, the position is a bleak one and the shortfall in both local authorities is considerable and significant.
49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.

Provision of Self Build

50. Turning to consider the issue of Self Build, as part of the overall dwelling numbers, the proposal would deliver up to 10 self build or custom build dwellings. The Government attaches great importance to the provision of this element of the supply. Notably, paragraph 61 of the Framework identifies that planning policies should reflect the housing needs of different sectors of the community including, but not limited to people wishing to commission or build their own homes. Footnote 26 gives further explanation with reference to the requirements of the Self Build and Custom Housebuilding Act 2015 (as amended). The Planning Practice Guidance advises that local authorities

¹ Wychavon DC v Secretary of State for Communities and Local Government and Butler [2008] EWCA Civ 692.

² APP/C2741/W/19/3227359

should use the demand data from registers, supported by additional data from secondary sources, to understand and consider future need for this type of housing in their area. Furthermore, it goes onto note that the registers are likely to be a material consideration in decisions involving proposals for self and custom housebuilding.

51. In the case of these appeals, there are no development plan policies which relate specifically to the provision or delivery of self building housing in either authority. Emerging policy SP7 at WHBC identifies four allocations which would contribute towards self build plot provision although the allocations do not specify how many plots. Furthermore, neither authority has an up to date assessment of likely future demand for this type of housing in line with the Planning Practice Guidance. The appellant provided detailed evidence in relation to the Custom Build Register, none of which was disputed. Evidence also presented demonstrated that the statutory duty to provide for base period plot provision has also not been met in either authority, in some periods by a significant margin. Taking into account other secondary data sources, these shortfalls may well be on the conservative side.
52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.

Provision of affordable housing

53. The uncontested evidence presented by the appellant on affordable housing for both local authorities illustrates some serious shortcomings in terms of past delivery trends. In relation to WHBC, the affordable housing delivery which has taken place since 2015/16 is equivalent to a rate of 23 homes per annum. The appellant calculates that the shortfall stands in the region of 4000 net affordable homes since the 2017 SHMA Update, a 97% shortfall in affordable housing delivery. If the shortfall is to be addressed within the next 5 years, it would require the delivery of 1397 affordable homes per annum. In SADC, the position is equally as serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region of 4000 dwellings (94%) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.
54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.

Other Matters

Other Appeal Decisions

55. I have been referred to no fewer than 21 other appeal decisions³ in addition to 9 Secretary of State decisions⁴ as part of the evidence before me in relation to these appeals. Both the appellant and the Councils have sought to draw comparisons and similarities between this extensive array of decisions before me for a variety of reasons. Two historical decisions at the appeal site, as acknowledged by the Councils, were determined under a different planning policy framework and accordingly I attach very limited weight to these. In relation to the appeal decision at the neighbouring site⁵, I do not have the full details of the evidence which was before that Inspector, the main issues were different to these appeals and the decision predates the current Framework.
56. Rarely will any other appeal decision provide an exact comparison to another situation. In some of the cases referred to, there are similarities in the size and scale of the proposal, in other cases there are entirely different planning policy positions, housing supply considerations, land use considerations, locational characteristics, main issues and other factors which have been weighed in the balance. Furthermore, it remained common ground that each appeal should be considered on its own merits as is the case here. It is for the decision maker in each case to undertake the planning balancing exercise and as a result, the weight I have attached to these other appeal cases is limited.

Other Matters

57. I have considered the effect of the proposals on the occupiers of the neighbouring dwellings in terms of effect on living conditions, highways impacts, flooding and loss of agricultural land. There are no objections from either SADC, WHBC or HCC in relation to these matters. I acknowledge concerns expressed by local residents in relation to existing flooding which takes place on Bullens Green Lane, however I am satisfied that appropriately worded conditions in relation to surface water and drainage can satisfactorily address any impacts of the appeal proposals in this regard. Similarly, I have no evidence before me which would lead me to reach a different conclusion to the Councils in relation to the effect of the development on the living conditions of neighbouring properties.
58. In terms of highways impacts, I acknowledge that a number of local residents have expressed concerns regarding localised congestion and parking and overall highways impacts. I am also mindful of the concerns expressed by Colney Heath Parish Council in connection with the data used to support the appeal proposals. However, taking into account the likely vehicular traffic to be generated by the development and the conclusions reached by the supporting

³ Two historical appeal decisions at the appeal site E6/1973/3202 & E6/1954/0860, APP/B1930/W/19/3235642, APP/Y0435/W/20/3251121, APP/C2714/W/19/3227359, APP/D2320/W/20/3247136, APP/P0119/W/17/3191477, APP/P1615/W/18/3213122, APP/G2435/W/18/3214451 & 3214498, APP/W0530/W/19/3230103, APP/C1570/W/19/3234530 & 3234532, APP/X0360/W/19/3238048, APP/H1840/W/20/3255350, APP/P3040/W/17/3185493, APP/L3815/W/16/3165228, APP/D0840/A/13/2209757, APP/G1630/W/14/3001706, APP/G5180/W/16/3144248, APP/G5180/W/18/3206569, APP/E2001/W/20/3250240,

⁴ APP/W4705/V/18/3208020, APP/Q3115/W/19/3230827, APP/C4235/W/18/3205559, APP/P1615/A/14/2218921, APP/A0665/W/14/2212671, APP/H1840/A/13/2199085 & 2199426, APP/P4605/W/18/3192918, APP/Q3630/A/05/119826, APP/W1850/W/20/3244410

⁵ APP/B1930/W/15/3137409

transport assessments, I concur with the view that this will not have a severe impact on the operation of the wider highways network.

59. The site access would be located off Bullens Green Lane where it is currently subject to the national speed limit. The Highways Authority consider that the introduction of a transitional speed limit restriction may be necessary to the south of the site. As a result, two Grampian conditions are proposed to address this issue. I conclude that the development would not cause harmful levels of congestion or increase risk to highway safety.
60. I note the conclusions the Councils have drawn in relation to the loss of agricultural land and the inconsistencies between the development plan policies and the Framework in this regard and can see no reason to disagree with the conclusions drawn by the Councils in relation to this matter.
61. The Councils argued that the site is not a suitable location for housing as it does not form part of the emerging policy context for either SADC or WHBC. Whilst I acknowledge this to be the case, this in itself is not a reason that the appeals should fail. In neither SADC nor WHBC is there an emerging policy position to which any significant weight can be attached. The SADC Local Plan Review was adopted in 1994, some 27 years ago. The most recent replacement plan was withdrawn. As a result, there is currently no up to date strategic housing land requirement assessment which has been subject to any rigorous soundness assessment through the local plan examination process.
62. Turning to consider the position at WHBC, the adopted plan dates from 2005, some 16 years ago. The emerging plan was submitted for examination some 4 years ago. As was outlined during the inquiry, Interim Findings issued by the Inspector in October 2020 and subsequent round up notes issued by the Inspector in March 2021 set out that findings in relation to the FOAHN, windfall allowance and green belt boundaries at proposed development sites are yet to be issued. As a result, I am unable to conclude with any certainty when the WHBC Plan will be found sound and as such attach very limited weight to this emerging plan.

Biodiversity

63. Policy R11 of the WHBC Local Plan requires, amongst other things, that all new development should demonstrate how it would contribute positively to the biodiversity of the site by meeting a number of identified criteria. In the case of these appeals, the criteria most relevant are (i) the retention and enhancement of natural features of the site and (ii) the promotion of natural areas and wildlife corridors where appropriate as part of the design. For SADC, my attention has been drawn to policy 106 of the SADC Local Plan 1994 however this policy deals specifically with the effect of planning applications on identified SSSIs, Nature Reserves, other sites of wildlife, geographical or geomorphological importance which is not applicable to the appeal site. This is a position confirmed by the Councils in their proof of evidence.
64. The appeals are supported by an amended Ecological Impact Assessment. Hertfordshire Ecology, as ecological advisors to both WHBC and SADC confirmed that subject to a suitably worded condition and obligations within the Section 106 agreement, both of which I set out later within this report, the appeal proposals adequately address the ecological impacts of the development

at the appeal site. I therefore conclude that the proposals would accord with policy R11 of the WHBC Local Plan in this regard.

Planning Obligation

65. I have taken into account the various obligations identified within the executed Section 106 Agreement with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) as well as the tests identified at paragraph 56 of the Framework. The obligation would secure a number of provisions relating to HCC, SADC and WHBC. I deal with each of these individual matters in turn.
66. A number of clauses in relation to biodiversity measures are proposed. A biodiversity offsetting contribution is included within the obligation, which would contribute towards the creation of new habitats. This would be calculated by using the Biodiversity Net Gain Matrix which provides for a financial contribution based on the formula identified by the matrix which measures and takes into account biodiversity losses and gains resulting from the development. In support of this approach, the Councils have identified that adopting the use of this matrix approach allows for landscaping and open space proposals as well as on site mitigation to be taken into account at reserved matters stage. In addition, the parties have also referred me to an alternative appeal decision⁶ to endorse the use of the Biodiversity Net Gain Matrix approach. Once calculated, a scheme would be submitted for approval to both Councils referred to as the biodiversity offsetting scheme. In addition to this offsetting, biodiversity onsite compensation would also be provided through the identification of biodiversity measures to be implemented within the site as part of an identified onsite compensation scheme. In both instances, the Councils would be approving the onsite and offsetting schemes with reference to the biodiversity metric formula approach.
67. A green space contribution, to be calculated based on the precise number of dwellings and mix, will deliver the creation of a wildflower meadow at Angerland public open space off Bishops Rise, South Hatfield. Officers confirmed that this was the closest facility to the appeal site to which improvement requirements have been identified.
68. I note the Councils expressed concerns that the appellant could rely on the green space contribution as part of the biodiversity offsetting scheme and biodiversity offsetting contribution. However the biodiversity offsetting scheme, by definition, requires a scheme to be approved by both Councils to include but not limited the identification of an appropriate receptor site(s). As a result, I consider that this matter is adequately addressed by the obligation and the concerns are unfounded.
69. Taking into account the information and evidence presented, I am content that the obligations in relation to biodiversity, including the offsetting contribution, offsetting scheme and onsite compensation are necessary, directly related to the development and fairly and reasonably related in scale and kind. I draw the same conclusion in relation to the green space contribution. These obligations therefore comply with Regulation 122 of the CIL Regulations and can be taken into account in the grant of planning permission.

⁶ APP/Y0435/W/20/3251121

70. In addition to the above, the obligation would secure the provision of affordable housing, apportioned equally between WHBC and SADC. The affordable housing scheme would also secure the mix of units and tenures. In a similar way, the obligation would secure the plots and associated provision for the self build and custom housebuilding plots on the site. A district community facilities contribution is sought, to provide improvements towards the Roestock Park Scout Hut. Obligations relating to the highways works necessary to implement the scheme, waste and recycling, bus stop improvements at Hall Gardens, travel plan, libraries contribution towards improvements to the Creator Space at Hatfield Library, education contribution for both primary and secondary school provision, youth contribution towards increased provision at Hatfield Youth Centre, indoor sports facilities contribution towards the University of Hertfordshire and/or Hatfield Swimming Pools, and medical facilities in the form of community healthcare, general medical services specified at Northdown Road and/or Burvill House Surgery and mental health contribution specified at Queensway Health Centre and Roseanne House are also included. Finally, a monitoring fee, not to exceed £5000 would be payable to WHBC to cover the reasonable and proper administrative costs of monitoring compliance with the obligations.
71. The delivery of up to 100 dwellings in this location will result in an increase in the local population, with subsequent impacts on schools, social infrastructure such as medical facilities, libraries, sports and transport. A number of the other obligations, for example the provision of self or custom build housing as well as the provision for affordable housing weigh in favour of the appeal proposals.
72. I conclude that all of the aspects of the obligations outlined above are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As a result, the obligations therefore comply with Regulation 122 of the CIL Regulations and can be taken into account in the grant of planning permission.
73. The obligation also includes a contribution towards outdoor sports facilities, specifically improving drainage at grass pitches at Welham Green recreation ground and/or towards repairs to the bowls ground in the same location. Welham Green is approximately 3.5km from the appeal site. There is an existing recreational facility next to the appeal site, as well as outdoor sports facilities, albeit within SADC, located locally within Colney Heath. I am not convinced that this contribution would be necessary to make the development acceptable in planning terms or directly related to the development. Accordingly, I do not find this part of the obligation would satisfy the necessary tests.

Conditions

74. A round table session was held at the inquiry to discuss a list of agreed planning conditions. I have considered this list of conditions with reference to the tests as set out at paragraph 55 of the Framework. Where necessary, I have amended the wording of the conditions in the interests of precision and clarity.

75. In the interests of certainty and highways safety, conditions outlining the approved plans, including the access arrangements and their implementation, as well as the visibility splays, are necessary. I have however not included the suggested condition relating to the parameter plan as I do not consider a condition relating to this is necessary or reasonable in this instance. As the proposals are in outline form only, it is however necessary to specify the reserved matters to be submitted for approval and associated time limits for their submission and subsequent implementation. Two highways related conditions are attached. The first relate to submission, approval and implementation of any necessary Traffic Regulations Order (TRO). The second relates to the provision of a safe and suitable pedestrian crossing and footway on Fellowes Lane. Both of these conditions are necessary in the interests of highways safety.
76. A condition requiring an archaeological written scheme of investigation is both necessary and reasonable in order to establish the presence or absence of archaeological remains. Conditions requiring the submission of a scheme relating to surface water drainage and also relating to the arrangements for surface water to be disposed of are necessary and reasonable to ensure the satisfactory storage and disposal of surface water from the site. To address any risk of flooding, a further condition is attached requiring the development to be completed in accordance with the Flood Risk Assessment and Drainage Strategy. In addition, to prevent contamination, conditions have been attached which require full details of any substance containers to be submitted and approved in writing and also specific details of works involving excavation. A condition relating to indoor and outdoor noise levels is both necessary and reasonable to protect the living conditions of future residents. Furthermore, a condition relating to accessible housing is justified in order to ensure the needs of accessible or wheelchair housing are met.
77. The submission of a construction management plan is required by condition 11. This is necessary in the interests of highways safety and also the living conditions of nearby residents. In order to promote sustainable transport a condition relating to the provision of electric vehicle charging points has been included. Conditions covering landscaping details, a landscaping and ecological management plan and requiring a tree protection plan and method statement are necessary to ensure that the appearance of the development is satisfactory, biodiversity impacts of the development are suitably addressed and that where necessary, to ensure that retained trees and hedgerows are protected during the course of construction.

Conclusions

78. The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. I have also attached moderate weight to harm to the character and appearance of the area. However, these appeals involves two local authority areas, both of which have acute housing delivery shortages and acute affordable housing need. The proposals would make a contribution towards addressing these needs in the form of market, self build and affordable housing in both WHBC and SADC. I have attached very substantial weight to the provision of both market housing and affordable housing. I have attached substantial weight to the provision of self build housing. These factors, when considered collectively demonstrate that very special circumstances do exist.

79. I conclude that in the case of these appeals, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, very special circumstances do exist to justify inappropriate development in the Green Belt. My findings on the other matters before me do not lead me to a different conclusion. As a result, I therefore conclude that the proposals would comply with both the Framework and the development plans taken as a whole. For the reasons given above, and having considered all other matters raised, the appeals are allowed.

C Masters

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITIES:

Matthew Fraser of Counsel Instructed by WHBC and SADC

He called:

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Chris Martin Hertfordshire County Council Children's Services
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Lindsay McCauley Hertfordshire County Council Highways

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FOR THE APPELLANT:

Zack Simons of Counsel Instructed by Russell Gray of Woods Hardwick

He called:

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Other Participants at Round Table Discussion

Paul Arnett Town Legal

RULE SIX PARTY:

John Clemow – 4ColneyHeath

INTERESTED PERSONS:

Cllr Peter Cook Colney Heath Parish Council

DOCUMENTS SUBMITTED DURING INQUIRY

CD 10.13 Appeal Decision, land at Church Lane, Wittington
CD 7.07 Extracts from SADC SHLAA 2009

SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 17981 1002 (Site Location Plan), drawing no. 18770-FELL-5-500 Rev B (Revised Site Access) and drawing no. 18770-FELL-5-501 Rev A (Proposed Footpath Connection).
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. No development of the site shall commence until:
 - a) A scheme to reduce speeds (to support the access proposals designed to 30mph) on Bullens Green Lane, Colney Heath, is provided to and approved in writing by the Local Planning Authority. Any scheme is required to be designed in line with the requirements of Hertfordshire County **Council's** (HCC) Speed Management Strategy (SMS); and
 - b) Any necessary Traffic Regulation Order (TRO) is made in respect of part a) to this condition. **'Made'** means that the TRO has been approved and can be implemented.

No occupancy of the site can occur until the Traffic Regulation Order referred to above is implemented and brought into force. Evidence of the implemented scheme, in the form of a Certificate of Completion of the Section 278 of the Highways Act 1980, must be submitted to and approved in writing by the local planning authority.
6. No development of the site shall commence until a scheme for the provision of a safe and suitable pedestrian crossing and footway on Fellowes Lane, Colney Heath, in line with drawing number 18770-FELL-5-501 Rev A in principle, is provided and approved in writing by the Local Planning Authority and is designed in line with the requirements as set out in Hertfordshire County **Council's Roads** in Hertfordshire: Highway Design Guide (3rd edition). No occupation of any part of the development may occur before implementation of the approved scheme referred to in Part 1 of the condition.
7. No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority.
 - a) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth
 - b) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.

c) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

All works shall be carried out in accordance with approved reports listed above.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

8. Development must not commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- a) The programme and methodology of site investigation and recording;
 - b) The programme and methodology of site investigation and recording as required by the evaluation;
 - c) The programme for post investigation assessment
 - d) Provision to be made for analysis of the site investigation and recording;
 - e) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - f) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - g) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- The development must not take place other than in accordance with the approved programme of archaeological works set out in the Written Scheme of Investigation.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether or not it originates on the site and must be undertaken by competent persons. A written report of the findings must be produced and the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings;
 - crops;
 - livestock;
 - pets;

- woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment must be conducted in accordance with DEFRA and the **Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'**.

Remediation Scheme

Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

9. Development must not commence until the final design of the drainage scheme is completed and sent to the local planning authority for approval. The surface water drainage system should be based on the submitted the Flood Risk Assessment and Drainage Strategy (prepared by Woods Hardwick, ref: 18770/FRA and DS, dated August 2020). The scheme must also include:
- a) Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change;
 - b) A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan;
 - c) Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance;
 - d) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing Thames Water surface water sewer;
 - e) The drainage scheme shall also confirm use of an oil/water interceptor; and
 - f) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. Development must not commence until details of all substance containers are submitted to and approved in writing by the local planning authority. These details must include:
- a) Confirmation of bunding of 110% capacity; and
 - b) Confirmation of the presence of a leak detection system and methodology that includes immediate notification to Affinity Water

11. Development must not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Management Plan must include details of:
- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements including arrangements for the PROW across the site during construction;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
 - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

12. No development above ground level shall take place until a scheme to protect the development from noise due to transport sources is submitted to and approved in writing by the local planning authority. The scheme must ensure that:

The indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Relaxed noise levels in BS 8233:2014 will not be accepted in living rooms and bedrooms unless it can be demonstrated that good acoustic design practices have been followed and the implementation of acoustic barriers/bunds to lower façade noise levels as much as reasonably practicable, have been implemented. Internal L_{Amax} levels should not exceed 45dB more than ten times a night in bedrooms; If opening windows raises the internal noise levels above those within BS8233, the mechanical ventilation will need to be installed, with ventilation rates required to meet those found within The Noise Insulation Regulations 1975. Alternative methods (such as passive systems) and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that the medium risk category is not exceeded. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the SAP Assessment; and Outdoor amenity areas must meet the 55dB WHO Community Noise Guideline Level

The approved scheme must be implemented prior to first occupation, unless the Local Planning Authority otherwise agrees in writing.

13. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the council in accordance with the following requirements:
- a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for **'accessible and adaptable dwellings'**;
 - b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
 - c) The person carrying out the building work must inform the Building Control body which requirements apply; and
 - d) Written verification of the completion of all dwellings in accord with part (a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].
14. Prior to the first occupation of the development hereby permitted the vehicular access must be provided and thereafter retained at the position shown on drawing no. 18770-FELL-5-500 Rev B in accordance with the agreed highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
15. Prior to the first occupation of the development hereby permitted a visibility splay must be provided in full accordance with the details indicated on drawing no. 18770-FELL-5-500 Rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
16. Prior to first occupation of the development hereby permitted, a minimum provision of 20% of the car parking spaces must be designated for plug-in Electric Vehicles (EV) and served by EV ready [domestic and/or fast] charging points.
17. The development permitted by this planning permission must be carried out in accordance with the Flood Risk Assessment and Drainage Strategy (prepared by Woods Hardwick, ref: 18770/FRA and DS, dated August 2020) and the following mitigation measures:
- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 9.3 l/s during the 1 in 100 year event plus 40% of climate change event;
 - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in two attenuation basins;
 - c) Discharge of surface water from the private drainage network into the Thames Water surface water sewer system located in Bullens Green Lane. The mitigation measures shall be fully implemented prior to first occupation of the development hereby approved.

Surface water must not be disposed of via direct infiltration into the ground via a soakaway.

Notwithstanding the submitted 'Updated Arboricultural Assessment – Version 2 (by FPCR Environment and Design Ltd, July 2020), a detailed tree protection plan and method statement should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

18. Full details of both soft and hard landscape works should be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments;
- f) Details of toddler play area including play equipment; and
- g) Any other structures (such as furniture, refuse or other storage units, signs, lighting)

19. A landscape and ecological management plan (LEMP) should be submitted as part of application(s) for reserved matters approval as required by Condition 1 and include:

- a) A description of the objectives;
 - b) Habitat/feature creation measures proposed
 - c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
 - d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
 - e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.
- The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.



Appeal Decision

Inquiry held on 3, 4, 5 and 10 August 2021

Site visits made on 13 July and 12 August 2021

by Peter Rose BA MRTPI DMS MCMI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2021

Appeal Ref: APP/X1925/W/21/3273701

Land south of Heath Lane, Codicote SG4 8YL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ashill Land Ltd against the decision of North Hertfordshire District Council.
 - The application Ref: 18/02722/FP, dated 8 October 2018, was refused by notice dated 22 March 2021.
 - The development proposed is 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road.
-

Decision

1. The appeal is allowed and planning permission is granted for 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road, at Land south of Heath Lane, Codicote SG4 8YL, in accordance with the terms of the application Ref: 18/02722/FP, dated 8 October 2018, and subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs has been made by Ashill Land Ltd against North Hertfordshire District Council. This application is the subject of a separate Decision.

Preliminary matters

3. The Council withdrew its second reason for refusal relating to prematurity during the Inquiry. It explained that, in the light of the evidence, the harm arising in that regard did not attract so much weight that it would in and of itself justify a refusal of planning permission. It remains the authority's position that some harm would nonetheless result from the scheme by reason of prematurity.
4. The Council advised the Inquiry that its third reason for refusal (the absence of a completed section 106 agreement) would be satisfactorily addressed once the then draft agreement had been executed. The appeal is now supported by a

completed planning agreement (the planning agreement) to that effect made pursuant to section 106 of the Act and other legislation dated 26 August 2020.

5. A request was made in evidence from Codicote Parish Council that the appeal decision should be deferred pending receipt of the Local Plan Inspector's report relating to main modifications to the emerging local plan (the ELP)¹. I deal with this matter as part of my consideration of prematurity within the main issues and in my conclusions.

Main issues

6. The main issues are:

- possible implications for the Green Belt and, in particular, whether any potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development;
- possible implications of the proposal relative to progress of the ELP and, in particular, whether a grant of permission would undermine the plan-making process.

Reasons

Green Belt

The appeal site

7. The appeal site comprises some 10.78 hectares of agricultural land to the south-west of the village of Codicote. The land is an arrangement of individual fields, distinguished by various enclosures, including footpaths, hedgerows and other planting.
8. The site is bounded by existing residential properties and by Codicote Church of England Primary School to the north-east, and by residential properties to the east and south. The appeal site inclines gradually away from its higher northern/central parts down towards the south-west and further open land beyond.
9. Other than No 66 St Albans Road and the adjacent footpath, the site is located within the Green Belt.

Inappropriate development

10. The National Planning Policy Framework (the Framework) advises that construction of new buildings is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There is no dispute that the scheme involves inappropriate development.

¹ Local Plan 2011-2031 Proposed Submission October 2016
Proposed Submission Local Plan Incorporating The Proposed Modifications

Openness of the Green Belt

11. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
12. Spatially, the scheme would result in a significant reduction in existing openness simply by dint of an extent of built development involving 167 dwellings.
13. Visually, the effect of the development would be shaped by a more complex combination of factors.
14. The site lies within the Codicote Plateau Landscape Area (Area 205) as defined by the North Herts Landscape Study (Character, Sensitivity and Capacity) (the Study). Area 205 is described as a gently rolling upland landscape plateau defined to the south and west by the River Mimram. The Study identifies large, regularly shaped fields mainly used for arable production but with parcels of grazing land and paddocks adjacent to Codicote.
15. The eastern side of the appeal site is more physically enclosed by the adjacent built forms of the village. The pattern of more intimate and relatively enclosed fields is reflective of the Study. Allied to its immediate village-edge character, this part of the site contrasts with the more open, larger scale countryside to the west. The surrounding topography and the composite nature of the fields and enclosing built development to the east also limit an immediate visual appreciation of the appeal land as one uniformly open site.
16. These characteristics lead me to concur **with the Council's assessment made as part of its ELP evidence base.**² This identifies the visual openness of the site to be mixed, but the physical openness to be high.
17. The proposed houses would be set away from the **site's western boundary** and proposed planting along the southern and western edges characteristic of the Landscape Area would limit to some degree exposure of built form from outside. The extent and quality of landscaping proposed within the site would be significant. Some 4.4 hectares of the site would comprise landscaped public open space absent of significant built form (some 41%).³
18. The impact physically and visually would be most evident in the immediate vicinity of the site at its eastern side, but less so in more distant views from the west and which would comprise relatively glimpsed exposures of upper levels of dwellings once proposed landscaping becomes established.
19. Spatially, the existing completely open character of the site, notwithstanding the enclosed and sub-divided character of individual fields, would be lost. The effect of mitigation would be to reduce the visual impact of built form as landscaping becomes established, but the spatial implications would not be similarly offset. The footprint of built form would be a permanent feature and the accompanying spatial impact upon openness would not reduce over time.
20. Visually, the proposed planting would be of merit in itself and would strengthen the characteristic vegetation and planting of the surrounding landscape.

² Appendices to North Hertfordshire Local Plan 2011 - 2031 Green Belt Review Update 2018

³ See Figure 2 of Mr **Kindred's** proof

Nevertheless, its primary purpose would be to mitigate the impact of built form and to offset the loss of countryside, and it falls to be assessed in that context.

21. I find the visual impact upon openness would vary from moderate adjacent to the existing settlement, to more significant in its more open character to the west, and this would reduce over time.
22. Taken together, I assess the overall harm to the openness of the Green Belt to be in the range of moderate-significant.

Encroachment and other Green Belt purposes

23. **One of the Framework's defined purposes** for the Green Belt is to safeguard the countryside from encroachment. No conflict has been identified with other purposes.
24. Built form would replace existing open countryside and encroachment would thereby be incurred. Given the site and scheme characteristics described, and particularly the immediate relationship to the existing built form of the village, I agree that such harm would be moderate consistent with **Council's ELP** evidence base.

Summary of Green Belt harm

25. The scheme would incur definitional harm as inappropriate development and would impose various levels of moderate-significant harm through loss of openness and through encroachment.
26. To that extent, the scheme would thereby conflict with Policy 2 of the Local Plan⁴. Amongst other things, this seeks to ensure that uses of land in the Green Belt will be kept open in character. Defined exceptions where planning permission will be granted, however, include proposals where very special circumstances apply.
27. I return to an assessment of very special circumstances as further relevant to Policy 2, and as also reflected in the Framework, as part of my planning balances to follow, and to be made in the context of all other relevant factors.

Prematurity

The Council's objection

28. The ELP is now at a very advanced stage of the local plan-making process. The main modifications consultation process has been completed and the Inquiry was advised that the **Inspector's final report** was anticipated in early Autumn.
29. The Council is concerned that it is not known what the ELP Inspector is going to say when he reports. The authority considers it possible that, in light of the consultation that has taken place on the main modifications, the Inspector will decide not to recommend that the ELP be adopted. It further maintains there are unresolved objections and, irrespective of whether opposition to a draft allocation persuades the local planning authority to change its own mind, opponents should still be given a fair opportunity to persuade an examining Inspector to uphold their concerns.⁵

⁴ North Hertfordshire District Council District Plan No.2 with Alterations Originally adopted April 1996, Saved policies under Planning and Compulsory Purchase Act 2004 Written Statement September 2007

⁵ Paragraph 48b) of the Framework is submitted to apply

30. In cross-examination, the Council's witness clarified its concerns around prematurity to relate to loss of public confidence if a key site-specific decision were to be taken in advance of plan adoption. Further, those concerns were confirmed as relating to Codicote and not to the ELP as a whole.

The current status of the ELP

31. The appeal site is proposed **for housing development in the Council's ELP**. Policy CD5 identifies a possible development of 140 homes as part of development also accommodating expansion of the adjacent Codicote Church of England Primary School on Land south of Heath Lane.
32. The allocation forms **part of the authority's strategic approach to meeting** its future housing needs. This is set out in Policy SP8 of the ELP which commits the authority to support housing growth in the period 2011-2031 by releasing sufficient land across the District to deliver at least 11,600 net new homes for **North Hertfordshire's own needs**.⁶
33. The Inquiry was informed how, at the end of the pre-Christmas 2020 ELP hearings, the Local Plan Inspector discussed the next steps. The Inspector advised that the Council could expect one of two things to happen; either to receive a letter setting out any fundamental concerns, or to proceed to consultation on further main modifications. The Inspector undertook to write to the Council raising any concerns by the end of January 2021 at the latest. No notification of fundamental concerns was received by the January deadline, and the subsequently received main modifications did not suggest any substantive change to the appeal site's **housing status**.
34. The Council agreed that the required further consultation should take place and this was limited to consultation on the main modifications. These do not include material changes to allocation CD5 relevant to this appeal.
35. The Inquiry was advised that the Inspector has raised no concerns about the inclusion of the appeal site as a housing allocation, and neither has the Council as part of that process. Despite long-standing objections to the proposal, the appeal site has been maintained by the authority as a development allocation since 2016. The Council is supporting the draft allocation and has not suggested it is contemplating changing its position in the future.

The context of local housing need

36. The Council can only demonstrate 1.47 years of an expected five-year housing land supply (5YHLS). This represents a further deterioration from 2.2 years identified at the time of its decision to reject the appeal scheme. At the time of its refusal, the Council also had the fourth lowest performance nationally for housing delivery relative to the terms of the **Government's Housing Delivery Test**. The national context is of an objective of significantly boosting the supply of homes as set out in the Framework.
37. In 2018, the authority had 2,128 live applications for general needs affordable housing, with a maximum wait time of 59 months (nearly 5 years) for a 2-bed flat, and an average wait time of some 25 months (over 2 years) across all property types. By 2021, the average wait time remained similar, but the number of applications had risen to 2,354.

⁶ Schedule of Further Proposed Modifications to the North Hertfordshire Local Plan 2011-2031, page 16

38. Since the start of the plan period (2011) only 518 affordable homes have been constructed. This amounts to 18% of net completions relative to a target of 33%. More locally, no affordable housing has been delivered in Codicote in the last 14 years.
39. In response to its pressing housing situation, the Council has adopted a Housing Delivery Test Action Plan.⁷ Whilst recognising how proposed housing sites currently within the Green Belt generally remain subject to tests of very special circumstances, it proposes that it may now be appropriate to determine some planning applications on these sites in advance of the ELP examination being concluded. This position has been reached having regard to various factors, including the potential for early delivery of key infrastructure and the acute shortfall of housing provision relative to Government targets.
40. The Council has advised the ELP Inspector that it considers the appeal site, in conjunction with other allocations in Codicote, to be the only reasonable alternatives for local housing delivery and that exceptional circumstances exist to warrant their release from the Green Belt. The proposal would also be **consistent with the Local Plan's** general acknowledgement, expressed through Policy 26, to make housing provision, although the detail of that policy is now substantively out-of-date in relation to the current housing requirement.
41. There is an unquestionably urgent need to identify land in North Hertfordshire to provide for essential market and affordable housing. The Council itself acknowledges a substantial and serious housing land supply shortfall, a position **which it further describes as 'acute'**.⁸ I attach very substantial weight to the considerable housing benefits of the appeal scheme, and which include an ELP-compliant affordable housing contribution of 40% of the dwellings.

The context of local education need/primary school capacity

42. The appeal scheme makes provision for delivery of playing pitches for the adjacent primary school through a land transfer agreement which, in turn, would enable both expansion and re-configuration of the wider school site.
43. Additional to a future shortfall in school places that will result from the proposed housing growth in Codicote as envisaged by the Council through its ELP, there is already an existing shortage of places within the village and which makes the education need particularly urgent. In 2019, for example, some 11 resident children had to travel to school outside of the village. This pattern appears likely to persist and will have adverse impacts not only in terms of the need to travel **and children's welfare**, but **also in terms of Codicote's social cohesion** as a community and the wider implications for its integrity as a sustainable settlement. To meet future needs, the County Council proposes to enlarge the school to accommodate two forms of entry and, given the immediate urgent circumstances, for expansion to commence if possible from September 2022.
44. It is agreed that there are no further options for temporary expansion of the school without locating a mobile classroom on the existing playing field, further encroaching onto the already constrained site area, or on the location of a new permanent classroom block and so placing more pressure on the existing core facilities.

⁷ Cabinet Report dated 23 June 2020, 'Housing Delivery Test Action Plan 2020'

⁸ Council closings

45. The County Council does not consider compulsory purchase of the allocated expansion site to be an appropriate alternative. Aside from the expediency of such a course, it would also raise issues of timeliness and resourcing not incurred by the appeal proposal.
46. The appeal scheme would facilitate and support the future of the village school in a locally sustainable location and in a way necessary to support existing needs and further housing development in Codicote.
47. Provision of school land is a clear and very important benefit that should be afforded significant weight. I consider **that 'unlocking' the potential of other** housing allocations falls to be weighed as a sub-feature rather than as a further and separate benefit in itself. The expanded school would be available to serve the appeal site and other housing allocations as identified by the ELP, or to address such other education needs as apply.

Summary of conclusions - prematurity

48. The Framework sets out how arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.⁹
49. A scheme of 167 dwellings would constitute less than 2% of the homes the ELP seeks to deliver by 2031. The appeal site relates to Codicote only, and is just one of 34 Green Belt releases proposed throughout the District as a whole. This would not be so substantial such that the plan-making process would be undermined.
50. That said, **I do not accept the appellant's classification of prematurity as a 'binary' matter.** I am unconvinced that, in circumstances where the requirements of paragraph 49 of the Framework are not met, a decision-maker should be precluded entirely from giving any weight at all to prematurity as a possible harm. Rather, it should be open to conclude as a matter of planning judgement that some weight could still be attributed to prematurity in any overall planning balance if any such harm can be demonstrated.
51. Public confidence may also have different facets. It may be relevant not just to the perceptions of objectors to the scheme, but could also apply to other stakeholders who may have contrasting expectations towards the proposal and its plan-making context, such as people seeking homes in Codicote or persons awaiting affordable housing within the District. It may also be relevant to the parents and guardians of children within the village, and of the commuting children themselves, looking for reassurance regarding their future schooling. By failing to deliver and further delaying the long-standing expectations of the ELP in those regards, their confidence in the planning system could equally be undermined. No particular evidence has been provided as to the overall implications for public confidence or the extent to which different aspects of it may or may not be relevant.

⁹ Paragraph 49

52. I do not accept that a permission for the appeal scheme should pre-determine proposals for other Codicote housing allocations within the ELP. A permission **for the appeal scheme would only 'unlock' the potential of the other draft** allocations for Codicote insofar as their implementation may be currently precluded by available school capacity. Other relevant site-specific considerations would remain according to the particular merits of each case.
53. I also note that Counsel instructed by the authority in advance of its decision expressly advised the Council that there was no prohibition on the granting of planning permission for residential development in the Green Belt ahead of adoption of the ELP provided the **Framework's test of** very special circumstances is met.¹⁰
54. **Notwithstanding the Council's commitment to the ELP**, should it not be adopted for whatever reason, the appeal scheme, in common with all other development proposals in the District, would still remain to be determined against the extant statutory Local Plan.
55. There is an immediate imperative for people to be housed in Codicote. There is an immediate imperative for resident children to be educated in Codicote. No alternative solution to the ELP was before the Inquiry to meet these urgent and outstanding needs.
56. In terms of the merits of the proposal and its relationship to the ELP, I have no reasonable basis to conclude that determination of this application would be premature or otherwise inapt or that any harm would arise in that regard.

Other matters

Other non-Green Belt implications for character and appearance

57. More generally, the scheme would involve loss of countryside, albeit of mixed character, and its replacement with built form. Notwithstanding the quality of the landscaping and other mitigation proposed, housing would remain visible and harm would be incurred by virtue of that loss of existing character and appearance contrary to the aspirations of the Framework. This requires planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital.
58. There would be moderate harm in the early years due to the lack of established landscaping, but this would reduce over time through the mitigation proposed. In overall terms, I assess this harm to be in the range of limited-moderate.
59. The scheme would thereby incur a degree of conflict with Policy 57 of the Local Plan which, amongst other things, expects all proposals for residential development to retain existing landscape features where possible. Even so, this policy sets out a range of relatively detailed guidelines for new residential development and falls to be read in conjunction with other, more strategic development plan policies, including Policy 2 and its provision for very special circumstances.
60. Whilst Policy SP5 of the ELP also seeks to seek to recognise the intrinsic value of the countryside, it is significant that the same emerging plan proposes to

¹⁰ Advice from Suzanne Ornsby QC dated 29 October 2020

remove the appeal site from its current Green Belt designation and allocates the site for built development.

Heritage

61. The **appellant's** Built Heritage Statement identified implications for particular heritage assets as a consequence of changes to their settings. These concerned three related Grade II listed buildings: Codicote Farmhouse; barn and shed 20 metres north of Codicote Bottom Farm; and barn 50 metres north-west of Codicote Farmhouse. The setting of Ayot House, a Registered Park and Garden (the RPAG), was also identified as being affected.
62. The three listed buildings form a group at Codicote Bottom Farm and are located some 380 metres to the west of the appeal site towards the lower levels of the Mimram valley. The farmhouse and separately listed structures derive special interest from the age, traditional materials and detailing of their historic fabric as purpose-built agricultural structures, and from their configuration and relationship as surviving elements of an historic farmstead.
63. The setting of each of the listed buildings is particularly shaped by their relative proximity and common heritage and this contributes to their significance as an historic group. This collective interest is best understood and appreciated looking westwards away from the appeal site.
64. The sympathetic character of the surrounding fields and farmland forms part of the **assets'** wider settings and thereby also contributes positively to their particular historic interest. This includes general views from the assets towards the western/south-western boundaries of the appeal site. Even so, the appeal site offers no specific or individual contribution in its own right as part of that wider landscape, and the immediate surroundings of the group, and which make the most positive contribution to setting as part of their significance, would remain unaltered.
65. New landscaping and areas of open space are proposed around the western/south-western areas of the appeal site, with proposed dwellings set back from the boundary and at a relatively lower housing density. There would be some distant views of built form within the wider settings of the listed buildings, but that exposure would be mitigated to some degree over time as the proposed landscaping matures.¹¹
66. The introduction of new development within the wider rural settings of the listed buildings at Codicote Bottom Farm would therefore result in limited and less than substantial harm relative to their significance.
67. The significance of Ayot House is as an eighteenth century landscape park and country residence.
68. The proposed scheme would be partially visible within long distance views outwards from **the asset's** drive and across the valley towards the western/south-western fields of the appeal site. Those views similarly make a minor positive contribution to the setting and significance of the RPAG as part of the wider rural landscape. The appeal site again makes no specific contribution to the significance of the RPAG in its own right, and **the asset's**

¹¹ This is particularly evidenced by Photomontage Viewpoint 2 contained within the Landscape and Visual Impact Assessment

- wider setting and overall significance would be unaffected. The degree of harm would be limited and less than substantial relative to its significance.
69. Elsewhere, an icehouse exists as a non-designated heritage asset in proximity to the listed Codicote Lodge to the north of Heath Lane. The icehouse is set well back from Heath Lane and is separated by a substantial boundary wall and related planting. The icehouse derives significance from its association to Codicote Lodge and its relatively self-contained grounds rather than from any particular wider physical or functional relationship to the appeal site to the south of Heath Lane. I do not consider the scheme would have any implications for its setting or otherwise affect its significance.
70. Similarly, given their location and physical relationship to the appeal scheme, I do not consider the proposal would have any implications for the settings of other listed assets, including Codicote Lodge itself, Rose Cottage and Bentleys. The same applies to the adjacent Codicote Conservation Area. There would be minor visual changes from the appeal scheme in the outward view from the Conservation Area along Heath Lane. The existing and largely planted character of Heath Lane would remain, and the scheme would not unduly affect the **Conservation Area's setting** with implications for its significance as an important historic village.
71. I therefore conclude that the proposal would be harmful to the setting of the Registered Park and Gardens at Ayot House, and would thereby be contrary to Policy 19 of the Local Plan. This seeks to refuse development proposals which destroy or result in any loss in the value of Historic Parks and Gardens.
72. More widely in relation to the limited harm arising to both Ayot House and the listed assets at Codicote Bottom Farm, the scheme would conflict with Policy HE1 of the ELP. Amongst other things, this seeks to conserve and preserve the significance of designated heritage assets.

Ecology

73. The proposal is accompanied by an Ecological Assessment (the Assessment) updated in June 2021. Although the evidence is of a site of overall limited ecological significance, adoption of a suitable Landscape and Ecological Management Plan (the Plan), in line with the **Assessment's** recommendations, is proposed to ensure the biodiversity value of existing habitats is both retained and enhanced.
74. Indicative proposals identify how harm to biodiversity can be mitigated, and a financial contribution has been agreed with the Council to facilitate other off-site enhancements. The Plan would include details of how a measurable level of biodiversity gain should be achieved. This requirement would be set out in a planning condition relating to the Plan should the appeal be allowed, and the financial contribution is accommodated within the planning agreement.
75. Whilst the accompanying biodiversity metric pre-dates the most recent national technical guidance, it has been prepared over significant time and been reviewed and approved by Hertfordshire Ecology.
76. Policy NEx of the ELP states that planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with various criteria. All development should, amongst other things, deliver measurable net gains for biodiversity and/or

restore degraded or isolated habitats where possible. Amongst other requirements, applicants should have regard to a need to integrate appropriate buffers of complimentary habitat into ecological mitigation and design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. Policy NEx specifies 12 metres of complimentary habitat to be provided around wildlife sites, trees and hedgerows.

77. The scheme would not provide 12 metres of complimentary planting throughout the site. The site contains relatively few trees and the evidence is of hedgerows in relatively poor condition and having suffered from historic mismanagement and grazing pressure. In a no development scenario, such grazing pressure would be likely to continue and to the further detriment of existing vegetation.
78. The scheme offers an opportunity to restore features and instigate appropriate management such that overall ecological value can be sustained and developed in the long-term. The proposal includes a commitment to protect, restore and/or enhance hedgerows. In that context, I do not find the absence of a uniformly defined buffer to be a significant shortcoming and do not consider Policy NEx would be compromised in overall terms.
79. The scheme makes a reasonable contribution to ecology and biodiversity gain broadly consistent with the Framework. This encourages opportunities to improve biodiversity in and around developments and integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
80. I therefore conclude that the proposal would not be harmful to local ecology or biodiversity and would not thereby conflict with Policy 14 of the Local Plan. Amongst other things, this expects development proposals to take account of, and where possible, to show improvements to the nature conservation value of the site and its surroundings. In addition, the Local Plan may require the preparation and implementation of a management scheme to maintain or **enhance the site's nature conservation value.**
81. The proposal would preserve diversity and deliver net gains to which I attach limited weight as a benefit.

Highways

82. No objection is raised by the local highway authority, and a number of particular technical details, including arrangements for site access and sightlines and associated implications for highway safety, would be the subject of planning conditions should the appeal be allowed.
83. Whilst there would be an increase in local traffic generation, I have no unrebutted evidence of particular significant harm in relation to highway matters or of matters which cannot be addressed either by planning conditions as proposed by the parties or by the more general mitigation set out in the planning agreement. Further, the Framework requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

Other concerns and harms

84. A number of other lesser scale harms would arise from the scheme, including loss of agricultural land and, notwithstanding the best efforts of mitigation, implications for local living conditions during the construction period and for air quality in conjunction with traffic generation. These are matters to which, in sum, I attach limited weight.
85. I am satisfied that any other relevant adverse impacts arising could be addressed either through the mitigation proposed in the planning agreement, or through appropriate planning conditions should the appeal be allowed.
86. The physical relationship of the scheme to Codicote Lodge, and particularly in terms of respective boundaries and relative locations, would be such that there should be no adverse implications for the living conditions of its residents once the scheme is completed.

Planning agreement

87. The agreement makes various commitments to mitigation, additional to arrangements for affordable housing and for the school land transfer. These include transport contributions to a bus link, a car club, to sustainable movement and to a travel plan. Social contributions would be made to education, libraries, health, sport, open space and to youth facilities. Environmental contributions are proposed for ecology, waste regulation and fire safety.
88. The mitigations are consistent with Policy 51 of the Local Plan, with Policy SP7 of the ELP, and with relevant aspects of **the Council's** planning obligations supplementary planning guidance¹². These seek to ensure necessary contributions towards the provision and maintenance of facilities or in respect of other implications arising directly as a result of a development.
89. I am satisfied with the form and content of the undertaking as a deed. I find the undertaking to be compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and to be generally fit-for-purpose. Accordingly, I take into account the commitments and accompanying terms as considerations of my decision.

Other considerations of the ELP

90. Whilst the proposal provides for 167 dwellings which is more than the 140 homes identified in the CD5 allocation, Policy HS1 makes clear that the number of units is intended as indicative and that the capacity of each allocation will be shaped by a design-led approach to development.¹³ The project history and evolution of the appeal scheme reflect such an approach.
91. Policy CD5 identifies a range of other development criteria for the appeal site, including assessment of transport, contamination, drainage, biodiversity, public rights of way, landscape, and its physical relationship to the Heath Lane frontage. It also identifies lower density of development to the southern edge of the development to respect local character. I find no overall conflict in these regards.

¹² Planning Obligations Supplementary Planning Document Final Version November 2006

¹³ Paragraph 8.3 accompanying Policy HS1 refers

92. The scheme also accords with other more general ELP requirements. The Council accepts that the proposal would comply with the ELP as a whole if adopted, and I agree.

Other benefits

93. Aside from provision of market and affordable housing, and facilitating development of the school and its associated contribution to unlocking the development prospects of other housing allocations, and securing net biodiversity gain, the scheme would yield a number of other benefits.
94. The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. This would be appreciable given the scale of development, its physical proximity to services within the High Street, and the relatively self-contained nature of the village.
95. I disregard any suggestion of financial contributions to the local authority through Council tax receipts, New Homes Bonus payments or similar as a possible benefit of the scheme. The Guidance states that whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.¹⁴ Further, it advises that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority or other government body.
96. The appeal site is currently private land crossed and enclosed by public footways. The scheme would generally ensure the site becomes more publicly accessible. It would include significant provision of open space generally available to the local community and upgrading of footways.
97. I attach significant collective weight to these other benefits.

Other planning decisions and judgements

98. Various references have been made in evidence and submissions, and all of which have been considered. Each turns on its own facts and, whilst generally relevant to varying degrees, none dissuade me from the assessments and conclusions set out above based upon the particular circumstances of this appeal. These have also been considered in relation to aspects of the planning balances which follow.

Planning balances

Heritage

99. The Framework advises that heritage assets are an irreplaceable resource, and requires them to be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, it requires great weight to be given to an **asset's** conservation, and irrespective of the scale of harm. It further requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage

¹⁴ Paragraph: 011 Reference ID: 21b-011-20140612

asset, as in this case, such harm should be weighed against the public benefits of the proposal.

100. The extensive public benefits arising from the scheme as described would out-weigh the collective harm arising for the heritage significance of Codicote Farmhouse and its associated barns and shed, and in relation to Ayot House.
101. Accordingly, the Framework does not provide a clear reason for refusing the development proposed in this specific regard.

Very special circumstances

102. The Framework makes clear that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.¹⁵
103. In addressing this subject, the Courts have made clear that a particular mathematical exercise is not required. Rather, a single exercise of judgement is necessary to assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt and the seriousness of any harm to it.¹⁶
104. As inappropriate development the appeal scheme would constitute definitional harm. Built development of the scale and form proposed would incur moderate-significant harm to the openness of the Green Belt, and moderate harm through encroachment. There would also be a range of other, more limited non-Green Belt harms as identified, including limited-moderate harm to the landscape, and to heritage assets.
105. Against that, the circumstances of this application are quite extreme. The context is of a critically inadequate and deteriorating 5YLHS set against pressing housing needs, no recent local provision of affordable housing, and a local school unable to meet the needs of the village and with subsequent implications for local children, for Codicote's **social cohesion**, and for its future as a sustainable settlement supporting itself and minimising the need to travel. Such circumstances are acute and highly compelling. The proposal would make a very significant contribution in all those regards and would be accompanied by high quality mitigation to help offset and minimise the visual implications of additional built form.
106. I attach very substantial weight to the critically needed housing benefits of the scheme, significant weight to addressing the urgency for school expansion and further weights to the range of other lesser scale benefits as identified. In that context, and irrespective of the further support in favour of the proposal drawing from the advanced status of ELP itself and from **the Council's** affirmation of it, I find potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to be

¹⁵ These current iterations of the Framework and Guidance also post-date the Minister for State for Housing and **Planning's Written Statement made on 17 December 2015** as referenced in evidence by the Council

¹⁶ Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities, and Local Government v Jerry Doherty 7 May 2021 Case No: CO/2050/2020 Co/2051/2020

clearly outweighed by these particular other considerations. Very special circumstances therefore exist to justify the proposal.

107. Accordingly, such very special circumstances mean the proposal would not conflict with Policy 2 of the Local Plan. Further, given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.¹⁷

Overall assessment

i) The development plan as a whole

108. I consider the development plan policies which are most important are those referred to and variously applied in my assessment of the main issues and other considerations.¹⁸

109. I have identified some limited conflict with Policies 19 and 57, compliance with Policy 2, some commonality with Policy 26, and found no significant discord with other saved provisions. Given the particular significance of Policy 2 to this proposal, and the limited scale of conflict with Policies 19 and 57, I conclude the scheme would accord with the development plan as a whole.¹⁹

ii) Other material considerations

110. As the Council is unable to demonstrate a 5YHLS, the tilted balance of paragraph 11d) is engaged.²⁰

111. The collective benefits of the development as described would be extensive. As such, any possible adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development and which is a further material consideration.

iii) Final planning balance

112. The proposal would accord with the development plan as a whole and other material considerations do not indicate a decision other than on those terms. Accordingly, planning permission should be granted, subject to conditions.

Conditions

113. I have considered as a starting point the suggested list of conditions put forward and agreed by both main parties. I have had regard to the advice set out in the Guidance and in the Framework, and have reviewed and adjusted detailed recommendations in terms of the necessity for, and reasonableness of, individual conditions and other aspects thereof, and to ensure clear and enforceable wording and general consistency.
114. For reasons of certainty, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings.

¹⁷ See Footnote 7

¹⁸ The main parties agree that the most important policies of the development plan are Policy 2, Policy 51 and Policy 57. The Council considers that Policy 26 is also one of the most important policies

¹⁹ There was also no dispute at the Inquiry that, if very special circumstances do apply, there would be broad compliance with the existing development plan

²⁰ By virtue of Footnote 8

115. To safeguard the character and appearance of the appeal site and its surroundings, conditions require details to be submitted of external materials, and of landscaping, and inclusive of proposed footpath treatments. Details are also required of tree and hedge retention and protection, of a Landscape and Ecological Management Plan, and of lighting. Full external details are also required of the proposed pumping station facilities and associated works.
116. To ensure a satisfactory living environment for both occupiers and neighbours, conditions require details to be approved of proposed drainage, and investigation and remediation of any possible site contamination. Details are also required of refuse arrangements.
117. To safeguard living conditions for future occupiers, a condition is necessary to ensure appropriate noise insulation of the dwellings.
118. To protect the living environment of neighbours during construction, it is necessary for the works to be undertaken in accordance with a Construction Method and Traffic Management Statement, and including arrangements for working hours and waste management.
119. To ensure the free and safe movement of vehicles and pedestrians at and in the vicinity of the site, various technical details are required to be followed regarding arrangements for ensuring safe access, and for treatment of Footpaths 14 and 15. Similarly, conditions make provision for retention of garage parking, and for cycle storage. The future status of the estate roads and their detailed design relative to use by refuse vehicles and other associated matters also require further attention.
120. To further contribute to a sustainable development, conditions require submission of a revised Energy and Sustainability Statement and of arrangements for electric vehicle charging.
121. To safeguard any hitherto unrevealed heritage interest within the site, a scheme of archaeological investigation is necessary.
122. Matters relating to contamination, drainage, archaeology, tree and hedgerow retention and protection, the Construction Method and Traffic Management Statement, and the design of the access for construction traffic, are all to be addressed before development commences. This is necessary given the importance of those matters and the implications which could otherwise arise should works proceed in the absence of their resolution.

Conclusion

123. For the above reasons, I conclude the appeal should be allowed subject to the conditions identified.

Peter Rose

INSPECTOR

SCHEDULE OF CONDITIONS

Time limit

1. The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.

Details and drawings

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan S201
Existing Site Survey S202
Site Layout Masterplan P201 Rev L
Site Layout (North site, Heath Lane) - Roof Plan P203 Rev C
Site Layout (South site, St Albans Road) - Roof Plan P202 Rev C
Coloured Site Masterplan C201 Rev L
Proposed Street Elevations A-A & B-B P210 Rev B
Proposed Street Elevations C-C & D-D P211 Rev A
Proposed Street Elevations E-E & G-G P212 Rev A
Proposed Street Elevations H-H & K-K P213 Rev B
Proposed Street Elevations L-L & P-P P214 Rev A
Coloured Street Elevations A-A & B-B C210 Rev B
Coloured Street Elevations C-C & D-D C211 Rev A
Coloured Street Elevations E-E & G-G C212 Rev A
Coloured Street Elevations H-H & K-K C213 Rev B
Coloured Street Elevations L-L & P-P C214 Rev A
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Private 4 Bed Houses - Type 4A (Sheet 1 of 5) P260 Rev B
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Private 4 Bed Houses - Type 4A (Sheet 3 of 5) P262 Rev A
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Tree Planting Strategy 1471-0009 Rev F
Proposed Access Arrangement St Albans Road -
2015/2368/001 Rev H
Proposed Access Arrangement Heath Lane -
2015/2368/003 Rev F
PROW Footpath design 2015/2368/014 Rev E
Swept Path Assessment Southern 2015/2368/016 Rev A
Swept Path Assessment Southern 2015/2368/017 Rev A
Swept Path Assessment Northern 2015/2368/018 Rev A
Swept Path Assessment Northern 2015/2368/019 Rev A

Pre-commencement

3. No development shall commence until a Construction Method and Traffic Management Statement has been submitted to and been approved in writing by the local planning authority. The Statement shall include the following details as a minimum:
 - a) a phasing plan for the works;
 - b) works access;
 - c) arrangements for cleaning of the site entrance and the adjacent public highway, and to include wheel washing facilities;
 - d) principal routes for construction traffic;
 - e) site compounds (including areas designated for car parking);
 - f) cable trenches;
 - g) foundation works;
 - h) sub-station/control buildings;
 - i) disposal of site waste materials;
 - j) arrangements to ensure the local community will be kept informed of matters of site progress as appropriate, and including confirmation of key contact details for site management during the course of the works.

During the demolition and construction period no activities shall take place on site outside the hours of 08:00-18:00 Monday to Friday; no activities shall take place outside the hours of 08:00-13:00 on Saturdays; and no work shall take place on Sundays or Bank Holidays.

The approved Statement shall be adhered to at all times throughout the demolition and construction period.

4. No development shall commence until full details and a programme for an investigation and risk assessment of the nature and extent of any contamination on the site have been submitted to and been approved in writing by the local planning authority.

Arising from the investigation and risk assessment, a fully detailed remediation scheme to bring the site to a condition suitable for the proposed development by addressing any unacceptable risks shall be submitted to and be approved in writing by the local planning authority prior to the commencement of any development.

The scheme shall include all works to be undertaken and a programme for implementation of the proposed details.

The scheme shall also set out monitoring and maintenance arrangements to include, where appropriate, observing the long-term effectiveness of all proposed contamination remediation over an agreed period.

The remediation scheme shall be carried out in accordance with its approved details and the agreed programme.

In the event that contamination is found at any time when subsequently carrying out the development that was not identified by the previous investigation and risk assessment, that finding shall be reported in writing

immediately to the local planning authority, and all works shall cease on that part of the site until written confirmation is provided by the Council that they may continue. A further investigation and risk assessment shall be undertaken specific to the identified contamination and, where remediation is necessary, a supplementary remediation scheme in light of those findings shall be submitted to and be approved in writing by the local planning authority. The details shall include a programme for implementation and the remediation shall be undertaken as approved and thereafter be maintained as required.

Following completion of all measures identified in the approved remediation schemes, verification reports demonstrating that full details and specifications of the approved schemes have been implemented shall be prepared in accordance with agreed timescales and be approved in writing by the local planning authority.

5. No development shall commence until full technical details, and including a programme for implementation, of the proposed drainage system have been submitted to and been approved in writing by the local planning authority in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy carried out by RSK (Ref: 132884-R1(2)-FRA dated 25 September 2018).

The drainage arrangements shall include a management and maintenance plan for the lifetime of the development, and the drainage scheme shall be implemented in accordance with the approved details and the agreed programme.

A verification report shall be submitted to and be approved in writing by the local planning authority prior to occupation of the first dwelling demonstrating that full details and specifications of the approved drainage system have been implemented.

6. No development shall commence until a programme of archaeological field evaluation has been implemented in accordance with a written scheme of investigation which has been previously submitted to and been approved in writing by the local planning authority. The results of the evaluation shall inform the preparation of a subsequent mitigation strategy/action plan which shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The mitigation strategy/action plan shall be implemented in accordance with the details and a programme as approved.

Any historic or archaeological features not previously identified which are subsequently revealed when carrying out the development shall be retained in-situ and shall be reported in writing immediately to the local planning authority. Works shall be immediately halted in the area/part of the development affected until provision has been made for retention and/or recording in accordance with details and a programme that have been previously submitted to and been approved in writing by the local planning authority. The details shall be undertaken as approved and in accordance with the agreed programme.

7. No development shall commence until a detailed scheme for the protection of existing trees and hedges to be retained in accordance with the general measures set out in the submitted Arboricultural Impact Method Statement (Ref: ASH21253aia-ams dated 28 August 2018), and an accompanying programme for implementation of the scheme, have been submitted to and been approved in writing by the local planning authority.

The scheme shall be implemented and maintained in accordance with the details as approved and in accordance with the agreed programme. Any tree or hedge removal shall be limited to that specifically to be approved.

No building materials shall be stored or mixed within 10 metres of a tree or hedge. No fires shall be lit where flames could extend to within 5 metres of retained foliage, and no notices shall be attached to any trees.

8. No development shall commence until one of the proposed accesses has been constructed to accommodate operational traffic to a minimum standard of base course construction for the first 20 metres and the join to the existing carriageway has been constructed in accordance with specifications previously submitted to and approved in writing by the local planning authority. The final gradient of the accesses to serve the dwellings shall not be steeper than 1 in 20 for the first 12 metres from the edge of the carriageway.

Pre-occupation

9. Prior to the construction of the final road surfacing of the development (but not prior to those works associated with operational/construction access), details of the circulation route for refuse collection vehicles shall be submitted to and be approved in writing by the local planning authority. The details shall include a full construction specification for the route. No dwelling shall be occupied until the refuse vehicle circulation route has been constructed in accordance with the details as approved, and thereafter the route shall be maintained in accordance with such details.
10. No dwelling shall be occupied until full details of the proposed arrangements for future management and maintenance of the proposed roads within the development have been submitted to and been approved in writing by the local planning authority. The roads shall thereafter be maintained in accordance with the approved management and programme details until such time as an agreement has been entered into under the Highways Act 1980 or a private management and maintenance company has been established.
11. No dwelling located to the south of Footpath 15 shall be occupied until the proposed principal access road from St Albans Road, as defined on drawing number 16208 P201 Rev L, has been provided at least to binder course level. The access road shall be completed to surface course prior to the occupation of the final dwelling to be constructed south of the Footpath.
12. No dwelling shall be occupied until full details of proposed arrangements for management of traffic along the narrow link road crossing Footpath 15

adjacent to Plots 107 and 143 have been submitted to and been approved in writing by the local planning authority. The arrangements shall be implemented as approved and in accordance with an agreed programme, and shall be maintained and retained thereafter.

13. No dwelling with a dedicated and adjacent car parking space shall be occupied until it has been provided with an electric vehicle ready domestic charging point. The charging arrangements shall be maintained and retained thereafter.
14. Prior to occupation of any apartments, two electric vehicle ready domestic charging points shall be provided to serve the car parking spaces of those dwellings. One electric vehicle charging point shall be installed to serve Plots 1-5 and one charging point shall be installed to serve Plots 18-27. The arrangements shall be maintained and retained thereafter.
15. No dwelling shall be occupied until a scheme setting out details of cycle parking has been submitted to and been approved in writing by the local planning authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of each corresponding dwelling and shall be maintained and retained thereafter.
16. No dwelling shall be occupied until the proposed accesses as shown on drawings 2015/2368/003 Rev F and 2015/2368/001 Rev H have been provided with visibility splays of 2.4 metres by 59 metres in both directions to the St Albans Road access and 2.4 metres by 57 metres in both directions to the Heath Lane access. There shall be no obstruction to visibility within the splays between heights of 0.6 metres and 2.0 metres above the level of the adjacent public carriageway. The arrangements shall be implemented as approved, and shall be maintained and retained thereafter.
17. No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (and including details of any enclosures or screening) to serve each dwelling have been submitted to and been approved in writing by the local planning authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.
18. No dwelling shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the local planning authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall be implemented as approved and in accordance with an agreed programme, and the arrangements shall be maintained and retained thereafter.
19. No dwelling shall be occupied until the noise mitigation measures for that property as identified in the Grant Acoustics report
Ref: GA-2017-0007-R1-Rev A dated 26th July 2018 (Noise Assessment for Proposed Residential Development), and including any relevant adjacent

fencing specifications, have been fully implemented, and the measures shall be maintained and retained thereafter.

Other

20. Prior to commencement of any above ground construction works, full details of the external materials to be used in the facings all buildings, and including their roofs, shall be submitted to and be approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

21. Prior to commencement of any above ground construction works, full details of all hard and soft landscaping, and of all fencing, enclosures, associated structures and equipment, and including detailed treatment and landscaping of Footpaths 14 and 15, shall be submitted to and be approved in writing by the local planning authority. The works shall be implemented in accordance with the details as approved and within the first planting season following the commencement of the development or such other period as may be agreed in writing by the local planning authority, and shall be maintained and retained in accordance with an approved management plan. Any trees or plants which die within 5 (five) years of planting, or which are removed, or which become seriously damaged or diseased, shall be replaced with others of the same size and species and in the same positions within the next planting season.

22. Prior to the commencement of any landscaping works, a Landscape and Ecological Management Plan which details how a minimum of 22.95 ecological units will be delivered as part of the development shall be submitted to and be approved in writing by the local planning authority. The Plan shall include the following details:

- a) aims and objectives of management;
- b) existing and proposed features to be managed, including specific reference to improvements to retained hedgerows, and to proposed hedgerows;
- c) species composition of habitats to be enhanced and created;
- d) a programme for implementation;
- e) the body or organisation responsible for implementation of the Plan;
- f) monitoring and remedial measures of the Plan.

The Plan shall be implemented in accordance with the details and the programme as approved and the measures shall be maintained and retained thereafter.

23. Prior to the commencement of the erection of any above ground pumping station facilities, full external details of all relevant buildings, and of associated enclosures and works, shall be submitted to and be approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.

24. In accordance with drawing 2015/2368/014 Rev E, Footpaths 14 and 15 shall be provided with a width of no less than 4 metres for their entire length within the boundaries of the site. The 4 metre width shall include a 2 metre wide path and a 1 metre wide strip of landscaping either side.

25. Prior to commencement of any above ground construction works, a revised Energy and Sustainability Statement shall be submitted to and be approved in writing by the local planning authority. The development shall be constructed in accordance with the approved Statement and identified measures shall be maintained and retained thereafter.
26. Notwithstanding provisions of the Town and Country Planning (Use Classes) Order 1987 and of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and nor any re-enactments nor amendments thereto), the garages approved as part of this permission shall be retained and be available for the parking of vehicles only and shall not be occupied as habitable floorspace.

End of Conditions 1-26

APPEARANCES

For the local planning authority:

Heather Sargent of Counsel, instructed by Legal Services,
North Hertfordshire District Council

She called:

Phillip Hughes - Director, PHD Chartered Town Planners Limited

(Sam Dicocco, Senior Strategic Sites Officer also contributed to
round-table discussions)

For the appellant:

Tom Cosgrove of **Queen's** Counsel, instructed by Jonathan Stoddart of CBRE

He called:

Adam Kindred - Associate Director, CBRE

Angus Jeffery - Director, Landscape Visual

Quentin Andrews - Director, OSP Architecture

Neil Rowe - Director, RGP

Jacob Hepworth-Bell - Director, Ecology Solutions

Victoria Brocksopp - Senior Associate Director, RPS

Colin Whittingham - Associate Director, RSK

(Christina Daniels of BDB Pitmans LLP also contributed to the
round-table discussion in relation to the proposed planning
agreement)

Interested parties:

Chris Watts - Maze Planning Limited on behalf of Codicote Parish Council

Lisa Foster - Save Rural Codicote

Matt Dodds - Planning and Biodiversity Manager,
Herts and Middlesex Wildlife Trust

INQUIRY DOCUMENTS

The following documents were submitted and accepted by the Inquiry:

Reference	Title
ID1	Key View 2 - Codicote Conservation Area
ID2	Mr Kindred summary proof of evidence
ID3	Mr Hughes summary proof of evidence
ID4	Appellant's application for costs dated 29 July 2021
ID5	NPPF table of changes - Mr Kindred proof
ID6	Appellant's opening statement
ID7	Council's opening statement
ID8	ELP map with key and constraints overlaid
ID9	Local Plan map with key and constraints overlaid V2
ID10	Codicote Lodge Codicote Historic England List Entry 1296186
ID11	Heritage Gateway printable result for Codicote Lodge
ID12	Figures 1-14 - extracts from appellant's heritage evidence
ID13	Email from Mr Kindred dated 3 August 2021 relating to ID12
ID14	North Herts Landscape Study 2011 - Part 1
ID15	Minister for State for Housing and Planning's Written Statement made on 17 December 2015
ID16	Public rights of way proposed footpath design - 2015/2368/014 Rev E
ID17	Statement of common ground dated 3 August 2021
ID18	Council's closing statement dated 16 August 2021
ID19	Council's response to appellant's application for costs dated 16 August 2021
ID20	Appellant's final comments dated 16 August 2021 following Council's response to application for costs
ID21	Appellant's closing statement dated 16 August 2021
ID22	Completed section 106 agreement dated 26 August 2021



Steve Rogers
Head of Planning & Open Spaces
Castle Point Borough Council
Council Offices
Kiln Road
Thundersley
Benfleet
Essex SS7 1TF

Alex Plant
Development & Infrastructure
Eastbrook
Shaftesbury Road
Cambridge
CB2 8DF

Tel: 01223 372723
GTN: 3841 2723
Fax: 01223 372862

email: alex.plant@goeast.gsi.gov.uk
Website: <http://www.goeast.gov.uk>

CASTLE POINT BOROUGH COUNCIL
PLAN

SAR 2 SEP 2007

To

① scan - ack
② copy for Kim & Ann, DC
Amanda & Emma,
Policy;
③ SAR

Dear Mr Rogers

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING
AND COMPULSORY PURCHASE ACT 2004 POLICIES CONTAINED IN THE
CASTLE POINT BOROUGH COUNCIL LOCAL PLAN**

I am writing with reference to your application of April 2007 applying for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Castle Point Borough Council Local Plan.

The Secretary of State's Direction (Schedule 1) is attached. Those policies not listed in the Direction will expire on 27th September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government Protocol on saving policies.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. Authorities should adopt a positive spatial strategy-led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. Local planning authorities should make good progress with local development frameworks according to the timetables in their local development

schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy.

Following 27 September 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3: *Housing* and the results of Strategic Housing Land Availability Assessments in relevant decisions.

Signed by the authority of the
Secretary of State



Alex Plant
Deputy Regional Director of Development & Infrastructure
Government Office for the East of England
20 September 2007



INVESTOR IN PEOPLE

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN CASTLE POINT BOROUGH COUNCIL LOCAL
PLAN 1998**

The Secretary of State for Communities and Local Government in the exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Act 2004 directs that for the purposes of the policies specified in Schedule 1 to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by the authority of the
Secretary of State



Alex Plant
Deputy Regional Director Development & Infrastructure
Government Office for the East of England
20 September 2007

SCHEDULE 1

POLICIES CONTAINED IN CASTLE POINT BOROUGH COUNCIL LOCAL PLAN 1998

Policy Ref.	Policy Subject
GB2	Re-use of Buildings in the Green Belt
GB3	Redevelopment or Replacement of Industrial Development
GB4	Re-building of existing dwellings in the Green Belt
GB5	Extensions to Dwellings
GB6	Garden Extensions
GB7	Agricultural Dwellings
EC2	Design
EC3	Residential Amenity
EC4	Pollution
EC5	Crime Prevention
EC7	Natural and Semi-natural Features in Urban Areas
EC9	Development Affecting Commercial Farmland
EC10	Protection of High Quality Agricultural Land
EC13	Protection of Wildlife and their Habitats
EC14	Creation of New Wildlife Habitats
EC15	Control of Permitted Development in Sensitive Areas
EC16	Protection of Landscape
EC17	Special Landscape Area
EC18	Permitted Development in the Special Landscape Area
EC19	Ancient Landscapes
EC20	Landscape Improvement Area
EC21	Woodland Management and Tree Preservation Orders
EC22	Retention of Trees, Woodland and Hedgerows
EC23	Tree and Shrub Planting
EC25	Principles of Control
EC26	Design and Development
EC27	Planning Applications
EC28	Restrictions on Permitted Development
EC29	Control of Demolition
EC30	Shopfront Design
EC31	Advertisements
EC32	Protection from Demolition
EC33	Alterations to listed buildings
EC34	Setting of Listed Buildings
EC35	Re-use of Listed Buildings
EC37	Local List of Buildings
EC38	Archaeological Sites and Monuments
EC39	Seafront Entertainment Area
H2	Residential Land

H3	New Development Sites
H4	Safeguarding of Land for Long-Term Housing Needs
H5	Safeguarding of Land for Long-Term Housing Needs
H6	Safeguarding of Land for Long-Term Development Needs
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
H11	Accessible and Wheelchair Housing
H12	Piecemeal Development
H13	Location of Development
H14	Living over the Shop
H16	Winter Gardens
H17	Design and Layout
ED1	Provision of Employment Land to the South of Northwick Road
ED3	Protection of Employment Areas
ED5	Piecemeal Development
ED6	Parking and Servicing
ED7	Environmental Improvements
ED9	Hazardous Installations
S1	Location of Retail Development
S2	Shopping Facilities at Rayleigh Weir
S3	Primary Shopping Frontages
S4	Non-Retail Development
S5	Parking and Servicing
S7	Environmental Improvements
S9	Local Shopping Parades
S10	Supermarket and Retail Warehouse Development
S12	Design, Siting and Illumination of Advertisements
S13	Proliferation of Advertisements
S14	Advertisements and Public Safety
S15	Hoardings and Poster Panels
T2	Intensification of Access Use
T5	New Link Roads
T6	Access to Employment Land
T7	Unmade Roads
T8	Car Parking Standards
T10	Cycleways
T11	Cycleway Construction
T12	Bus Services
T15	Water-Borne Freight
RE2	Golf Courses
RE4	Provision of Children's Playspace and Parks
RE5	Public Open Space
RE6	Allotments
RE7	Romsey Road Allotments
RE8	Hadleigh Castle Country Park
RE9	Informal Recreation in the Countryside
RE10	Water Recreation

RE12	Public Rights of Way
RE14	Planning Agreements and Recreational Development
CF1	Social and Physical Infrastructure and New Developments
CF2	Education Facilities
CF4	Workplace Nurseries
CF6	Places of Worship and Community Centres
CF7	Health Facilities
CF8	Non-Residential Health Care
CF9	Access and Non-Domestic Development
CF12	Powerlines and Cables
C13	Phasing of Developments
CF14	Surface Water Disposal
CF15	Water Supply
CF16	Telecommunications
CF17	Waste Recycling
Apdx 2	Appendix 2: Development in the Green Belt
Apdx 6	Sites of Importance for Nature Conservation
Apdx 7	Restriction of Permitted Rights in Sensitive Areas
Apdx 8	Ancient Woodlands
Apdx 9	Restriction of Permitted Development Rights in the Conservation Area
Apdx 10	Appendix 10 List of Buildings of Special Architectural or Historic Interest
Apdx 11	Appendix 11 Local List of Buildings of Architectural or Historic Interest
Apdx 12	Design and Layout Guidelines for Housing
Apdx 16	Appendix 16 Shopping
EC8	The Green Lung
EC36	Grant Aid
ED2	Long Term Employment Needs
T1	Strategic Highway Network

SCHEDULE 1

POLICIES CONTAINED IN ESSEX AND SOUTHEND-ON-SEA

STRUCTURE PLAN (ADOPTED 2001)

Policy reference	Subject
NR3	Extension of Suffolk Coast/ Heaths AONB
CC1	Undeveloped Coast - Coastal Protection Belt
BIW9	Airport Development
LRT6	Coastal Water Recreation
EG1	Proposals for New Power Stations
T2	Transport Investment Priorities
T4	Passenger Transport
MIN4	Sterilisation & Safeguarding of Mineral Sites

KEY

- GREEN BELT
- GREEN LUNG
- SITE OF SPECIAL SCIENTIFIC INTEREST
- HADLEIGH MARSHES SPECIAL LANDSCAPE
- ANCIENT LANDSCAPE AREA
- GREAT BIRCHES LANDSCAPE IMPROVEMENT AREA
- COASTAL PROTECTION BELT
- CONSERVATION AREA BOUNDARY
- SEAFRONT ENTERTAINMENT AREA
- RESIDENTIAL
- H3 NEW RESIDENTIAL SITE
- LONG TERM RESIDENTIAL
- WINTER GARDENS
- EMPLOYMENT
- LONG TERM EMPLOYMENT
- SHOPPING
- POLICY T8 EXTENSION TO ROSCOMMON WAY
- PUBLIC OPEN SPACE
- EXTENSION TO HADLEIGH CASTLE COUNTRY PARK
- POLICY H6 PUBLIC OPEN SPACE AND LONG TERM RESIDENTIAL
- COMMUNITY FACILITIES
- LAND ALLOCATED FOR ROAD IMPROVEMENT
- FOOTBALL GROUND
- ALLOTMENT GARDENS
- AMBULANCE STATION
- CAR PARK
- S6 LONG ROAD CAR PARK
- COLLEGE
- GAS TERMINAL
- LOCAL GOVERNMENT
- ANCIENT MONUMENT
- OPEN SPACE / CEMETERY
- OGC OPEN GOLF COURSE
- P S PRIVATE OPEN SPACE
- SCHOOL
- SD SEWAGE DISPOSAL WORKS
- W U WATER UNDERTAKERS
- W PLACE OF WORSHIP

Policies not specifically referred to on the key are applicable throughout the Borough

Scale 1:10,000



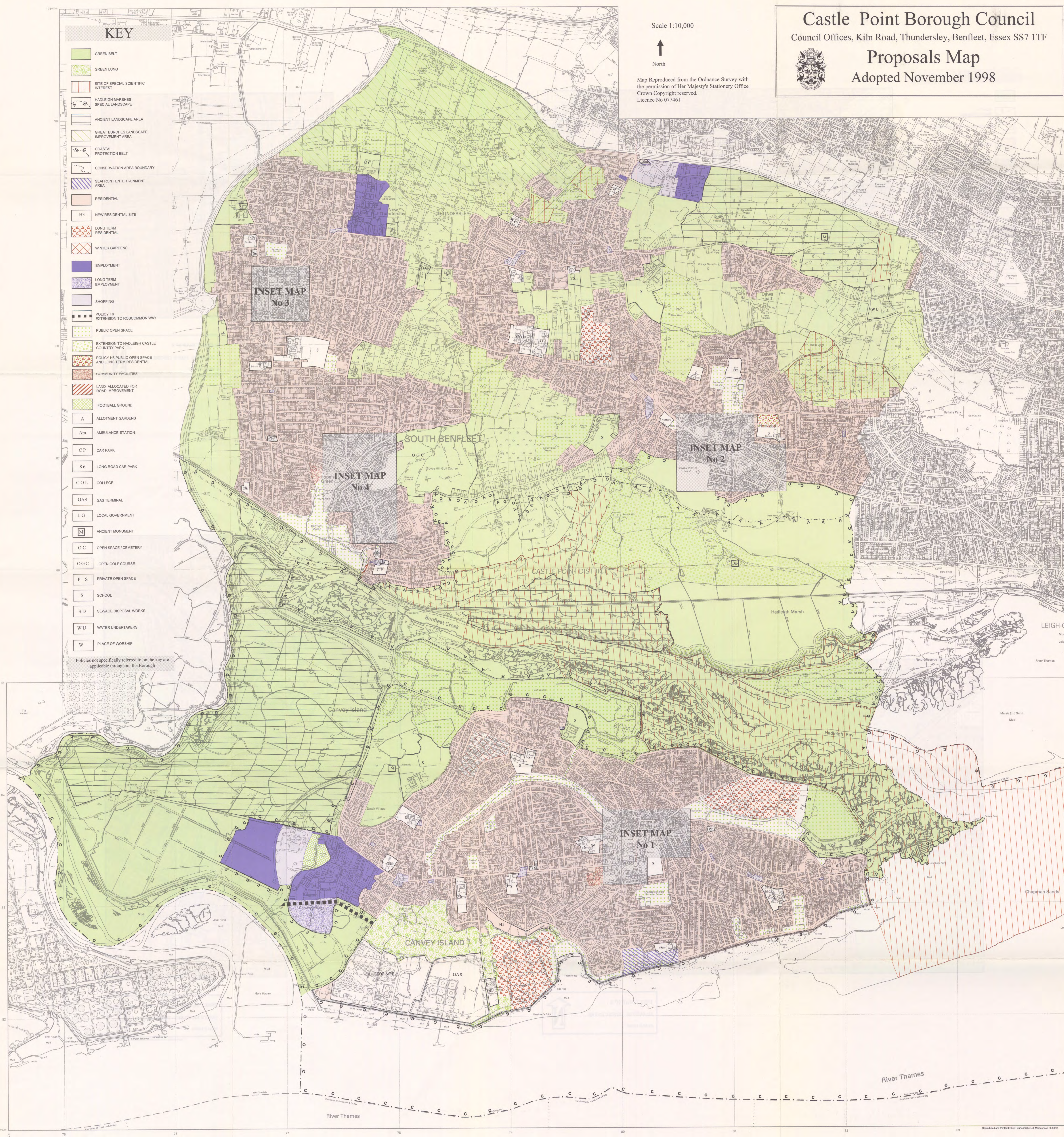
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Castle Point Borough Council

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Proposals Map

Adopted November 1998

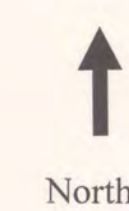


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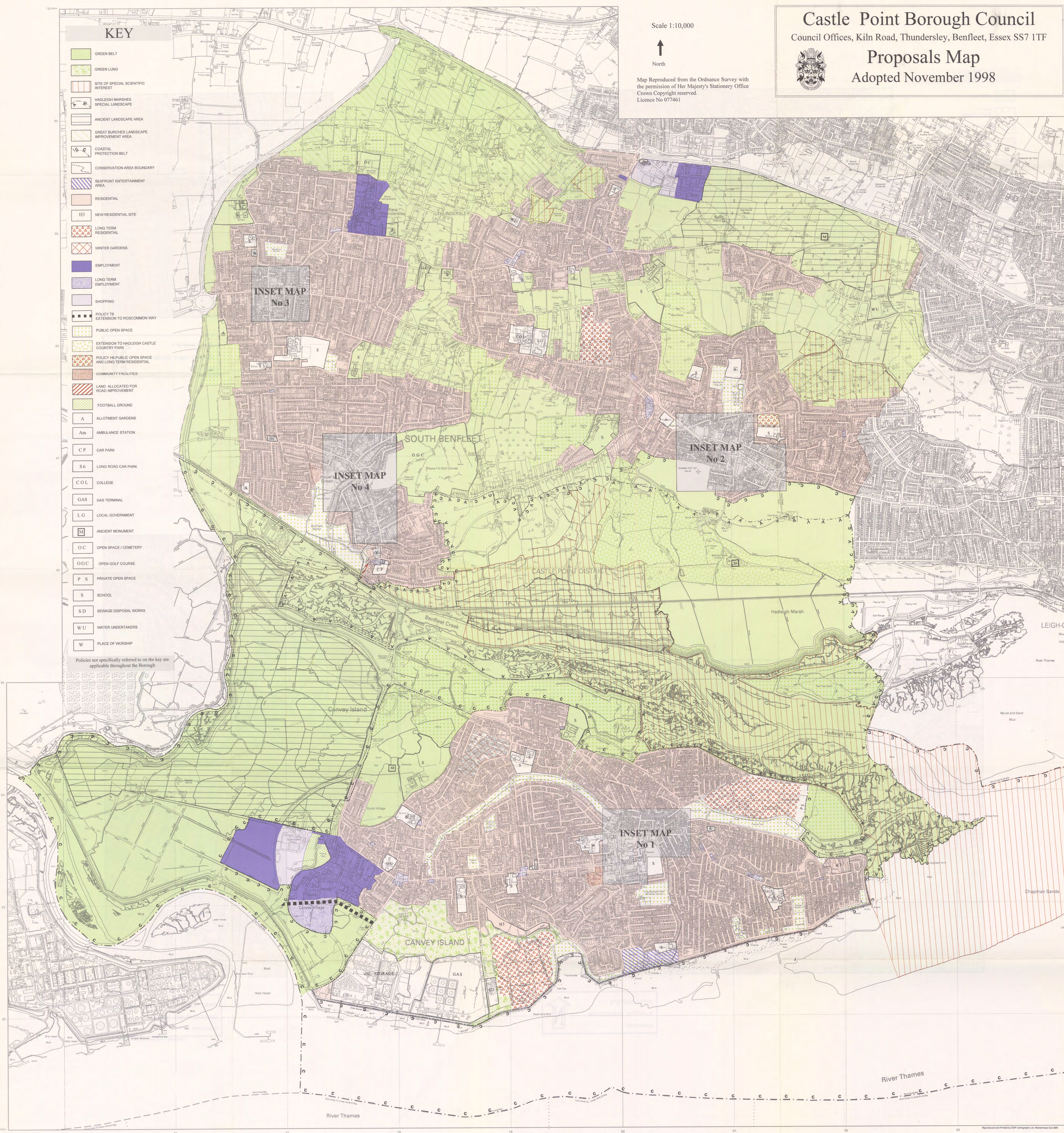
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Castle Point Borough Council

Council Offices, Kiln Road, Thundersley, Benfleet, Essex SS7 1TF

Proposals Map

Adopted November 1998





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



Rob Tinlin
Interim Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 5th July 2022 at 7.00pm

Venue: Council Chamber, Council Offices

N.B. This meeting will be webcast live on the internet.

Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, C. Mumford, Skipp, Taylor and J. Thornton.

Substitutes: Councillors Fuller, Riley, Savage, A. Thornton and Withers.

Canvey Island Town Councillor: S. Sach

**Officers attending: Mr Stephen Garner – Planning Manager
Ms Kim Fisher-Bright – Strategic Developments Officer
Mr Jason Bishop – Solicitor to the Council
Mr David Bland – Chartered Legal Executive Lawyer**

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 14th June 2022 is attached.

4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	22/0320/FULCLO	Land to the East of Eastern Esplanade and to the South of Athol Close, Canvey Island, Essex, SS8 7PR (Canvey Island East Ward)	1
2.	22/0302/FULCLO	Wooden Park, Thorney Bay, Canvey Island, Essex (Canvey Island South Ward)	23
3.	22/0299/FULCLO	South of Western Esplanade, West of the Welcome Hut, Canvey Island, Essex, SS8 0DA	40
4.	22/0301/FULCLO	Western Part of the Existing Eastern Esplanade Car Park and South of the Eastern Esplanade Bandstand Area, Canvey Island, Essex, SS8 7FJ	58
5.	22/0300/FULCLO	Land Located to the East of Marine Parade and Beveland Road, Canvey Island, Essex, SS8 7QT (Canvey Island East Ward)	77

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 14th JUNE 2022

PRESENT: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, Taylor and J. Thornton.

SUBSTITUTE MEMBERS PRESENT: Councillors Riley for Councillor C Mumford and Councillor A. Thornton for Councillor Skip

CANVEY ISLAND TOWN COUNCIL: Councillors S Sach and Harvey

ALSO PRESENT: Councillors Cole, Fuller, MacLean and Savage also attended.

APOLOGIES: Apologies for absence were received from Councillors C Mumford and Skipp.

1. MEMBERS' INTERESTS

None

2. MINUTES

The Minutes of the meeting held on 5th April 2022 were taken as read and signed as a correct record.

3. PUBLIC SPEAKERS

The following speakers for Agenda Item 1 were announced:

Mr Fortt in objection

Ms Simpson in support on behalf of the applicant

Councillor Mountford, Ward Member

Councillor MacLean, Ward Member

4. DEPOSITED PLANS

21/1137/FUL – LAND REAR OF 248 HART ROAD THUNDERSLEY BENFLEET ESSEX SS7 3UQ (CEDAR HALL WARD) - DEMOLISH EXISTING BUILDING AND STABLES AND CONSTRUCT 44. AFFORDABLE DWELLINGS INCLUDING OPEN SPACE, PLAYSPACE, LANDSCAPING AND ASSOCIATED ACCESS, INFRASTRUCTURE AND PARKING ARRANGEMENTS – L & G AFFORDABLE HOMES

The site encompassed some 1.7ha of land on the south side of Hart Road, comprising the curtilage of No. 248 Hart Road, located immediately to the east of the Cedar Hall School. It was proposed to demolish the existing dwelling and provide 44 two and three bedroomed affordable housing units. Each dwelling would be provided with parking and access provision. Vehicular access to the site would be from Hart Road. Within the site non-vehicular access would be provided

to the southern and eastern boundaries of the site to facilitate pedestrian access to the wider allocated site with the potential for proposed internal roads to be extended to the east to serve adjoining land if required. The scheme included provision of communal open space; an attenuation basin; playspace, soft and hard landscaping and ecological enhancements focussed on the southern end of the site.

The Planning Officer reported that consideration of the proposal under the provisions of the National Planning Policy Framework (NPPF) and adopted Local Plan identified that the proposal constituted inappropriate development in the Green Belt. Prima facie the proposal should therefore attract a recommendation of refusal. However, harm to the Green Belt could be outweighed by very special circumstances.

It was the view of officers that very special circumstances, sufficient to outweigh the harm to the Green Belt, could be identified in this case as follows:

- (i) Castle Point had a significant unmet need for housing which analysis had confirmed could not be fully met from within the urban area and must therefore, in part, be satisfied in areas beyond the urban edge.
- (ii) The site was allocated for residential purposes in the New Local Plan within Policy HO20. The Local Plan allocation was based on a detailed assessment of the strategic value of the site to the Green Belt and the requirement to identify sufficient land to meet identified housing needs.
- (iii) Detailed analysis of the wider HO20 site, within the context of the preparation of the Local Plan, identified that release of HO20 would give rise to limited harm to the objectives of the strategic Green Belt.
- (iv) This assessment had been found sound by the Inspector appointed to determine the soundness of the Local Plan.
- (v) The proposal met the Master Plan requirements of HO20 of the New Local Plan and would not prejudice the development of the remainder of the allocation in accordance with the policy
- (vi) The proposal sought to provide 100% affordable housing for which there was a significant unmet need in the Borough.
- (vii) The proposal would result in a significant increase in the biodiversity value of the site.

The weight that may be attached to those circumstances was considered to outweigh the harm to the Green Belt at the location. Whilst it was acknowledged that the Council had resolved not to adopt the Plan the evidence underpinning the Plan remained valid. No objection was therefore raised to the proposal on the basis of Green Belt policy. The proposal also satisfied all relevant policies within the adopted and New Local Plans and satisfied all relevant Residential Design Guidance.

It was stated that if the Committee resolved to approve the application it should be noted that by virtue of the provisions of the Town and Country Planning

(Consultation) (England) Direction 2021, the application was identified as one which needed to be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination.

The application was recommended for approval subject to referral of the application to the Secretary of the State and his notification to the Local Authority that he did not wish to call the application in for his own determination and the applicant being willing to enter into a S106 Agreement as set out in the report.

Following the Planning Officer's report:

Mr Fortt, spoke in objection to the application

Ms Simpson, on behalf of the applicant , spoke in support of the application.

Councillor Mountford, a Ward Member, spoke in objection to the application.

Councillor MacLean, a Ward Member, spoke in objection to the application

In response to questions from the Committee the Planning Officer explained that there had been no objection from Essex County Council Highways to the vehicular access to the site from Hart Road, approval of this application would not prejudice the remainder of site HO20 or set a precedent for other applications, each application should be considered on its own merit. If the application was refused and the applicant was successful in an appeal it was possible that some of the benefits of the scheme could be lost. The trees on the site were not of sufficient quality to warrant a Tree Preservation Order however the landscaping scheme sought to compensate for the loss of trees incurred by the proposal.

During debate of the application a Member expressed his support for the proposal. Other Members felt that the application was premature in the context of HO20 and that it constituted inappropriate development in the Green Belt. Reference was made to paragraph 48(b) of the NPPF which stated that local planning authorities *"may give weight to relevant policies in emerging plans according tothe extent to which there are unresolved objections"* and some Members felt there were unresolved objections to the application.

A vote was taken on the recommendation of approval that had been moved by the Chairman and the application was not approved.

An alternative motion was requested by the Chairman. Councillor Hart proposed and Councillor J Thornton seconded that the application be refused. A vote was taken on the alternative motion and it was:

Resolved –That the application be refused on the grounds of prematurity and because it constitutes inappropriate development in the Green Belt contrary to the 1998 Local Plan.

5. 22/0172/ADV – WATERSIDE FARM SPORTS CENTRE, SOMNES AVENUE, CANVEY ISLAND, ESSEX, SS8 9RA (CANVEY ISLAND WEST WARD) – 1 FASCIA SIGN ON FRONT ELEVATION OF BUILDING – CASTLE POINT BOROUGH COUNCIL

Advertisement consent was sought for the display of window vinyls to promote a soft play facility at the leisure centre. In all the circumstances the proposal was not felt to be visually detrimental to the surrounding area and no reasons for refusal could be found. The proposal was therefore recommended for approval.

The application was presented to the Committee as the Council owned the building to which the proposed advertisements would be affixed.

During discussion Members expressed their support for the proposal and it was:

Resolved Unanimously – That advertisement consent be granted.

Chairman

ITEM 1

Application Number:	22/0320/FULCLO
Address:	Land To The East Of Eastern Esplanade And To The South Of Athol Close Canvey Island Essex SS8 7PR (Canvey Island East Ward)
Description of Development:	Temporary construction compound area to support the works to the revetment at Canvey Island
Applicant:	Environment Agency
Case Officer	Mr Stephen Garner

Summary

The proposal seeks consent for the siting of a temporary construction compound area to the east of Eastern Esplanade and south of Athol Close to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment are in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal is considered to be consistent with national and local policy and the proposal is therefore recommended for APPROVAL.

This case is presented to committee because the council is the landowner.

Site Visit

It is recommended that members visit the site prior to determination of the application.

Introduction

The Environment Agency intend to undertake refurbishment and replacement works to the seawall on the southern and eastern coast of Canvey Island. These works will be undertaken under permitted development rights enjoyed by the EA under Class D of Part 13 of the General Permitted Development Order 2015. Such works do not require the formal consent of this Authority.

To support such works, it will be necessary for a series of storage compounds to be formed. These compounds do require the consent of this Authority and are the subject of a series of reports attached to this Agenda.

This report is primarily concerned with the application for the Main Compound area and Satellite Compound 3 (SC3) as a combined site, proposed to be located at the eastern end of Eastern Esplanade, south of Athol Close.

However, to provide the context for this application, it should be noted that five compounds are proposed in total as indicated in the figure below, along the southern shoreline of Canvey Island.



All compound sites have been selected following a consultation process in 2021 aimed at local residents and businesses that was as comprehensive as possible within government COVID-19 guidelines for engagement. The selection strategy has regard to former compound and storage areas used in the late 1970s and early 1980s when the existing tidal defences were constructed, minimal disruption to residents, businesses, and the existing road network, whilst at the same time providing the necessary access to the working areas for these essential works to the flood defence infrastructure. Therefore, all compound locations are situated on the southern or eastern sides of existing roads to provide the most efficient access route to the tidal defences. This removes the need for any traffic management (such as temporary traffic lights) on local residential roads. The compound areas have been designed to utilise the minimum possible area whilst keeping them operational and functional.

It is proposed that the project be delivered utilising one main compound, three satellite compounds and a materials storage area along the southern frontage. This provision has been made based on the duration of the works, extensive working area and material requirements. Due to the linear nature of the assets being worked on, the intent is that the main compound area be as close to the centre as possible, with satellite compounds spread along the length of the tidal defences up and removed based on the programmed revetment works location and progress.

A key aspect of the works which the smaller compounds will be required for is the main body OSA/LSA (Open Stone Asphalt/Lean Sand Asphalt) work which requires temperature-controlled storage and regulation to ensure a good quality finish along the revetment. The delivery and storage of this material closer to the works areas is critical to maximising the time from delivery to laying.

The Application Site

The main compound and Satellite Compound 3 (SC3) will be located south of Athol Close and at the eastern end of Eastern Esplanade. It has an area of some 6625m² and is scheduled to be operational for a period of some two and a half years following commencement of the works.

The site is currently a flat, grassed area of public open space. To the north of the site is a footpath serving the frontages of properties on Athol Close, whilst to the west is the side of a property

fronting Eastern Esplanade and the rear garden of a property fronting Beach House Gardens. This same site was used as a materials storage area during the late 1970s when the existing tidal defences were constructed.

To the east of the site is a children's playground and balancing pond, and to the south of the site is a public footpath stretching between Eastern Esplanade and Marine Parade. There are a number of picnic benches situated just to the north of footpath. Further to the south of the footpath is the embankment top of the seawall where other footpaths run along the top of the revetment on both the land and seaward sides.

The Proposal

The proposal seeks consent for the siting of a temporary construction compound area to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island.

It is proposed that the main welfare, site offices and material storage areas will be within the main compound which will act as the hub and provide necessary facility requirements based on the number of operatives, nature of the works and duration for the scheme. In addition, the main compound will facilitate some concrete works areas for both proposed concrete works and general prefabrication works.

The combined main compound and SC3 will comprise of the following elements:

- o A security gate house
- o Staff and contractor parking, including overflow parking
- o Electric Vehicle Charge Points
- o An 8-bay single storey modular office unit
- o An 8-bay single storey modular welfare unit
- o Stores unit area (4 units)
- o A hardstanding area for plant and materials storage, precast working area, OSA/LSA (Open Stone Asphalt/Lean Sand Asphalt) transfer area
- o A 2-way access road
- o A topsoil storage bund
- o Parking areas surfaced to maintain low dust level

The main compound and SC3 will also include surface water drainage and temporary storage provisions to ensure no additional surface water runoff from the site.

The compound area will be enclosed by a solid 2.4m high hoarding to the west, north and east, apart from the access points, with Heras/chain link type fencing to the south.

LED lighting is proposed to be mounted to the inside of the hoardings and on some of the modular single storey buildings, facing down into the compound area.

This compound area is proposed to be established by April 2023 and is expected to be in place until summer 2025.

Supplementary Documentation

In addition to numerous drawings, this application is supported by a number of supplementary planning documents:

- o Design and Access Statement
- o Construction Traffic Management Plan
- o Construction and Environmental Management Plan
- o Transport Statement
- o Drainage Strategy for Temporary Works Compounds
- o Indicative Lighting Design
- o Preliminary Ecological Appraisal
- o Site Waste Management Plan
- o Flood Response Plan

Planning History

Comprehensive pre-application engagement with the Environment Agency and the TEAM2100 project team has taken place since 2018.

Related Applications			
Application No.	Location	Proposal	Determination
22/0298/CLP	Land Between Thorney Bay in the West and A Point South of The Island Yacht Club in The East, Thorney Bay	Replacement and widening of floodgates; widening of the maintenance access track on the riverward side of the seawall at certain locations; replacement of all the concrete steps that lead down the revetment to the foreshore and maintenance track repairs (landward side of seawall); replacement of the concrete apron around the Concorde Cafe and the access ramp down to the foreshore; temporary ramps; Landscape, amenity and habitat opportunities associated with the required works	Certificate of Lawfulness of Proposed Development – Granted 30 th May 2022
22/0302/FULCLO	Wooden Park Thorney Bay, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0300/FULCLO	Land Located to the East of Marine Parade and Beveland Road, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0299/FULCLO	South of Western Esplanade West of The	Temporary construction compound area to support	Not yet determined

	Welcome Hut, Canvey Island	the works to the revetment at Canvey Island	
22/0301/FULCLO	Western Part of the Existing Eastern Esplanade Car Park and South of The Eastern Esplanade Bandstand Area, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island.	Not yet determined

Local Plan Allocation

Public Open Space

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Adopted Local Plan (1998)

EC2 Design

EC3 Residential Amenity

EC4 Pollution

EC7 Natural and Semi-Natural Features in Urban Areas

T8 Parking Provision

RE12 Public Rights of Way

Residential Design Guidance (2013)

RDG3 Building Lines

RDG5 Privacy and Living Conditions

Essex Parking Standards September 2009 (Adopted June 2010)

Consultation

Anglian Water

Below threshold (500m² building footprint) for comment

Cadent Gas

No objection but informative proposed

Calor Gas

No comments received

Canvey Island Town Council

No comments received

CPBC Environmental Health

No objection to the proposal subject to the implementation of two conditions regarding noise and light pollution in order to protect the amenity of occupiers of surrounding residential premises.

CPBC Legal Services

No objection, however, proper licenses to use council land should be in place before the proposed compound area is used.

CPBC Planning Policy

No comments received

CPBC Streetscene

No comments received

Environment Agency

No objection

Essex & Suffolk Water

No comments received

Essex Highways

No objection to the proposal subject to the implementation of a number of conditions where relevant and necessary.

Essex Fire and Rescue

On 8th June Essex Fire and Rescue noted that not all areas of the site could be accessed within a radius of 45m by their fire service appliances.

Port of London Authority

No objection

Essex Wildlife Trust

No comments received

Health & Safety Executive – Land Use Planning Team

No comment

Health & Safety Executive – Explosives Inspectorate

No comment

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) issued a holding objection on 8th June based on the following reasons:

- o The documents submitted omit the drainage modelling outputs, which are required for a full application.
- o The calculations for the Main Compound indicate that the flotation forces grossly outweigh the loading forces. Ground water levels and cabin weights required to demonstrate the stability of the drainage provision.

Following submission of further details, the LLFA removed its holding objection on 15th June and raised no objection to the proposal based on the implementation of conditions where relevant and necessary.

Public Consultation

In addition to letters sent directly to local residents adjacent to the site, site notices were posted in the local area to publicise the proposal. Thirteen objection comments have been received from eight different addresses making the following comments:

- o Noise, air and light pollution
- o The proposal will dominate properties on Athol Close and Leigh Beck Lane
- o Lack of privacy
- o Damage to the green and road surfaces
- o Loss of amenity
- o Increased traffic and parking
- o A workforce of 130 is proposed with only parking for 92 vehicles which will increase parking pressure on the surrounding area
- o There is no access for emergency services with the boundary so close to properties on Athol Close and Leigh Beck Lane
- o This is a safe recreational area for families and dog walkers
- o Mental health concerns of homeowners and children
- o Respiratory health conditions
- o There are bats that use this area contrary to the ecological appraisal which dismisses the issue of bats
- o Poor public consultation attendance in September 2021
- o Potential for damage to be caused to nearby residential properties
- o There is a covenant on the land preventing building works
- o Refuse and recycling vehicles already find access to properties on the island difficult
- o There is a failure to explore suitable alternative locations
- o The compound would be best placed on the green in front of the football club
- o The compound should not be located so close to residential properties and should be at Charfleets, Roscommon Way or at Morrisons where there is more space and it is further away

Comments on Consultation Responses

The public consultation during September 2021 referred to in the supporting documents was carried out by the applicant (Environment Agency). Over 200 properties adjacent to the proposed site were identified and written to inviting residents to a selection of virtual online meetings to meet the project team, learn about the works and compounds and ask any questions. Castle Point Borough Council as the landowner was also consulted on the proposal. It was not in collaboration with, or a requirement imposed by the local planning authority and was undertaken by the applicant in the hope of addressing and ameliorating residents' concerns at an early stage of the design process.

Damage caused to properties because of the proposed site compound and associated works is a civil matter between the parties involved.

Any covenants that may exist on the land are not a material planning consideration and do not alter whether permission is granted or refused.

It should be noted that there is no right to a view across neighbouring land and no objection is raised to the proposal on this basis.

The objection raised by Essex Fire and Rescue would be addressed under Building Regulations.

All material concerns raised will be considered in the evaluation of this proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

It is important to note that this application seeks consent only for the site compound and associated works to create the site compound. Works relating to the seawall and revetment have been found to constitute permitted development and are not part of the consideration of this proposal.

Principle

Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004 require applications to be determined in accordance with the development plan unless there are clear and convincing material considerations that indicate otherwise.

National Planning Practice Guidance advises that the NPPF is a material consideration that must be taken into account where it is relevant to a planning application. This includes the presumption in favour of sustainable found at paragraph 11 of the Framework:

- o *“approving development proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - i. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”*

The area is allocated within the adopted Local Plan as public open space. The proposed development is inconsistent with that use and *prima facie*, the proposal should attract a recommendation of refusal on the basis of the loss of open space.

However, whilst the retention of the land as an open space is important to serve the recreational needs of local residents, it is also important to consider the detail and benefits of the proposal.

Firstly, the proposal is for a temporary site compound which would be in situ for approximately two and a half years. This is not a permanent loss of public open space and once the works are completed the site compound will be removed and the site returned to its former condition.

Secondly, the provision of appropriate compounds is essential to the Environment Agency's ongoing programme of refurbishment and replacement of Canvey Island's tidal flood defences which are necessary to ensure the continued protection of residents, businesses and properties on the island from tidal flooding. This weighs heavily in favour of the proposal.



Areas of proposed refurbishment works

Despite its temporary nature, it would still be in situ for approximately two and a half years. Therefore, it is also important to consider whether there are any alternative sites which are more suitable and would not rely on an area of public open space.

There are specific requirements which need to be met for the main site compound which take into account criteria such as proximity to the seawall, impact on the road network, impact on local residents and the physical space requirements.

As the main compound a relatively large area is required in close proximity to the seawall. Alternative sites were reviewed to the west of the island (to the south of Roscommon Way) as well as on Western Esplanade but were discounted by the applicant due to distance from the work site, which would generate more plant and vehicle movements each day to reach the seawall causing additional disruption to the road network and disturbance to local residents, increased carbon emissions and extend the construction programme. Utilising the Canvey Central Park by the Labworth was also discounted due to it being situated within the key amenity frontage and having a subterranean drainage system which would likely be damaged by the heavy machinery operating above.

Suggestions have been made that the site would be better located on the field behind the football pitch, however, this is served by smaller roads and would likely result in greater disruption to the island's road network, leading to increased traffic passing through small residential streets.

Furthermore, there would be increased vehicle trips between the site and the seawall either along existing roads or over part of the public open space.

The chosen location is the preferred option for the applicant as it provides the necessary free space immediately adjacent to the works area. Furthermore, this location was previously used as a materials storage area in the late 1970s to construct the existing tidal defences. The location will minimise vehicle and plant movements on local roads and associated traffic management works such as temporary traffic lights and is located centrally along the length of revetment the works will be taking place over. It would therefore provide accessibility both to the east and west, whilst minimising wider disruption.

Even if the main site compound were not located here, a sizeable satellite compound would still be required in this location in order to facilitate the works to the tidal flood defences at the eastern end of the island.

It is considered that the applicant has examined all available reasonable alternative sites and that the preferred site is most appropriate for the requirements of the works. This alongside the wider public benefits associated with the proposed works in providing protection against tidal flooding for the whole of Canvey Island weighs heavily in favour of permitting the temporary site compound. Whilst the proposal would result in the temporary loss of public open space, the wider public benefit arising from its use as a compound to support flood defence works outweigh the temporary harm to recreational provision.

No objection is therefore raised to the principle of such provision at this location.

Design and layout

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The proposed scheme is for a temporary site compound, so opportunities to incorporate a high standard of design are somewhat limited. However, in an attempt to improve the external appearance of the site compound, it is proposed to erect 2.4m solid hoarding to the northern, eastern and western sides to screen the content of the site compound from residential properties and to provide an element of security to the equipment and materials stored within the compound. Heras fencing to a height of 2.4m is proposed to the southern side of the compound to provide easy access to the seawall.

Opposite properties on Athol Close and Leigh Beck Lane it is proposed to install seasonal flower boxes and decorative "leaf effect" hoarding panels, whilst to the east of the site adjacent to the children's playground there are proposed to be some artistic panels installed on the hoarding.

The proposed hoarding will be located to facilitate pedestrian access around the compound in all directions so to minimise impacts to local residents' pedestrian movements.

This type of fencing arrangement is not uncommon on construction sites/compounds and within the context of the proposed use and area it is not considered to be of an unacceptable design, as

providing no screening to the compound would detract from the appearance of the wider area to a far greater degree. Attempts have been made to improve the general appearance of the hoarding and site as a whole and no objection is therefore raised to the proposal on this basis.

Impact on residential amenity

Policy EC2 considers the impact of development on neighbouring residents.

Whilst this is a proposal for a non-residential form of development and therefore the content of the supplementary Residential Design Guidance document does not directly apply, given that the proposal would have the potential to impact upon residential properties, it provides a reasonable starting point from which to assess the proposal.

RDG3 requires development to not result in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposed hoarding would be located some 7.5m to the east of No.287 Eastern Esplanade, 4.0m to the east of No.2 Athol Close, 7.0m south of properties on Leigh Beck Lane and in excess of 10m to the south of properties on Athol Close.

Given the degree of separation between residential properties and the proposed site compound hoarding, it is not considered that the proposal would result in excessive levels of overshadowing or dominance to neighbouring residential properties and no objection is raised to the proposal on this basis.

Objections have been received stating that the proposal will result in a loss of privacy. The entire development is of a single storey nature and the content of RDG5 does not provide prescriptive guidance covering single storey development. The site is currently public open space which affords uninterrupted views into nearby residential properties; however, it is acknowledged that permitting this proposal would likely intensify the use and number of people in the area, therefore having the potential to increase the perception of a loss of privacy. To address this, all sides of the site which face onto residential properties are proposed to have a solid 2.4m tall hoarding preventing views of residential properties from within the site compound. It is considered that this adequately addresses concerns regarding overlooking and loss of privacy.

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Policy EC4 of the adopted Local Plan seeks to ensure that development proposals which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air, or by reason of noise, dust, vibration, light or heat will be refused.

The proposed site compound presents the opportunity for an impact on residential amenity by reason of additional traffic, noise, air and light pollution.

The scheme proposes a site compound which will accept deliveries of materials and heavy machinery which would generate additional traffic, noise and air pollution within the local area.

Lighting is also proposed within the site compound, attached to the internal walls of the compound hoarding and angled downwards.

The applicant has submitted a Construction and Environmental Management Plan which sets out the baseline noise measurements which have been undertaken and acknowledges that during the evening specifically, construction noise is likely to exceed baseline levels. However, the document sets out a series of mitigation measures to minimise disturbances wherever possible. Such measures include:

- o Temporary noise screens or enclosures
- o Utilisation of mains utilities rather than noisy generators
- o Restriction of deliveries and movement of equipment to normal working hours where possible
- o Speed restrictions of vehicles to prevent vibrations to nearby houses
- o Turning off plant and equipment when not in use
- o Keeping all local residents and property owners well informed

Attempts have also been made suitably arrange the compound to ensure that those parts of the site more likely to generate noise pollution such as the precast working area and material storage area are situated further from residential properties, with site offices and parking areas being situated in between such areas to act as a buffer to any noise generated.

Lighting is proposed within the site compound attached to the compound hoarding and angled down into the site. An example lighting scheme has been submitted illustrating potential light overspill from the development when in use which helpfully illustrates that whilst the site may emit a glow, the actual light overspill into the surrounding area will be minimised.

The council's Environmental Health Officer has raised no objections to the proposal and has suggested the implementation of two conditions requiring works to be undertaken in accordance with the Construction and Environmental Management Plan as well as controlling the level of illumination and light pollution. On the basis of this professional advice, no objection is raised to the proposal on the basis of noise, air or light pollution generated from the construction of and/or use of the site compound.

However, it is important to consider the proposed hours of operation of the site compound and how this may disturb nearby residents.

It is proposed that the site compound be permitted to be operational between the hours of 06:00 – 22:00 Monday to Friday. The reason for these seemingly extended hours is that works to the estuary side of the revetment will be undertaken in accordance with the times of the low-tide window. Only one tidal shift will be carried out each day and this may be entirely or partially within the normal construction hours of 08:00 – 18:00. However, where the tidal pattern is such that this is not possible, the extended construction hours are proposed to be utilised in order to speed up the works and minimise the length of time the compound is required to be in situ. Therefore, these times of operation will vary, and the site will not necessarily be in use throughout the entire 16-hour period. Works to the landward side of the revetment will take place during normal construction hours of 08:00 – 18:00.

Work undertaken outside of these hours has the potential to cause disturbance to local residents. The impact of the proposed extended working times has been carefully considered, however the

consequence of not permitting works during these extended periods would be to double the number of weeks required for works to the estuary side of the revetment, from 109 to 218, due to the halving of the number of productive working shifts each month. This would in turn result in the site compound being in place for double the period of time whilst the works are completed.

It is considered that permitting the additional working hours in order to speed up the overall construction process presents a pragmatic compromise between ensuring the works are completed as quickly as possible whilst attempting to minimise the impact on neighbouring residents as far as is practicable. No objection is therefore raised to the principle of the extended hours of operation.

It is proposed to regularly update residents of the proposed shift working times through a dedicated project website, local bulletin board, signage and an engagement hub so that residents are well informed regarding the operating times.

Impact on wildlife

The proposal is accompanied by a preliminary ecological appraisal which notes that the main site compound consists of modified grassland with some scattered scrub. This area is not a designated or priority habitat. Given the limited biodiversity value of the site, it is not considered that the proposal would have a detrimental impact on wildlife within the area subject to mitigation measures regarding noise, dust and other potential pollutants, which are covered within the Construction and Environmental Management Plan. No objection is raised to the proposal on this basis.

An objection has been received contesting the ecological appraisal's findings with regard to bats, reporting the presence of bats in the local area, however no evidence that the site is used for roosting or foraging has been provided and no objection has been raised to the proposal by the Essex Wildlife Trust. An objection on the basis of loss of habitat cannot therefore be sustained.

Parking, access and transit

Policy T8 requires adopted parking standards to be taken into account. Parking spaces should be 2.9m x 5.5m with accessible spaces measuring 3.9 x 6.5m. End of row spaces next to hard objects should be afforded an additional 1.0m of space to allow for ease of manoeuvrability into and out of end bay spaces.

The Essex Vehicle Parking Standards do not have specific parking standards relating to temporary construction compounds; however, it should nonetheless be considered on its own merits.

It is expected that there will be 20 permanent staff at the main compound with a further 6-10 labourers, however during construction the numbers of workers will vary. Subcontractors will bring in additional members of staff, including delivery drivers (estimated to be 20 drivers at a peak) for the OSA/LSA materials and it is anticipated that a maximum of 130 people will be spread across this site and the remainder of the site compounds which will provide overflow car parking facilities when in use. The compounds would provide the following:

Compound	No. Spaces
Main Site Compound	35
Satellite Compound 1	30
Satellite Compound 2	16
Satellite Compound 4	25
Total	106

Given that the parking standards represent a maximum number of spaces required, and paragraph 108 of the NPPF states maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, this is felt to represent a reasonable level of parking provision.

A total of 106 parking spaces across this compound (35) and the satellite compounds (71) which is considered to provide an adequate level of parking for the number of contractors given that the number of 130 is considered to be an absolute maximum and would likely be less than this with averages anticipated to be around 70 cars and light goods vehicles in attendance across all sites.

No objection is therefore raised to the proposal on this basis.

It is important to note that delivery drivers would not require parking in the same manner as staff working at the site and would leave the site once deliveries have been made.

Adequate space is provided within the main site compound for HGVs to enter the site, turn around and leave in a forward gear. The entire route leading to Eastern Esplanade is along a distributor route with the exception of the end portion of Eastern Esplanade beyond Seaview Road. The last 160.0m is unclassified but provides access to the site and represents a relatively short distance.

The submitted Transport Assessment identifies that across all sites peak demand will be:

“236 HGV movements (118 deliveries in/118 deliveries out);

- o 184 car/LGV movements (92 arrivals in the morning, 92 departures in the late afternoon/evening); and*
- o 4 minibus movements (2 pick-up and 2 drop-off services).*

This implies the following increases in HGV traffic:

- o The worst case period for the Eastern route is a 5 week period from 09/01/23 to 06/02/23 with 85 two way HGV trips per week.*
- o The worst case period for the Western route is a 3 week period from 25/03/24 to 08/04/24 with 236 two way HGV trips per week.”*

Pre-determined routes are proposed to access Canvey Island, which utilises Canvey Way. The main compound is proposed to be accessed via Canvey Road, Long Road, Thorney Bay Road, Western Esplanade and Eastern Esplanade. It is anticipated that there will be some additional HGV and LGV vehicle movements between the site compounds along Eastern and Western Esplanades, however it is aimed to keep these to a minimum wherever possible.

Whilst the proposal will undoubtedly introduce additional traffic to the network, the proposed routes to access the sites will minimise the impact to as great a degree as they can whilst still facilitating the essential works to the revetment.

Given the additional traffic that the proposal is expected to generate for the period of the works, it is considered that the proposed HGVs and heavy machinery travelling to the main site compound and between the satellite compounds may result in additional damage to the highway network. However, it is considered that this concern could be adequately addressed by way of a planning condition which, in the first instance would involve the submission of a survey of the condition of the roads most likely to be impacted (Thorney Bay Road from the Materials Storage Compound to the east, Western Esplanade, the section of Furtherwick Road between Western Esplanade and Eastern Esplanade, Eastern Esplanade itself, as well as along Marine Parade) prior to commencement of the development followed by a requirement for the road to be reinstated to its former condition. Subject to such a condition no objection is raised to the proposal on the basis of potential damage to the highway.

The applicant has already stated that it is their intention to improve the existing unmade road along Marine Parade to an improved gravel surface to provide a suitable access to satellite compound 4. These works would improve the current unmade road condition and would be retained after the scheme has been completed.

It is noted that Paragraph 112 of the NPPF requires development, where practicable, to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Following the announcement by the government in 2017 that it intends to ban new petrol and diesel cars from 2040, and the more recent announcement that this ban will be brought forward to 2030, the need to provide infrastructure for charging electric vehicles is even more pressing.

The application notes in the Design and Access Statement that electric vehicle charge points will be available within the car park of the main site compound for the duration of the works. Given the temporary nature of the site, the provision of 4 electric vehicle charge points is considered to be a valuable addition to the proposal in encouraging sustainable forms of transport in line with government guidance. No objection is raised to the proposal on this basis.

Flood risk

Table 2 of the NPPG (Paragraph: 066 Reference ID: 7-066-20140306) sets out that development to flood control infrastructure is considered to be 'water-compatible'. The proposed site compound is to facilitate works to the revetment and as such is considered to be a water-compatible form of development. Table 3 of the NPPG (Paragraph: 067 Reference ID: 7-067-20140306) identifies that such development is acceptable within Zone 3A.

It has been identified in the consultation response from the Environment Agency that there is a residual risk of tidal flooding during a 1 in 1000-year event which should be considered. Further to this there is a residual risk from pluvial flooding which means that the proposed compound and buildings on it are liable to flood in the event of a heavy rain event. Therefore, this poses a risk to the potential users of the buildings on-site and the compound.

A Flood Response Plan (FRP) has been submitted alongside this application which identifies the actions that are to be taken by workers in the event of a flood warning being issued or in the actual event of a flood. It is considered that the content of this FRP is sufficient to ensure the safety of

the workers at the temporary site compounds and no objection is raised to the proposal on this basis.

Surface water drainage

Paragraph 167 of the NPPF identifies that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options (Paragraph: 080 Reference IS: 7-080-20150323) as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rainwater that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rainwater which combined with a high-water table severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

The proposed compound would be largely covered in impermeable surfaces including but not limited to, hardstanding for parking and material storage as well as temporary buildings for offices and welfare facilities. Surface water runoff from the site would therefore be increased by the proposed development, albeit for the temporary lifespan of the compound.

The scheme has used outputs of the 2015 Canvey Island Integrated Urban Drainage (IUD) model and has therefore been designed with an attenuated subterranean storage system with controlled discharge to the existing surface water drainage system, which runs through the site, to mimic the existing greenfield runoff rates already exhibited by the site so that the proposal does not make the existing situation worse. This specific system would have a storage capacity of some 259m³ and a discharge rate of 1 l/s with a depression to the centre of the site and earth bunds (0.10-0.15m) to the boundaries to contain surface water runoff within the site. In addition, the drainage system for the main site compound has been designed with a 10% additional allowance to compensate for climate change given the length of the period that the compound will be in situ.

Subject to a condition requiring the submitted surface water drainage scheme to be implemented and maintained, no objection is raised to the proposal on this basis.

Conclusion and planning balance:

Whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It is considered that any temporary adverse impacts of the proposed compound areas and associated works can be ameliorated through appropriate planning conditions and will be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that have led to my recommendation.

My **RECOMMENDATION** is **Approval**

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The use of the site as a construction compound shall cease no later than four years beginning with the date of this permission. All works and structures shall be removed from the land on or before that date and the land returned to its former condition.

REASON: This condition is imposed in order to permit the use of the site to strengthen Canvey Island's flood defences whilst preventing the permanent use of the site as a construction compound which would result in the permanent loss of public open space to the detriment of the residential amenity, health and wellbeing of local residents as well as being out of character with the surrounding built environment.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 4 Prior to the commencement of the development hereby approved a site condition survey report for the entire site area shall be undertaken and submitted to the local planning authority.

Reason: In order to provide a means of assessing any damage that may be caused by the development.

- 5 Prior to commencing any development on site, a suitable Highways Condition Survey Report of the construction vehicle routes to and from the site along the following sections of road shall be undertaken:
- o Thorney Bay Road south of and including from the vehicular maintenance access to The Wooden Park only
 - o Western Esplanade
 - o Furtherwick Road between Eastern Esplanade and Western Esplanade only
 - o Eastern Esplanade
 - o Marine Parade

This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey shall be undertaken after completion of the works to the revetment to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-development survey findings.

Any identified damage or defects shall be mitigated or improved to the standard identified at the pre-development stage.

- 6 Transport to and from the site shall be undertaken in accordance with the provisions of the submitted Construction Traffic Management Plan Reference: TEA-3B-00.00-RP-TM-00-00002 Revision P03 dated 15th June 2022 and the Transport Statement Reference: TEA-3B-00.00-RP-TM-00-00001 Revision P03 dated 15th June 2022, from which traffic movements shall not be exceeded without the formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of residents during the construction period and to minimise disruption to the local road network.

- 7 Development of the site shall be undertaken in accordance with the provisions of the submitted Drainage Strategy for Temporary Works Compounds Reference: TEA-3B-00.00-RP-CI-00-000001 Revision P01 dated 15th March 2022 and Drawing No. TEA-3B-00.00-DR-EG-00-002522 Revision P02 from which there shall be no deviation without the formal consent of the Local Planning Authority.

Such surface water drainage system shall be suitably maintained thereafter at all times whilst the site is in use.

There shall be no discharge of surface water onto the Highway.

REASON: To limit the potential for increased surface water runoff from the site and ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding and avoid the formation of ice on the highway in the interest of highway safety.

- 8 Development of the site shall be undertaken in accordance with the provisions and recommendations set out in the Preliminary Ecological Appraisal Reference TEA-3B-

00.00-RP-EN-00-000006 Revision P01.2 dated 22nd March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features and ecology of the site during the construction period.

- 9 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan Reference: TEA-3B-00.00-CO-TC-00-000003 Revision P02 dated 30th March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 10 The site compound hereby permitted shall only be used between the hours of 06:00 and 22:00 Monday to Friday.

REASON: In order to protect the amenities afforded to occupants of nearby residential properties.

- 11 A schedule of dates, times, locations and works to be undertaken outside of the normal construction hours of 08:00 - 18:00 shall be published by the applicant in a publicly accessible manner at the boundary of the site compound physically as well as online at the Canvey Island southern shoreline revetment project - information page at least three weeks prior to works being undertaken.

REASON: In order to keep local residents well informed of construction planned outside of normal construction hours in the interests of protecting the amenity of nearby residential occupants.

- 12 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the 'The Institution of Lighting Engineers: Guidance Notes for The Reduction of Light Pollution, 2000.' Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Site lighting shall be turned off when the site compound is not in use.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting

- 13 As shown in principle on planning drawing TEA-3B-00.00-DR-EG-00-002505 Rev P01. A section of bollards shall be removed at the eastern end of Eastern Esplanade to allow for temporary vehicular access to the compound. Upon removal of the site compound the bollards shall be reinstated.

REASON: To ensure that authorised vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 14 Prior to first beneficial use of the site compound the approved parking area as depicted on Drawing No. TEA-3B-00.00-DR-EG-00-002505 Revision P01 shall be provided, with

spaces complying with the adopted Essex Vehicle Parking Standards (2009) marked out and made available for use.

The approved parking shall thereafter be retained for its approved purpose for the duration of the use of the site compound and used for no other purpose.

REASON: In order to ensure the provision of adequate on-site parking facilities for the approved development.

- 15 Adequate turning areas shall be made available at all times to enable all vehicles to enter and exit the site in a forward gear, with turning facilities accommodated entirely within the site boundaries.

REASON: In order to ensure that appropriate turning facilities for all vehicles are provided within the site and to minimise potential conflict with other users of the highway.

- 16 No obstruction to any right of way shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way on footpath No. 5 (Canvey) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Upon removal of the site compound the existing right of way shall be reinstated in its original location and to its original condition.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

- 17 Prior to first beneficial use of the site compound, the vehicle parking area shall be provided with 4 electric vehicle charge points which shall be made operational prior to first beneficial use of the site compound. Following installation, the charge points shall be retained for the duration of the site compound's use and maintained in accordance with any manufacturer's recommendations.

REASON: To facilitate the use of electric vehicles by users of the development in the interest of sustainable transport.

- 18 The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements document received by the local planning authority on 8th June 2022.

REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.

- 19 Upon first use of the site, the approved Flood Response Plan Reference 002b dated 14th June 2022 shall be enacted and thereafter maintained at all times that the site compound is in use. Any revisions to the Plan shall first be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the site in the event of a flood.

- 20 There shall be no storage of raw materials on any outdoor part of the site above a height of 2.4 metres.

REASON: To ensure that the storage of materials does not detract from the character and appearance of the surrounding area.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 **Cadent Gas**
Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 4 **Essex Fire and Rescue Service**
Water Supplies
The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce

the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

5 Highway Authority

- o The grant of planning permission does not automatically allow development to commence. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- o The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 5 Canvey, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- o Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
- o The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- o The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- o The applicants should be advised to contact the Development Management Team by email at [REDACTED]

6 Lead Local Flood Authority (LLFA)

Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [REDACTED]

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

7 Port of London Authority (PLA)

The applicant will require a River Works licence for the overall revetment proposals in this area.

ITEM 2

Application Number:	22/0302/FULCLO
Address:	Wooden Park Thorney Bay Canvey Island Essex (Canvey Island South Ward)
Description of Development:	Temporary construction compound area to support the works to the revetment at Canvey Island
Applicant:	Environment Agency
Case Officer	Mr Stephen Garner

Summary

The proposal seeks consent for the siting of a temporary material storage compound area to the west of Thorney Bay Road to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment are in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal is considered to be consistent with national and local policy and the proposal is therefore recommended for APPROVAL.

This case is presented to committee because the council is the landowner.

Site Visit

It is not considered necessary for members to visit the site prior to determination of the application.

Introduction

The Environment Agency intend to undertake refurbishment and replacement works to the seawall on the southern and eastern coast of Canvey Island. These works will be undertaken under permitted development rights enjoyed by the EA under Class D of Part 13 of the General Permitted Development Order 2015. Such works do not require the formal consent of this Authority.

To support such works, it will be necessary for a series of storage compounds to be formed. These compounds do require the consent of this Authority and are the subject of a series of reports attached to this Agenda.

This report is primarily concerned with the application for the Material Storage Compound, proposed to be located to the west of Thorney Bay Road.

However, to provide the context for this application, it should be noted that five compounds are proposed in total as indicated in the figure below, along the southern shoreline of Canvey Island.



All compound sites have been selected following a consultation process in 2021 aimed at local residents and businesses that was as comprehensive as possible within government COVID-19 guidelines for engagement. The selection strategy has regard to former compound and storage areas used in the late 1970s and early 1980s when the existing tidal defences were constructed, minimal disruption to residents, businesses, and the existing road network, whilst at the same time providing the necessary access to the working areas for these essential works to the flood defence infrastructure. Therefore, all compound locations are situated on the southern or eastern sides of existing roads to provide the most efficient access route to the tidal defences. This removes the need for any traffic management (such as temporary traffic lights) on local residential roads. The compound areas have been designed to utilise the minimum possible area whilst keeping them operational and functional.

It is proposed that the project be delivered utilising one main compound, three satellite compounds and a materials storage area along the southern frontage. This provision has been made based on the duration of the works, extensive working area and material requirements. Due to the linear nature of the assets being worked on, the intent is that the main compound area be as close to the centre as possible, with satellite compounds spread along the length of the tidal defences up and removed based on the programmed revetment works location and progress.

A key aspect of the works which the smaller compounds will be required for is the main body OSA/LSA (Open Stone Asphalt/Lean Sand Asphalt) work which requires temperature-controlled storage and regulation to ensure a good quality finish along the revetment. The delivery and storage of this material closer to the works areas is critical to maximising the time from delivery to laying.

The Application Site

The material storage compound will be located on the western side of Thorney Bay Road. It has an area of some 870m² and is scheduled to be operational for a period of some two and a half years following commencement of the works.

The site forms part of a larger area of flat, grassed public open space to the north of Thorney Bay Beach and approximately to the west of the pedestrian junction of The Parkway and Thorney Bay

Road. Beyond the public open space there is residential development to the east and north on the other side of Thorney Bay Road, whilst further to the west is the Thorney Bay Caravan Park.

The site is accessible via an existing vehicular maintenance access with footpaths to the northern and eastern sides.

The Proposal

The proposal seeks consent for the siting of a temporary material storage compound area to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island.

It is proposed that the material storage compound will be used for the storage of additional necessary materials outside of the main and satellite compound locations.

The temporary materials storage compound will also include surface water drainage and temporary storage provisions to ensure no additional surface water runoff from the site.

The compound area will be enclosed by a solid 2.4m high hoarding to the north and east, with an access gate in the north eastern and south eastern corners. To the south are proposed to be some 2.4m tall artistic panels and to the west is proposed to be some Heras/chain link type fencing.

This compound area is proposed to be established by April 2023 and is expected to be in place for the duration of the works, until summer 2025.

Supplementary Documentation

In addition to numerous drawings, this application is supported by a number of supplementary planning documents:

- o Design and Access Statement
- o Construction Traffic Management Plan
- o Construction and Environmental Management Plan
- o Transport Statement
- o Drainage Strategy for Temporary Works Compounds
- o Preliminary Ecological Appraisal
- o Site Waste Management Plan
- o Flood Response Plan

Planning History

Comprehensive pre-application engagement with the Environment Agency and the TEAM2100 project team has taken place since 2018.

Related Applications			
Application No.	Location	Proposal	Determination
22/0298/CLP	Land Between Thorney Bay in the West and A Point South of The Island Yacht	Replacement and widening of floodgates; widening of the maintenance access track on the riverward side	Certificate of Lawfulness of Proposed Development –

	Club in The East, Thorney Bay	of the seawall at certain locations; replacement of all the concrete steps that lead down the revetment to the foreshore and maintenance track repairs (landward side of seawall); replacement of the concrete apron around the Concorde Cafe and the access ramp down to the foreshore; temporary ramps; Landscape, amenity and habitat opportunities associated with the required works	Granted 30 th May 2022
22/0300/FULCLO	Land Located to the East of Marine Parade and Beveland Road, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0299/FULCLO	South of Western Esplanade West of The Welcome Hut, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0301/FULCLO	Western Part of the Existing Eastern Esplanade Car Park and South of The Eastern Esplanade Bandstand Area, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island.	Not yet determined
22/0320/FULCLO	Land to the East of Eastern Esplanade and to the South of Athol Close, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined

Local Plan Allocation

Public Open Space

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework (2021)
 NPPG National Planning Practice Guidance

Adopted Local Plan (1998)

EC2 Design
 EC3 Residential Amenity
 EC4 Pollution
 EC7 Natural and Semi-Natural Features in Urban Areas
 T8 Parking Provision
 RE12 Public Rights of Way

Essex Parking Standards September 2009 (Adopted June 2010)

Consultation

Anglian Water

No comment

Cadent Gas

No comments received

Calor Gas

No comments received

Canvey Island Town Council

No comments received

CPBC Environmental Health

No objection to the proposal subject to the implementation of two conditions regarding noise and light pollution in order to protect the amenity of occupiers of surrounding residential premises.

CPBC Legal Services

No objection, however, proper licenses to use council land should be in place before the proposed compound area is used.

CPBC Planning Policy

No comments received

CPBC Streetscene

No comments received

Environment Agency

No objection

Essex & Suffolk Water

No comments received

Essex Highways

No objection to the proposal subject to the implementation of a number of conditions where relevant and necessary.

Essex Fire and Rescue

No objection

Port of London Authority

No objection

Essex Wildlife Trust

No comments received

Health & Safety Executive – Land Use Planning Team

No comment

Health & Safety Executive – Explosives Inspectorate

No comment

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) issued a holding objection on 8th June based on the following reasons:

- o The documents submitted omit the drainage modelling outputs, which are required for a full application.

Following submission of further details, the LLFA removed its holding objection on 14th June and raised no objection to the proposal based on the implementation of conditions where relevant and necessary.

Public Consultation

In addition to letters sent directly to local residents adjacent to the site, site notices were posted in the local area to publicise the proposal. No objection comments have been received.

Comments on Consultation Responses

No lighting is proposed to the materials storage compound so the aspect of the consultation response from the CPBC Environmental Health Officer regarding lighting will not be considered during this report.

All material concerns raised will be considered in the evaluation of this proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

It is important to note that this application seeks consent only for the site compound and associated works to create the site compound. Works relating to the seawall and revetment have been found to constitute permitted development and are not part of the consideration of this proposal.

Principle

Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004 require applications to be determined in accordance with the development plan unless there are clear and convincing material considerations that indicate otherwise.

National Planning Practice Guidance advises that the NPPF is a material consideration that must be taken into account where it is relevant to a planning application. This includes the presumption in favour of sustainable found at paragraph 11 of the Framework:

- o *“approving development proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - iii. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - iv. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”*

The area is allocated within the adopted Local Plan as public open space. The proposed development is inconsistent with that use and *prima facie*, the proposal should attract a recommendation of refusal on the basis of the loss of open space.

However, whilst the retention of the land as an open space is important to serve the recreational needs of local residents, it is also important to consider the detail and benefits of the proposal. Firstly, the proposal is for a temporary materials storage compound which would be in situ for approximately two and a half years. This is not a permanent loss of public open space and once the works are completed the site compound will be removed and the site returned to its former condition.

Secondly, the provision of appropriate compounds is essential to the Environment Agency’s ongoing programme of refurbishment and replacement of Canvey Island’s tidal flood defences which are necessary to ensure the continued protection of residents, businesses and properties on the island from tidal flooding. This weighs heavily in favour of the proposal.



Areas of proposed refurbishment works

Despite its temporary nature, it would still be in situ for approximately two and a half years. Therefore, it is also important to consider whether there are any alternative sites which are more suitable and would not rely on an area of public open space.

There are specific requirements which need to be met for the material storage compound which take into account criteria such as proximity to the seawall, impact on the road network, impact on local residents and also the physical space requirements.

The chosen location is the preferred option for the applicant as it provides the necessary free space immediately adjacent to the works area. The location will minimise vehicle and plant movements on local roads and associated traffic management works such as temporary traffic lights. It would therefore provide accessibility to the other compounds, whilst minimising wider disruption.

Other sites were discounted due to their distance from the other compounds and work site, which would generate more plant and vehicle movements each day to reach the seawall causing additional disruption to the road network and disturbance to local residents, increased carbon emissions and extend the construction programme. Utilising the Canvey Central Park by the Labworth was also discounted due to it being situated within the key amenity frontage and having a subterranean drainage system which would likely be damaged by the heavy machinery operating above.

It is considered that the applicant has examined all available reasonable alternative sites and that the preferred site is most appropriate for the requirements of the works. This alongside the wider public benefits associated with the proposed works in providing protection against tidal flooding for the whole of Canvey Island weighs heavily in favour of permitting the temporary site compound. Whilst the proposal would result in the temporary loss of public open space, the wider public benefit arising from its use as a compound to support flood defence works outweigh the temporary harm to recreational provision.

No objection is therefore raised to the principle of such provision at this location.

Design and layout

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The proposed scheme is for a temporary material storage compound, so opportunities to incorporate a high standard of design are somewhat limited. However, in an attempt to improve the external appearance of the site compound, it is proposed to erect 2.4m solid hoarding to the northern, eastern and western sides to screen the content of the site compound from residential properties and to provide an element of security to the equipment and materials stored within the compound. Heras fencing to a height of 2.4m is proposed to the western side of the compound with artistic panels to the southern side.

The proposed hoarding will be located to facilitate pedestrian access around the compound in all directions so to minimise impacts to local residents' pedestrian movements.

This type of fencing arrangement is not uncommon on construction sites/compounds and within the context of the proposed use and area it is not considered to be of an unacceptable design, as providing no screening to the compound would detract from the appearance of the wider area to a far greater degree. Attempts have been made to improve the general appearance of the hoarding and site as a whole and no objection is therefore raised to the proposal on this basis.

Impact on residential amenity

Policy EC2 considers the impact of development on neighbouring residents.

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Policy EC4 of the adopted Local Plan seeks to ensure that development proposals which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air, or by reason of noise, dust, vibration, light or heat will be refused.

The proposed material storage compound presents the opportunity for an impact on residential amenity by reason of additional traffic, noise, air and light pollution.

The scheme proposes a material storage compound which will accept deliveries of materials and heavy machinery which would generate additional traffic, noise and air pollution within the local area.

The applicant has submitted a Construction and Environmental Management Plan which sets out the baseline noise measurements which have been undertaken and acknowledges that during the evening specifically, construction noise is likely to exceed baseline levels. However, the document sets out a series of mitigation measures to minimise disturbances wherever possible. Such measures include:

- o Temporary noise screens or enclosures
- o Utilisation of mains utilities rather than noisy generators
- o Restriction of deliveries and movement of equipment to normal working hours where possible
- o Speed restrictions of vehicles to prevent vibrations to nearby houses
- o Turning off plant and equipment when not in use
- o Keeping all local residents and property owners well informed

The council's Environmental Health Officer has raised no objections to the proposal and has suggested the implementation of two conditions requiring works to be undertaken in accordance with the Construction and Environmental Management Plan. On the basis of this professional advice, no objection is raised to the proposal by the planning authority on the basis of noise, air or light pollution generated from the construction of and/or use of the site compound.

However, it is important to consider the proposed hours of operation of the site compound and how this may disturb nearby residents.

It is proposed that the compound be permitted to be operational between the hours of 06:00 – 22:00 Monday to Friday. The reason for these seemingly extended hours is that works to the estuary side of the revetment will be undertaken in accordance with the times of the low-tide window. Only one tidal shift will be carried out each day and this may be entirely or partially within the normal construction hours of 08:00 – 18:00. However, where the tidal pattern is such that this is not possible, the extended construction hours are proposed to be utilised in order to speed up the works and minimise the length of time the compound is required to be in situ. Therefore, these times of operation will vary, and the site will not necessarily be in use throughout the entire 16-hour period. Works to the landward side of the revetment will take place during normal construction hours of 08:00 – 18:00.

Work undertaken outside of these hours has the potential to cause disturbance to local residents. The impact of the proposed extended working times has been carefully considered, however the consequence of not permitting works during these extended periods would be to double the number of weeks required for works to the estuary side of the revetment, from 109 to 218, due to the halving of the number of productive working shifts each month. This would in turn result in the site compound being in place for double the period of time whilst the works are completed.

It is considered that permitting the additional working hours in order to speed up the overall construction process presents a pragmatic compromise between ensuring the works are completed as quickly as possible whilst attempting to minimise the impact on neighbouring residents as far as is practicable. No objections it therefore raised to the principle of the extended hours of operation.

It is proposed to regularly update residents of the proposed shift working times through a dedicated project website, local bulletin board, signage and an engagement hub so that residents are well informed regarding the operating times.

Impact on wildlife

The proposal is accompanied by a preliminary ecological appraisal which notes that the main site compound consists of modified grassland with some scattered scrub. This area is not a designated or priority habitat. Given the limited biodiversity value of the site, it is not considered that the proposal would have a detrimental impact on wildlife within the area subject to mitigation measures regarding noise, dust and other potential pollutants, which are covered within the Construction and Environmental Management Plan. No objection is raised to the proposal on this basis.

Parking, access and transit

Policy T8 requires adopted parking standards to be taken into account. Parking spaces should be 2.9m x 5.5m with accessible spaces measuring 3.9 x 6.5m. End of row spaces next to hard objects should be afforded an additional 1.0m of space to allow for ease of manoeuvrability into and out of end bay spaces.

The Essex Vehicle Parking Standards do not have specific parking standards relating to temporary construction compounds; however, it should nonetheless be considered on its own merits.

No dedicated parking is proposed to be provided at the temporary material storage compound. However, it is proposed that parking will be provided at other site compounds as follows:

Compound	No. Spaces
Main Site Compound	35
Satellite Compound 1	30
Satellite Compound 2	16
Satellite Compound 4	25
Total	106

Given that the parking standards represent a maximum number of spaces required, and paragraph 108 of the NPPF states maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, this is felt to represent a reasonable level of parking provision.

Adequate space is provided within the materials storage compound for HGVs to enter the site, turn around and leave in a forward gear. The entire route leading to this site is along a distributor route.

The submitted Transport Assessment identifies that across all sites peak demand will be:

“236 HGV movements (118 deliveries in/118 deliveries out);

- o 184 car/LGV movements (92 arrivals in the morning, 92 departures in the late afternoon/evening); and*
- o 4 minibus movements (2 pick-up and 2 drop-off services).*
- o*

This implies the following increases in HGV traffic:

- o The worst case period for the Eastern route is a 5 week period from 09/01/23 to 06/02/23 with 85 two way HGV trips per week.*
- o The worst case period for the Western route is a 3 week period from 25/03/24 to 08/04/24 with 236 two way HGV trips per week.”*

Pre-determined routes are proposed to access Canvey Island, which utilises Canvey Way. The main compound is proposed to be accessed via Canvey Road, Long Road, Thorney Bay Road, Western Esplanade and Eastern Esplanade. It is anticipated that there will be some additional HGV and LGV vehicle movements between the site compounds along Eastern and Western Esplanades, however it is aimed to keep these to a minimum wherever possible.

Whilst the proposal will undoubtedly introduce additional traffic to the network, the proposed routes to access the sites will minimise the impact to as great a degree as they can whilst still facilitating the essential works to the revetment.

Flood risk

Table 2 of the NPPG (Paragraph: 066 Reference ID: 7-066-20140306) sets out that development to flood control infrastructure is considered to be 'water-compatible'. The proposed site compound is to facilitate works to the revetment and as such is considered to be a water-compatible form of development. Table 3 of the NPPG (Paragraph: 067 Reference ID: 7-067-20140306) identifies that such development is acceptable within Zone 3A.

It has been identified in the consultation response from the Environment Agency that there is a residual risk of tidal flooding during a 1 in 1000-year event which should be considered. Further to this there is a residual risk from pluvial flooding which means that the proposed compound and buildings on it are liable to flood in the event of a heavy rain event. Therefore, this poses a risk to the potential users of the buildings on-site and the compound.

A Flood Response Plan (FRP) has been submitted alongside this application which identifies the actions that are to be taken by workers in the event of a flood warning being issued or in the actual event of a flood. It is considered that the content of this FRP is sufficient to ensure the safety of the workers at the temporary site compounds and no objection is raised to the proposal on this basis.

Surface water drainage

Paragraph 167 of the NPPF identifies that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options (Paragraph: 080 Reference ID: 7-080-20150323) as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rainwater that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rainwater which combined with a high-water table severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

The proposed compound would be largely covered in impermeable surfaces hardstanding for material storage. Surface water runoff from the site would therefore be increased by the proposed development, albeit for the temporary lifespan of the compound.

The scheme has used outputs of the 2015 Canvey Island Integrated Urban Drainage (IUD) model and has therefore been designed with an attenuated subterranean storage system with controlled discharge to the existing surface water drainage system, to mimic the existing greenfield runoff rates already exhibited by the site so that the proposal does not make the existing situation worse. This specific system would have a storage capacity of some 6.14m³ and a discharge rate of 1 l/s with small earth bunds (0.2m) to the boundaries to contain surface water runoff within the site.

Subject to a condition requiring the submitted surface water drainage scheme to be implemented and maintained, no objection is raised to the proposal on this basis.

Conclusion and planning balance:

Whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It is considered that any temporary adverse impacts of the proposed compound areas and associated works can be ameliorated through appropriate planning conditions and will be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that have led to my recommendation.

My **RECOMMENDATION** is **Approval**

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The use of the site as a construction compound shall cease no later than four years beginning with the date of this permission. All works and structures shall be removed from the land on or before that date and the land returned to its former condition.

REASON: This condition is imposed in order to permit the use of the site to strengthen Canvey Island's flood defences whilst preventing the permanent use of the site as a construction compound which would result in the permanent loss of public open space to the detriment of the residential amenity, health and wellbeing of local residents as well as being out of character with the surrounding built environment.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 4 Prior to the commencement of the development hereby approved a site condition survey report for the entire site area shall be undertaken and submitted to the local planning authority.

REASON: In order to provide a means of assessing any damage that may be caused by the development.

- 5 Transport to and from the site shall be undertaken in accordance with the provisions of the submitted Construction Traffic Management Plan Reference: TEA-3B-00.00-RP-TM-00-00002 Revision P03 dated 15th June 2022 and the Transport Statement Reference: TEA-3B-00.00-RP-TM-00-00001 Revision P03 dated 15th June 2022, from which traffic movements shall not be exceeded without the formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of residents during the construction period and to minimise disruption to the local road network.

- 6 Development of the site shall be undertaken in accordance with the provisions of the submitted Drainage Strategy for Temporary Works Compounds Reference: TEA-3B-00.00-RP-CI-00-000001 Revision P01 dated 15th March 2022 from which there shall be no deviation without the formal consent of the Local Planning Authority.

Such surface water drainage system shall be suitably maintained thereafter at all times whilst the site is in use.

There shall be no discharge of surface water onto the Highway.

REASON: To limit the potential for increased surface water runoff from the site and ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding and avoid the formation of ice on the highway in the interest of highway safety.

- 7 Development of the site shall be undertaken in accordance with the provisions and recommendations set out in the Preliminary Ecological Appraisal Reference TEA-3B-00.00-RP-EN-00-000006 Revision P01.2 dated 22nd March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features and ecology of the site during the construction period.

- 8 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan Reference: TEA-3B-00.00-CO-TC-00-000003 Revision P02 dated 30th March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 9 The site compound hereby permitted shall only be used between the hours of 06:00 and 22:00 Monday to Friday.

REASON: In order to protect the amenities afforded to occupants of nearby residential properties.

- 10 A schedule of dates, times, locations and works to be undertaken outside of the normal construction hours of 08:00 - 18:00 shall be published by the applicant in a publicly accessible manner at the boundary of the site compound physically as well as online at the Canvey Island southern shoreline revetment project - information page at least three weeks prior to works being undertaken.

REASON: In order to keep local residents well informed of construction planned outside of normal construction hours in the interests of protecting the amenity of nearby residential occupants.

- 11 As shown in principle on planning drawing TEA-3B-00.00-DR-EG-00-002505 Rev P01. A section of bollards shall be removed at the eastern end of Eastern Esplanade to allow for temporary vehicular access to the compound. Upon removal of the site compound the bollards shall be reinstated.

REASON: To ensure to ensure that authorised vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 12 Adequate turning areas shall be made available at all times to enable all vehicles to enter and exit the site in a forward gear, with turning facilities accommodated entirely within the site boundaries.

REASON: In order to ensure that appropriate turning facilities for all vehicles are provided within the site and to minimise potential conflict with other users of the highway.

- 13 No obstruction to any right of way shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way on footpath No. 5 (Canvey) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Upon removal of the site compound the existing right of way shall be reinstated in its original location and to its original condition.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

- 14 The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements document received by the local planning authority on 8th June 2022.

REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.

- 15 Upon first use of the site, the approved Flood Response Plan Reference 002d dated 14th June 2022 shall be enacted and thereafter maintained at all times that the site compound is in use. Any revisions to the Plan shall first be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the site in the event of a flood.

- 16 There shall be no storage of raw materials on any outdoor part of the site above a height of 2.4 metres.

REASON: To ensure that the storage of materials does not detract from the character and appearance of the surrounding area.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

- 3 Essex Fire and Rescue Service
Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

4 Highway Authority

- o The grant of planning permission does not automatically allow development to commence. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- o The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 5 Canvey, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- o Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
- o The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- o The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- o The applicants should be advised to contact the Development Management Team by email at d[REDACTED]

5 Lead Local Flood Authority (LLFA)

Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [REDACTED].

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

6 Port of London Authority (PLA)

The applicant will require a River Works licence for the overall revetment proposals in this area.

ITEM 3

Application Number:	22/0299/FULCLO
Address:	South Of Western Esplanade West Of The Welcome Hut Canvey Island Essex SS8 0DA (Canvey Island South Ward)
Description of Development:	Temporary construction compound area to support the works to the revetment at Canvey Island
Applicant:	Environment Agency
Case Officer	Mr Stephen Garner

Summary

The proposal seeks consent for the siting of a temporary construction compound area to the south of Western Esplanade to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment are in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal is considered to be consistent with national and local policy and the proposal is therefore recommended for APPROVAL.

This case is presented to committee because the council is the landowner.

Site Visit

It is not considered necessary for members to visit the site prior to determination of the application.

Introduction

The Environment Agency intend to undertake refurbishment and replacement works to the seawall on the southern and eastern coast of Canvey Island. These works will be undertaken under permitted development rights enjoyed by the EA under Class D of Part 13 of the General Permitted Development Order 2015. Such works do not require the formal consent of this Authority.

To support such works, it will be necessary for a series of storage compounds to be formed. These compounds do require the consent of this Authority and are the subject of a series of reports attached to this Agenda.

This report is primarily concerned with the application for Satellite Compound 1 (SC1), proposed to be located to the south of Western Esplanade.

However, to provide the context for this application, it should be noted that five compounds are proposed in total as indicated in the figure below, along the southern shoreline of Canvey Island.



All compound sites have been selected following a consultation process in 2021 aimed at local residents and businesses that was as comprehensive as possible within government COVID-19 guidelines for engagement. The selection strategy has regard to former compound and storage areas used in the late 1970s and early 1980s when the existing tidal defences were constructed, minimal disruption to residents, businesses, and the existing road network, whilst at the same time providing the necessary access to the working areas for these essential works to the flood defence infrastructure. Therefore, all compound locations are situated on the southern or eastern sides of existing roads to provide the most efficient access route to the tidal defences. This removes the need for any traffic management (such as temporary traffic lights) on local residential roads. The compound areas have been designed to utilise the minimum possible area whilst keeping them operational and functional.

It is proposed that the project be delivered utilising one main compound, three satellite compounds and a materials storage area along the southern frontage. This provision has been made based on the duration of the works, extensive working area and material requirements. Due to the linear nature of the assets being worked on, the intent is that the main compound area be as close to the centre as possible, with satellite compounds spread along the length of the tidal defences up and removed based on the programmed revetment works location and progress.

A key aspect of the works which the smaller compounds will be required for is the main body OSA/LSA (Open Stone Asphalt/Lean Sand Asphalt) work which requires temperature-controlled storage and regulation to ensure a good quality finish along the revetment. The delivery and storage of this material closer to the works areas is critical to maximising the time from delivery to laying.

The Application Site

Satellite Compound 1 (SC1) will be located on the southern side of Western Esplanade towards its western end. It has an area of some 1630m² and is scheduled to be operational for a period of one and a half years following commencement of the works.

The site is currently a grassed area of public open space at the bottom of the landward side of the existing embankment. To the north of the site on the opposite side of Western Esplanade are

residential properties, to the east is The Welcome Hut cafe and to the south and west are the existing embankment.

An existing vehicular access ramp runs through the centre of the site from Western Esplanade up to the top of the embankment, linking with the footpath that runs along the top of the embankment.

The Proposal

The proposal seeks consent for the siting of a temporary construction compound area to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island.

Where the existing access ramp is located, it divides the site into two halves. The western side is proposed to accommodate site welfare facilities, offices and parking, whilst the eastern side would be utilised as an operational space to receive, sort and site batch asphalt to be used in the proposed works to the revetment.

Satellite Compound 1 will also include surface water drainage and temporary storage provisions to ensure no additional surface water runoff from the site..

The compound area will be enclosed by a solid 2.4m high hoarding to all sides with access gates into the lower section of the existing access ramp for both halves, southern side for the eastern half and western side for the western half.

LED lighting is proposed to be mounted to the inside of the hoardings and on some of the modular single storey buildings, facing down into the compound area.

This compound area is proposed to be established by Quarter 1 2023 and is expected to be in place for the duration of the works, until Quarter 3 2024.

Supplementary Documentation

In addition to numerous drawings, this application is supported by a number of supplementary planning documents:

- o Design and Access Statement
- o Construction Traffic Management Plan
- o Construction and Environmental Management Plan
- o Transport Statement
- o Drainage Strategy for Temporary Works Compounds
- o Indicative Lighting Design
- o Preliminary Ecological Appraisal
- o Site Waste Management Plan
- o Flood Response Plan

Planning History

Comprehensive pre-application engagement with the Environment Agency and the TEAM2100 project team has taken place since 2018.

Related Applications			
Application No.	Location	Proposal	Determination
22/0298/CLP	Land Between Thorney Bay in the West and A Point South of The Island Yacht Club in The East, Thorney Bay	Replacement and widening of floodgates; widening of the maintenance access track on the riverward side of the seawall at certain locations; replacement of all the concrete steps that lead down the revetment to the foreshore and maintenance track repairs (landward side of seawall); replacement of the concrete apron around the Concorde Cafe and the access ramp down to the foreshore; temporary ramps; Landscape, amenity and habitat opportunities associated with the required works	Certificate of Lawfulness of Proposed Development – Granted 30 th May 2022
22/0302/FULCLO	Wooden Park Thorney Bay, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0300/FULCLO	Land Located to the East of Marine Parade and Beveland Road, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0301/FULCLO	Western Part of the Existing Eastern Esplanade Car Park and South of The Eastern Esplanade Bandstand Area, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island.	Not yet determined
22/0320/FULCLO	Land to the East of Eastern Esplanade and to the South of Athol Close, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined

Local Plan Allocation

Public Open Space

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Adopted Local Plan (1998)

EC2 Design

EC3 Residential Amenity

EC4 Pollution

EC7 Natural and Semi-Natural Features in Urban Areas

T8 Parking Provision

RE12 Public Rights of Way

Essex Parking Standards September 2009 (Adopted June 2010)

Consultation

Anglian Water

No comment

Cadent Gas

No comments received

Calor Gas

No comments received

Canvey Island Town Council

No comments received

CPBC Environmental Health

No objection to the proposal subject to the implementation of two conditions regarding noise and light pollution in order to protect the amenity of occupiers of surrounding residential premises.

CPBC Legal Services

No objection, however, proper licenses to use council land should be in place before the proposed compound area is used.

CPBC Planning Policy

No comments received

CPBC Streetscene

No comments received

Environment Agency

No objection

Essex & Suffolk Water

No comments received

Essex Highways

No objection to the proposal subject to the implementation of a number of conditions where relevant and necessary.

Essex Fire and Rescue

No objection

Port of London Authority

No objection

Essex Wildlife Trust

No comments received

Health & Safety Executive – Land Use Planning Team

No comment

Health & Safety Executive – Explosives Inspectorate

No comment

Lead Local Flood Authority

No comments received

Public Consultation

In addition to letters sent directly to local residents adjacent to the site, site notices were posted in the local area to publicise the proposal. No objection comments have been received.

Comments on Consultation Responses

All material concerns raised will be considered in the evaluation of this proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

It is important to note that this application seeks consent only for the site compound and associated works to create the site compound. Works relating to the seawall and revetment have been found to constitute permitted development and are not part of the consideration of this proposal.

Principle

Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004 require applications to be determined in accordance with the development plan unless there are clear and convincing material considerations that indicate otherwise.

National Planning Practice Guidance advises that the NPPF is a material consideration that must be taken into account where it is relevant to a planning application. This includes the presumption in favour of sustainable found at paragraph 11 of the Framework:

- o *“approving development proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - v. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - vi. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”*

The area is allocated within the adopted Local Plan as public open space. The proposed development is inconsistent with that use and *prima facie*, the proposal should attract a recommendation of refusal on the basis of the loss of open space.

However, whilst the retention of the land as an open space is important to serve the recreational needs of local residents, it is also important to consider the detail and benefits of the proposal. Firstly, the proposal is for a temporary site compound which would be in situ for approximately one and a half years. This is not a permanent loss of public open space and once the works are completed the site compound will be removed and the site returned to its former condition.

Secondly, the provision of appropriate compounds is essential to the Environment Agency’s ongoing programme of refurbishment and replacement of Canvey Island’s tidal flood defences which are necessary to ensure the continued protection of residents, businesses and properties on the island from tidal flooding. This weighs heavily in favour of the proposal.



Areas of proposed refurbishment works

Despite its temporary nature, it would still be in situ for approximately two and a half years. Therefore, it is also important to consider whether there are any alternative sites which are more suitable and would not rely on an area of public open space.

There are specific requirements which need to be met for the main site compound which take into account criteria such as proximity to the seawall, impact on the road network, impact on local residents and the physical space requirements.

Other sites were discounted due to their distance from the other compounds and work site, which would generate more plant and vehicle movements each day to reach the seawall causing additional disruption to the road network and disturbance to local residents, increased carbon emissions and extend the construction programme. Utilising the Canvey Central Park by the Labworth was also discounted due to it being situated within the key amenity frontage and having a subterranean drainage system which would likely be damaged by the heavy machinery operating above.

The chosen location is the preferred option for the applicant as it provides the necessary free space immediately adjacent to the works area. The location will minimise vehicle and plant movements on local roads and associated traffic management works such as temporary traffic lights and is located along the revetment the works will be taking place over. It would therefore provide accessibility both to the east and west, whilst minimising wider disruption.

It is considered that the applicant has examined all available reasonable alternative sites and that the preferred site is most appropriate for the requirements of the works. This alongside the wider public benefits associated with the proposed works in providing protection against tidal flooding for the whole of Canvey Island weighs heavily in favour of permitting the temporary site compound. Whilst the proposal would result in the temporary loss of public open space, the wider public benefit arising from its use as a compound to support flood defence works outweigh the temporary harm to recreational provision.

No objection is therefore raised to the principle of such provision at this location.

Design and layout

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The proposed scheme is for a temporary site compound, so opportunities to incorporate a high standard of design are somewhat limited. However, in an attempt to improve the external appearance of the site compound, it is proposed to erect 2.4m solid hoarding to the sides to screen the content of the site compound from residential properties and to provide an element of security to the equipment and materials stored within the compound. Heras fencing to a height of 2.4m is proposed to the southern side of the compounds eastern half to provide easy access to the seawall.

Opposite properties on Western Esplanade it is proposed to install decorative “leaf effect” hoarding panels, whilst to the east of the site adjacent there are proposed to be some artistic panels installed on the hoarding.

The proposed hoarding will be located to facilitate pedestrian access around the compound in all directions so to minimise impacts to local residents’ pedestrian movements.

This type of fencing arrangement is not uncommon on construction sites/compounds and within the context of the proposed use and area it is not considered to be of an unacceptable design, as providing no screening to the compound would detract from the appearance of the wider area to a far greater degree. Attempts have been made to improve the general appearance of the hoarding and site as a whole and no objection is therefore raised to the proposal on this basis.

Impact on residential amenity

Policy EC2 considers the impact of development on neighbouring residents.

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Policy EC4 of the adopted Local Plan seeks to ensure that development proposals which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air, or by reason of noise, dust, vibration, light or heat will be refused.

The proposed site compound presents the opportunity for an impact on residential amenity by reason of additional traffic, noise, air and light pollution.

The scheme proposes a site compound which will accept deliveries of materials and heavy machinery which would generate additional traffic, noise and air pollution within the local area. Lighting is also proposed within the site compound, attached to the internal walls of the compound hoarding and angled downwards.

The applicant has submitted a Construction and Environmental Management Plan which sets out the baseline noise measurements which have been undertaken and acknowledges that during the evening specifically, construction noise is likely to exceed baseline levels. However, the document sets out a series of mitigation measures to minimise disturbances wherever possible. Such measures include:

- o Temporary noise screens or enclosures
- o Utilisation of mains utilities rather than noisy generators
- o Restriction of deliveries and movement of equipment to normal working hours where possible
- o Speed restrictions of vehicles to prevent vibrations to nearby houses
- o Turning off plant and equipment when not in use
- o Keeping all local residents and property owners well informed

Lighting is proposed within the site compound attached to the compound hoarding and angled down into the site. An example lighting scheme has been submitted illustrating potential light

overspill from the development when in use which helpfully illustrates that whilst the site may emit a glow, the actual light overspill into the surrounding area will be minimised.

The council's Environmental Health Officer has raised no objections to the proposal and has suggested the imposition of two conditions requiring works to be undertaken in accordance with the Construction and Environmental Management Plan as well as controlling the level of illumination and light pollution. On the basis of this professional advice, no objection is raised to the proposal on the basis of noise, air or light pollution generated from the construction of and/or use of the site compound.

However, it is important to consider the proposed hours of operation of the site compound and how this may disturb nearby residents.

It is proposed that the site compound be permitted to be operational between the hours of 06:00 – 22:00 Monday to Friday. The reason for these seemingly extended hours is that works to the estuary side of the revetment will be undertaken in accordance with the times of the low-tide window. Only one tidal shift will be carried out each day and this may be entirely or partially within the normal construction hours of 08:00 – 18:00. However, where the tidal pattern is such that this is not possible, the extended construction hours are proposed to be utilised in order to speed up the works and minimise the length of time the compound is required to be in situ. Therefore, these times of operation will vary, and the site will not necessarily be in use throughout the entire 16-hour period. Works to the landward side of the revetment will take place during normal construction hours of 08:00 – 18:00.

Work undertaken outside of these hours has the potential to cause disturbance to local residents. The impact of the proposed extended working times has been carefully considered, however the consequence of not permitting works during these extended periods would be to double the number of weeks required for works to the estuary side of the revetment, from 109 to 218, due to the halving of the number of productive working shifts each month. This would in turn result in the site compound being in place for double the period of time whilst the works are completed.

It is considered that permitting the additional working hours in order to speed up the overall construction process presents a pragmatic compromise between ensuring the works are completed as quickly as possible whilst attempting to minimise the impact on neighbouring residents as far as is practicable. No objections it therefore raised to the principle of the extended hours of operation.

It is proposed to regularly update residents of the proposed shift working times through a dedicated project website, local bulletin board, signage and an engagement hub so that residents are well informed regarding the operating times.

Impact on wildlife

The proposal is accompanied by a preliminary ecological appraisal which notes that the main site compound consists of modified grassland with some scattered scrub. This area is not a designated or priority habitat. Given the limited biodiversity value of the site, it is not considered that the proposal would have a detrimental impact on wildlife within the area subject to mitigation measures regarding noise, dust and other potential pollutants, which are covered within the Construction and Environmental Management Plan. No objection is raised to the proposal on this basis.

Parking, access and transit

Policy T8 requires adopted parking standards to be taken into account. Parking spaces should be 2.9m x 5.5m with accessible spaces measuring 3.9 x 6.5m. End of row spaces next to hard objects should be afforded an additional 1.0m of space to allow for ease of manoeuvrability into and out of end bay spaces.

The Essex Vehicle Parking Standards do not have specific parking standards relating to temporary construction compounds; however, it should nonetheless be considered on its own merits.

It is expected that there will be 20 permanent staff at the main site compound with a further 6-10 labourers, however during construction the numbers of workers will vary. Subcontractors will bring in additional members of staff, including delivery drivers (estimated to be 20 drivers at a peak) for the OSA/LSA materials and it is anticipated that a maximum of 130 people will be spread across this site and the remainder of the site compounds which will provide overflow car parking facilities when in use. The compounds would provide the following:

Compound	No. Spaces
Main Site Compound	35
Satellite Compound 1	30
Satellite Compound 2	16
Satellite Compound 4	25
Total	106

Given that the parking standards represent a maximum number of spaces required, and paragraph 108 of the NPPF states maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, this is felt to represent a reasonable level of parking provision.

A total of 106 parking spaces across this compound (30) and the satellite compounds (76) are proposed which are considered to provide an adequate degree of parking for the number of contractors given that the number of 130 is considered to be an absolute maximum and would likely be less than this with averages anticipated to be around 70 cars and light goods vehicles.

No objection is therefore raised to the proposal on this basis.

It is important to note that delivery drivers would not require parking in the same manner as staff working at the site and would leave the site once deliveries have been made.

Adequate space is proposed to be provided within the main site compound for HGVs to enter the site, turn around and leave unassisted in a forward gear. The entire route leading to this site is along a distributor route.

The submitted Transport Assessment identifies that across all sites peak demand will be:

“236 HGV movements (118 deliveries in/118 deliveries out);

- o 184 car/LGV movements (92 arrivals in the morning, 92 departures in the late afternoon/evening); and*
- o 4 minibus movements (2 pick-up and 2 drop-off services).*

This implies the following increases in HGV traffic:

- o The worst case period for the Eastern route is a 5 week period from 09/01/23 to 06/02/23 with 85 two way HGV trips per week.*
- o The worst case period for the Western route is a 3 week period from 25/03/24 to 08/04/24 with 236 two way HGV trips per week.”*

Pre-determined routes are proposed to access Canvey Island, which utilises Canvey Way. The main compound is proposed to be accessed via Canvey Road, Long Road, Thorney Bay Road, Western Esplanade and Eastern Esplanade. It is anticipated that there will be some additional HGV and LGV vehicle movements between the site compounds along Eastern and Western Esplanades, however it is aimed to keep these to a minimum wherever possible.

Whilst the proposal will undoubtedly introduce additional traffic to the network, the proposed routes to access the sites will minimise the impact to as great a degree as they can whilst still facilitating the essential works to the revetment.

Flood risk

Table 2 of the NPPG (Paragraph: 066 Reference ID: 7-066-20140306) sets out that development to flood control infrastructure is considered to be ‘water-compatible’. The proposed site compound is to facilitate works to the revetment and as such is considered to be a water-compatible form of development. Table 3 of the NPPG (Paragraph: 067 Reference ID: 7-067-20140306) identifies that such development is acceptable within Zone 3A.

It has been identified in the consultation response from the Environment Agency that there is a residual risk of tidal flooding during a 1 in 1000-year event which should be considered. Further to this there is a residual risk from pluvial flooding which means that the proposed compound and buildings on it are liable to flood in the event of a heavy rain event. Therefore, this poses a risk to the potential users of the buildings on-site and the compound.

A Flood Response Plan (FRP) has been submitted alongside this application which identifies the actions that are to be taken by workers in the event of a flood warning being issued or in the actual event of a flood. It is considered that the content of this FRP is sufficient to ensure the safety of the workers at the temporary site compounds and no objection is raised to the proposal on this basis.

Surface water drainage

The Framework states on several occasions including at paragraph 167 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options (Paragraph: 080 Reference ID: 7-080-20150323) as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body

3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rainwater that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rainwater which combined with a high-water table severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

The proposed compound would be largely covered in impermeable surfaces including but not limited to hardstanding for parking and material storage as well as temporary buildings for offices and welfare facilities. Surface water runoff from the site would therefore be increased by the proposed development, albeit for the temporary lifespan of the compound.

The scheme has used outputs of the 2015 Canvey Island Integrated Urban Drainage (IUD) model and has therefore been designed with an attenuated subterranean storage system with controlled discharge to the existing surface water drainage system, which runs through the site, to mimic the existing greenfield runoff rates already exhibited by the site so that the proposal does not make the existing situation worse. This specific system would have a storage capacity of some 39m³ and a discharge rate of 1 l/s with a depression to the centre of the site and earth bunds (~0.15m) to the boundaries to contain surface water runoff within the site.

Subject to a condition requiring the submitted surface water drainage scheme to be implemented and maintained, no objection is raised to the proposal on this basis.

Conclusion and planning balance:

Whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It is considered that any temporary adverse impacts of the proposed compound areas and associated works can be ameliorated through appropriate planning conditions and will be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that have led to my recommendation.

My **RECOMMENDATION** is **Approval**

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The use of the site as a construction compound shall cease no later than four years beginning with the date of this permission. All works and structures shall be removed from the land on or before that date and the land returned to its former condition.

REASON: This condition is imposed in order to permit the use of the site to strengthen Canvey Island's flood defences whilst preventing the permanent use of the site as a construction compound which would result in the permanent loss of public open space to the detriment of the residential amenity, health and wellbeing of local residents as well as being out of character with the surrounding built environment.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 4 Prior to the commencement of the development hereby approved a site condition survey report for the entire site area shall be undertaken and submitted to the local planning authority.

REASON: In order to provide a means of assessing any damage that may be caused by the development.

- 5 Transport to and from the site shall be undertaken in accordance with the provisions of the submitted Construction Traffic Management Plan Reference: TEA-3B-00.00-RP-TM-00-00002 Revision P03 dated 15th June 2022 and the Transport Statement Reference: TEA-3B-00.00-RP-TM-00-00001 Revision P03 dated 15th June 2022, from which traffic movements shall not be exceeded without the formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of residents during the construction period and to minimise disruption to the local road network.

- 6 Development of the site shall be undertaken in accordance with the provisions of the submitted Drainage Strategy for Temporary Works Compounds Reference: TEA-3B-00.00-RP-CI-00-000001 Revision P01 dated 15th March 2022 from which there shall be no deviation without the formal consent of the Local Planning Authority.

Such surface water drainage system shall be suitably maintained thereafter at all times whilst the site is in use.

There shall be no discharge of surface water onto the Highway.

REASON: To limit the potential for increased surface water runoff from the site and ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding and avoid the formation of ice on the highway in the interest of highway safety.

- 7 Development of the site shall be undertaken in accordance with the provisions and recommendations set out in the Preliminary Ecological Appraisal Reference TEA-3B-00.00-RP-EN-00-000006 Revision P01.2 dated 22nd March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features and ecology of the site during the construction period.

- 8 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan Reference: TEA-3B-00.00-CO-TC-00-000003 Revision P02 dated 30th March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 9 The site compound hereby permitted shall only be used between the hours of 06:00 and 22:00 Monday to Friday.

REASON: In order to protect the amenities afforded to occupants of nearby residential properties.

- 10 A schedule of dates, times, locations and works to be undertaken outside of the normal construction hours of 08:00 - 18:00 shall be published by the applicant in a publicly accessible manner at the boundary of the site compound physically as well as online at the Canvey Island southern shoreline revetment project - information page at least three weeks prior to works being undertaken.

REASON: In order to keep local residents well informed of construction planned outside of normal construction hours in the interests of protecting the amenity of nearby residential occupants.

- 11 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the 'The Institution of Lighting Engineers: Guidance Notes for The Reduction of Light Pollution, 2000.' Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Site lighting shall be turned off when the site compound is not in use.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting.

- 12 As shown in principle on planning drawing TEA-3B-00.00-DR-EG-00-002505 Rev P01. A section of bollards shall be removed at the eastern end of Eastern Esplanade to allow for temporary vehicular access to the compound. Upon removal of the site compound the bollards shall be reinstated.

REASON: To ensure to ensure that authorised vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 13 Prior to first beneficial use of the site compound the approved parking area as depicted on Drawing No. TEA-3B-00.00-DR-EG-00-002503 Revision P01 shall be provided, with spaces complying with the adopted Essex Vehicle Parking Standards (2009) marked out and made available for use.

The approved parking shall thereafter be retained for its approved purpose for the duration of the use of the site compound and used for no other purpose.

REASON: In order to ensure the provision of adequate on-site parking facilities for the approved development.

- 14 Adequate turning areas shall be made available at all times to enable all vehicles to enter and exit the site in a forward gear, with turning facilities accommodated entirely within the site boundaries.

REASON: In order to ensure that appropriate turning facilities for all vehicles are provided within the site and to minimise potential conflict with other users of the highway.

- 15 No obstruction to any right of way shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way on footpath No. 5 (Canvey) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Upon removal of the site compound the existing right of way shall be reinstated in its original location and to its original condition.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

- 16 The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements document received by the local planning authority on 8th June 2022.

REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.

- 17 Upon first use of the site, the approved Flood Response Plan Reference 002a dated 14th June 2022 shall be enacted and thereafter maintained at all times that the site compound is in use. Any revisions to the Plan shall first be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the site in the event of a flood.

- 18 There shall be no storage of raw materials on any outdoor part of the site above a height of 2.4 metres.

REASON: To ensure that the storage of materials does not detract from the character and appearance of the surrounding area.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 Essex Fire and Rescue Service

Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

- 4 Highway Authority
 - o The grant of planning permission does not automatically allow development to commence. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

- o The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 5 Canvey, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- o Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
- o The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- o The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- o The applicants should be advised to contact the Development Management Team by email at [REDACTED]

5 Port of London Authority (PLA)

The applicant will require a River Works licence for the overall revetment proposals in this area.

ITEM 4

Application Number:	22/0301/FULCLO
Address:	Western Part Of The Existing Eastern Esplanade Car Park and South Of The Eastern Esplanade Bandstand Area Canvey Island Essex SS8 7FJ (Canvey Island South Ward)
Description of Development:	Temporary construction compound area to support the works to the revetment at Canvey Island.
Applicant:	Environment Agency
Case Officer	Mr Stephen Garner

Summary

The proposal seeks consent for the siting of a temporary construction compound area to the south of Eastern Esplanade to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment are in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal is considered to be consistent with national and local policy and the proposal is therefore recommended for APPROVAL.

This case is presented to committee because the council is the landowner.

Site Visit

It is not considered necessary for members to visit the site prior to determination of the application.

Introduction

The Environment Agency intend to undertake refurbishment and replacement works to the seawall on the southern and eastern coast of Canvey Island. These works will be undertaken under permitted development rights enjoyed by the EA under Class D of Part 13 of the General Permitted Development Order 2015. Such works do not require the formal consent of this Authority.

To support such works, it will be necessary for a series of storage compounds to be formed. These compounds do require the consent of this Authority and are the subject of a series of reports attached to this Agenda.

This report is primarily concerned with the application for Satellite Compound 2 (SC2), proposed to be located to the south of Eastern Esplanade, largely on part of the Movie Starr cinema car park.

However, to provide the context for this application, it should be noted that five compounds are proposed in total as indicated in the figure below, along the southern shoreline of Canvey Island.



All compound sites have been selected following a consultation process in 2021 aimed at local residents and businesses that was as comprehensive as possible within government COVID-19 guidelines for engagement. The selection strategy has regard to former compound and storage areas used in the late 1970s and early 1980s when the existing tidal defences were constructed, minimal disruption to residents, businesses, and the existing road network, whilst at the same time providing the necessary access to the working areas for these essential works to the flood defence infrastructure. Therefore, all compound locations are situated on the southern or eastern sides of existing roads to provide the most efficient access route to the tidal defences. This removes the need for any traffic management (such as temporary traffic lights) on local residential roads. The compound areas have been designed to utilise the minimum possible area whilst keeping them operational and functional.

It is proposed that the project be delivered utilising one main compound, three satellite compounds and a materials storage area along the southern frontage. This provision has been made based on the duration of the works, extensive working area and material requirements. Due to the linear nature of the assets being worked on, the intent is that the main compound area be as close to the centre as possible, with satellite compounds spread along the length of the tidal defences up and removed based on the programmed revetment works location and progress.

A key aspect of the works which the smaller compounds will be required for is the main body OSA/LSA (Open Stone Asphalt/Lean Sand Asphalt) work which requires temperature-controlled storage and regulation to ensure a good quality finish along the revetment. The delivery and storage of this material closer to the works areas is critical to maximising the time from delivery to laying.

The Application Site

Satellite Compound 2 (SC2) will be located to the south of Eastern Esplanade on the western part of the Movie Starr cinema car park and to the rear of the bandstand. It has an area of some 1070m² and is scheduled to be established in quarter 4 of 2023 and demobilised in quarter 2 of 2024 with a break over the summer to minimise disruption to local businesses before mobilising again in quarter 4 of 2024 and remaining in place until quarter 2 in 2025.

Approximately 830m² of the site currently comprises the western part of the Movie Starr cinema car park, an area of land which is already entirely hard surfaced. To the west of the car park is a bandstand area and part of the land to the south of the bandstand, which is currently grassed public open space will also be used as part of the site compound. To the north of the site are a number of businesses, with some residential properties above commercial premises on the northern side of Eastern Esplanade. To the south of the site is the existing embankment.

A footpath leads directly south from the bandstand and up a flight of stairs to the top of the embankment and the site compound will be either side of this footpath but will not obstruct this.

The Proposal

The proposal seeks consent for the siting of a temporary construction compound area to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island.

The larger eastern part of the compound will house an asphalt storage box, multiple storage areas, parking and a welfare area, whilst the smaller section to the east will have a meeting area and an office.

The compound area will be enclosed by a solid 2.4m high hoarding to all sides with access gates onto a new temporary vehicular access onto Eastern Esplanade.

LED lighting is proposed to be mounted to the inside of the hoardings and on some of the modular single storey buildings, facing down into the compound area.

This compound area is proposed to be established in quarter 4 of 2023 and demobilised in quarter 2 of 2024 with a break over the summer to minimise disruption to local businesses before mobilising again in quarter 4 of 2024 and remaining in place until quarter 2 in 2025.

Supplementary Documentation

In addition to numerous drawings, this application is supported by a number of supplementary planning documents:

- o Design and Access Statement
- o Construction Traffic Management Plan
- o Construction and Environmental Management Plan
- o Transport Statement
- o Drainage Strategy for Temporary Works Compounds
- o Indicative Lighting Design
- o Preliminary Ecological Appraisal
- o Site Waste Management Plan
- o Flood Response Plan

Planning History

Comprehensive pre-application engagement with the Environment Agency and the TEAM2100 project team has taken place since 2018.

Related Applications			
Application No.	Location	Proposal	Determination
22/0298/CLP	Land Between Thorney Bay in the West and A Point South of The Island Yacht Club in The East, Thorney Bay	Replacement and widening of floodgates; widening of the maintenance access track on the riverward side of the seawall at certain locations; replacement of all the concrete steps that lead down the revetment to the foreshore and maintenance track repairs (landward side of seawall); replacement of the concrete apron around the Concorde Cafe and the access ramp down to the foreshore; temporary ramps; Landscape, amenity and habitat opportunities associated with the required works	Certificate of Lawfulness of Proposed Development – Granted 30 th May 2022
22/0302/FULCLO	Wooden Park Thorney Bay, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0300/FULCLO	Land Located to the East of Marine Parade and Beveland Road, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0299/FULCLO	South of Western Esplanade West of The Welcome Hut, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0320/FULCLO	Land to the East of Eastern Esplanade and to the South of Athol Close, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined

Local Plan Allocation

Public Open Space and Seafront Entertainment Area

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Adopted Local Plan (1998)

EC2 Design

EC3 Residential Amenity

EC4 Pollution

EC7 Natural and Semi-Natural Features in Urban Areas

EC39 Seafront Entertainment Area

T8 Parking Provision

RE12 Public Rights of Way

Essex Parking Standards September 2009 (Adopted June 2010)

Consultation

Anglian Water

Below threshold (500m² building footprint) for comment

Cadent Gas

No comments received

Calor Gas

No comments received

Canvey Island Town Council

No comments received

CPBC Environmental Health

No objection to the proposal subject to the implementation of two conditions regarding noise and light pollution in order to protect the amenity of occupiers of surrounding residential premises.

CPBC Legal Services

No objection, however, proper licenses to use council land should be in place before the proposed compound area is used.

CPBC Planning Policy

No comments received

CPBC Streetscene

No comments received

Environment Agency

No objection

Essex & Suffolk Water

No comments received

Essex Highways

No objection to the proposal subject to the implementation of a number of conditions where relevant and necessary.

Essex Fire and Rescue

No objection

Port of London Authority

No objection

Essex Wildlife Trust

No comments received

Health & Safety Executive – Land Use Planning Team

No comment

Health & Safety Executive – Explosives Inspectorate

No comment

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) issued a holding objection on 8th June based on the following reasons:

- o The documents submitted omit the drainage modelling outputs, which are required for a full application.
- o The assertion in the Drainage Strategy Report that no pollution will occur through the use of Satellite Compound 2 as an asphalt handling and batching area appears unrealistic. Demonstration of the measures which would be employed to achieve this are required.

Following submission of further details, the LLFA removed its holding objection on 15th June and raised no objection to the proposal based on the implementation of conditions where relevant and necessary.

Public Consultation

In addition to letters sent directly to local residents adjacent to the site, site notices were posted in the local area to publicise the proposal. No comments have been received in respect of these notices.

Comments on Consultation Responses

All material concerns raised will be considered in the evaluation of this proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

It is important to note that this application seeks consent only for the site compound and associated works to create the site compound. Works relating to the seawall and revetment have been found to constitute permitted development and are not part of the consideration of this proposal.

Principle

Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004 require applications to be determined in accordance with the development plan unless there are clear and convincing material considerations that indicate otherwise.

National Planning Practice Guidance advises that the NPPF is a material consideration that must be taken into account where it is relevant to a planning application. This includes the presumption in favour of sustainable found at paragraph 11 of the Framework:

- o *“approving development proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - vii. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - viii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”*

The area is allocated within the adopted Local Plan as public open space and also as a seafront entertainment area. The proposed development is inconsistent with that use and *prima facie*, the proposal should attract a recommendation of refusal on the basis of the loss of open space.

The area is allocated within the adopted Local Plan as public open space and also as a seafront entertainment area, so any use that results in the loss of such space would, *prima facie*, be a reason for refusal.

Policy EC39 states that within the seafront entertainment area the council will encourage the provision of additional leisure facilities and refuse development which would lead to the loss of existing facilities.

Currently the site represents part of a car park and a small, grassed area. In this regard it is considered to contribute to the recreational and functional capacity of the seafront. However, whilst the retention of the land as an open space and sea front entertainment area is important to serve the recreational needs of local residents and businesses, it is also important to consider the detail and benefits of the proposal. Firstly, the proposal is for a temporary site compound which would be in situ for two periods of approximately six months during the winters of 2023/24 and 2024/25. This is not a permanent loss of public open space and once the works are completed the site compound will be removed and the site returned to its former condition.

In addition, the site compound and scheme of works have been sensitively designed, in discussion with local businesses, and to minimise impacts on the entertainment area during the summer season it is proposed to remove the bulk of the compound during the summer months, so that the area can be utilised for parking by members of the public again. This is considered to significantly mitigate its impact the surrounding area.

The provision of appropriate compounds is essential to the Environment Agency's ongoing programme of refurbishment and replacement of Canvey Island's tidal flood defences and are necessary to ensure the continued protection of residents, businesses and properties on the island from tidal flooding. This weighs heavily in favour of the proposal.



Areas of proposed refurbishment works

Despite its temporary nature, it would still be in situ for approximately one year in total. Therefore, it is also important to consider whether there are any alternative sites which are more suitable and would not rely on an area of public open space.

There are specific requirements which need to be met for the main site compound which take into account criteria such as proximity to the seawall, impact on the road network, impact on local residents and the physical space requirements.

Other sites were discounted due to their distance from the other compounds and work site, which would generate more plant and vehicle movements each day to reach the seawall causing additional disruption to the road network and disturbance to local residents, increased carbon emissions and extend the construction programme. Utilising the Canvey Central Park by the Labworth was also discounted due to it being situated within the key amenity frontage and having a subterranean drainage system which would likely be damaged by the heavy machinery operating above.

The chosen location is the preferred option for the applicant as it provides the necessary free space immediately adjacent to the works area. The location will minimise vehicle and plant

movements on local roads and associated traffic management works such as temporary traffic lights and is located centrally along the length of revetment the works will be taking place over. It would therefore provide accessibility both to the east and west, whilst minimising wider disruption.

It is considered that the applicant has examined all available reasonable alternative sites and that the preferred site is most appropriate for the requirements of the works. This alongside the wider public benefits associated with the proposed works in providing protection against tidal flooding for the whole of Canvey Island weighs heavily in favour of permitting the temporary site compound. Whilst the proposal would result in the temporary loss of public open space and car parking within the seafront entertainment area, the wider public benefit arising from its use as a compound to support flood defence works outweigh the temporary harm to recreational provision.

No objection is therefore raised to the principle of such provision at this location.

Design and layout

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The proposed scheme is for a temporary site compound, so opportunities to incorporate a high standard of design are somewhat limited. However, in an attempt to improve the external appearance of the site compound, it is proposed to erect 2.4m solid hoarding to the northern, eastern and western sides to screen the content of the site compound from the surrounding area and to provide an element of security to the equipment and materials stored within the compound. Heras fencing to a height of 2.4m is proposed to the southern side of the compound to provide easy access to the seawall.

To the north of the site and the western section of hoarding adjacent to the bandstand, decorative "leaf effect" hoarding panels are proposed to be installed.

The proposed hoarding will be located to facilitate pedestrian access around the compound in all directions so to minimise impacts to local residents' pedestrian movements.

This type of fencing arrangement is not uncommon on construction sites/compounds and within the context of the proposed use and area it is not considered to be of an unacceptable design, as providing no screening to the compound would detract from the appearance of the wider area to a far greater degree. Attempts have been made to improve the general appearance of the hoarding and site as a whole and no objection is therefore raised to the proposal on this basis.

Impact on residential amenity

Policy EC2 considers the impact of development on neighbouring residents.

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Policy EC4 of the adopted Local Plan seeks to ensure that development proposals which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air, or by reason of noise, dust, vibration, light or heat will be refused.

The proposed site compound presents the opportunity for an impact on residential amenity by reason of additional traffic, noise, air and light pollution.

The scheme proposes a site compound which will accept deliveries of materials and heavy machinery which would generate additional traffic, noise and air pollution within the local area. Lighting is also proposed within the site compound, attached to the internal walls of the compound hoarding and angled downwards.

The applicant has submitted a Construction and Environmental Management Plan which sets out the baseline noise measurements which have been undertaken and acknowledges that during the evening specifically, construction noise is likely to exceed baseline levels. However, the document sets out a series of mitigation measures to minimise disturbances wherever possible. Such measures include:

- o Temporary noise screens or enclosures
- o Utilisation of mains utilities rather than noisy generators
- o Restriction of deliveries and movement of equipment to normal working hours where possible
- o Speed restrictions of vehicles to prevent vibrations to nearby houses
- o Turning off plant and equipment when not in use
- o Keeping all local residents and property owners well informed

Lighting is proposed within the site compound attached to the compound hoarding and angled down into the site. An example lighting scheme has been submitted illustrating potential light overspill from the development when in use which helpfully illustrates that whilst the site may emit a glow, the actual light overspill into the surrounding area will be minimised.

The council's Environmental Health Officer has raised no objections to the proposal and has suggested the implementation of two conditions requiring works to be undertaken in accordance with the Construction and Environmental Management Plan as well as controlling the level of illumination and light pollution. On the basis of this professional advice, no objection is raised to the proposal on the basis of noise, air or light pollution generated from the construction of and/or use of the site compound.

However, it is important to consider the proposed hours of operation of the site compound and how this may disturb nearby residents.

It is proposed that the site compound be permitted to be operational between the hours of 06:00 – 22:00 Monday to Friday. The reason for these seemingly extended hours is that works to the estuary side of the revetment will be undertaken in accordance with the times of the low-tide window. Only one tidal shift will be carried out each day and this may be entirely or partially within the normal construction hours of 08:00 – 18:00. However, where the tidal pattern is such that this is not possible, the extended construction hours are proposed to be utilised in order to speed up the works and minimise the length of time the compound is required to be in situ. Therefore, these times of operation will vary, and the site will not necessarily be in use throughout the entire 16-

hour period. Works to the landward side of the revetment will take place during normal construction hours of 08:00 – 18:00.

Work undertaken outside of these hours has the potential to cause disturbance to local residents. The impact of the proposed extended working times has been carefully considered, however the consequence of not permitting works during these extended periods would be to double the number of weeks required for works to the estuary side of the revetment, from 109 to 218, due to the halving of the number of productive working shifts each month. This would in turn result in the site compound being in place for double the period of time whilst the works are completed.

It is considered that permitting the additional working hours in order to speed up the overall construction process presents a pragmatic compromise between ensuring the works are completed as quickly as possible whilst attempting to minimise the impact on neighbouring residents as far as is practicable. No objections it therefore raised to the principle of the extended hours of operation.

It is proposed to regularly update residents of the proposed shift working times through a dedicated project website, local bulletin board, signage and an engagement hub so that residents are well informed regarding the operating times.

Impact on wildlife

The proposal is accompanied by a preliminary ecological appraisal which notes that the main site compound consists mainly of hardstanding with a small area of grassland with some hedge planting. This area is not a designated or priority habitat. Given the limited biodiversity value of the site, it is not considered that the proposal would have a detrimental impact on wildlife within the area subject to mitigation measures regarding noise, dust and other potential pollutants, which are covered within the Construction and Environmental Management Plan. No objection is raised to the proposal on this basis.

Parking, access and transit

Policy T8 requires adopted parking standards to be taken into account. Parking spaces should be 2.9m x 5.5m with accessible spaces measuring 3.9 x 6.5m. End of row spaces next to hard objects should be afforded an additional 1.0m of space to allow for ease of manoeuvrability into and out of end bay spaces.

The Essex Vehicle Parking Standards do not have specific parking standards relating to temporary construction compounds; however, it should nonetheless be considered on its own merits.

It is expected that there will be 20 permanent staff at the main compound with a further 6-10 labourers, however during construction the numbers of workers will vary. Subcontractors will bring in additional members of staff, including delivery drivers (estimated to be 20 drivers at a peak) for the OSA/LSA materials and it is anticipated that a maximum of 130 people will be spread across this site and the remainder of the site compounds which will provide overflow car parking facilities when in use. The compounds would provide the following:

Compound	No. Spaces
Main Site Compound	35
Satellite Compound 1	30
Satellite Compound 2	16
Satellite Compound 4	25
Total	106

Given that the parking standards represent a maximum number of spaces required, and paragraph 108 of the NPPF states maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, this is felt to represent a reasonable level of parking provision.

A total of 106 parking spaces across this compound (16) and the other compounds (90) are proposed which are considered to provide an adequate degree of parking for the number of contractors given that the number of 130 is considered to be an absolute maximum and would likely be less than this with averages anticipated to be around 70 cars and light goods vehicles.

No objection is therefore raised to the proposal on this basis.

It is important to note that delivery drivers would not require parking in the same manner as staff working at the site and would leave the site once deliveries have been made.

It is also important to consider the temporary loss of parking for local businesses. The proposal would permit the loss of a number of parking spaces in this public car park during the operation of the site compound which would likely either push parking onto local streets or deter people from visiting. However, the proposed phasing of the development has been designed in collaboration with local business owners and the council to minimise the potential harm to local businesses as a result of the reduce level of parking. As such, the compound will only be in situ for two winter periods, when the seafront entertainment area is typically quieter, with the parking reinstated during the warmer months to encourage visitors to the area. Given the thoughtful phasing of the development, together with the proximity of other nearby public car parks, it is considered that the benefits of the scheme outweigh the harm caused by the temporary loss of public parking facilities.

It appears that adequate space is provided within the site compound for HGVs to enter the site, turn around and leave unassisted in a forward gear. The entire route leading to Eastern Esplanade is along a distributor route. Subject to a condition requiring an on-site turning area to be provided, no objection is raised to the proposal on this basis.

The submitted Transport Assessment identifies that across all sites peak demand will be:

“236 HGV movements (118 deliveries in/118 deliveries out);

- o 184 car/LGV movements (92 arrivals in the morning, 92 departures in the late afternoon/evening); and*
- o 4 minibus movements (2 pick-up and 2 drop-off services).*

This implies the following increases in HGV traffic:

- o *The worst case period for the Eastern route is a 5 week period from 09/01/23 to 06/02/23 with 85 two way HGV trips per week.*
- o *The worst case period for the Western route is a 3 week period from 25/03/24 to 08/04/24 with 236 two way HGV trips per week.”*

Pre-determined routes are proposed to access Canvey Island, which utilises Canvey Way. The main compound is proposed to be accessed via Canvey Road, Long Road, Thorney Bay Road, Western Esplanade and Eastern Esplanade. It is anticipated that there will be some additional HGV and LGV vehicle movements between the site compounds along Eastern and Western Esplanades, however it is aimed to keep these to a minimum wherever possible.

Whilst the proposal will undoubtedly introduce additional traffic to the network, the proposed routes to access the sites will minimise the impact to as great a degree as they can whilst still facilitating the essential works to the revetment.

Flood risk

Table 2 of the NPPG (Paragraph: 066 Reference ID: 7-066-20140306) sets out that development to flood control infrastructure is considered to be ‘water-compatible’. The proposed site compound is to facilitate works to the revetment and as such is considered to be a water-compatible form of development. Table 3 of the NPPG (Paragraph: 067 Reference ID: 7-067-20140306) identifies that such development is acceptable within Zone 3A.

It has been identified in the consultation response from the Environment Agency that there is a residual risk of tidal flooding during a 1 in 1000-year event which should be considered. Further to this there is a residual risk from pluvial flooding which means that the proposed compound and buildings on it are liable to flood in the event of a heavy rain event. Therefore, this poses a risk to the potential users of the buildings on-site and the compound.

A Flood Response Plan (FRP) has been submitted alongside this application which identifies the actions that are to be taken by workers in the event of a flood warning being issued or in the actual event of a flood. It is considered that the content of this FRP is sufficient to ensure the safety of the workers at the temporary site compounds and no objection is raised to the proposal on this basis.

Surface water drainage

Paragraph 167 of the NPPF identifies that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options (Paragraph: 080 Reference ID: 7-080-20150323) as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rainwater that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rainwater which combined with a high-water table severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

Most of the proposed site is already hard surfaced. Due to the minimal change in use and short duration of the proposal, there are limited potential impacts on the existing area. Therefore, no additional surface water drainage is proposed for this site and the existing greenfield runoff rates would not be exceeded.

No objection is raised to the proposal on this basis.

Conclusion and planning balance:

Whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It is considered that any temporary adverse impacts of the proposed compound areas and associated works can be ameliorated through appropriate planning conditions and will be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that have led to my recommendation.

My **RECOMMENDATION** is **Approval**

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The use of the site as a construction compound shall cease no later than four years beginning with the date of this permission. All works and structures shall be removed from the land on or before that date and the land returned to its former condition.

REASON: This condition is imposed in order to permit the use of the site to strengthen Canvey Island's flood defences whilst preventing the permanent use of the site as a

construction compound which would result in the permanent loss of public open space to the detriment of the residential amenity, health and wellbeing of local residents as well as being out of character with the surrounding built environment.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 4 Prior to the commencement of the development hereby approved a site condition survey report for the entire site area shall be undertaken and submitted to the local planning authority.

REASON: In order to provide a means of assessing any damage that may be caused by the development.

- 5 Transport to and from the site shall be undertaken in accordance with the provisions of the submitted Construction Traffic Management Plan Reference: TEA-3B-00.00-RP-TM-00-00002 Revision P03 dated 15th June 2022 and the Transport Statement Reference: TEA-3B-00.00-RP-TM-00-00001 Revision P03 dated 15th June 2022, from which traffic movements shall not be exceeded without the formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of residents during the construction period and to minimise disruption to the local road network.

- 6 Development of the site shall be undertaken in accordance with the provisions and recommendations set out in the Preliminary Ecological Appraisal Reference TEA-3B-00.00-RP-EN-00-000006 Revision P01.2 dated 22nd March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features and ecology of the site during the construction period.

- 7 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan Reference: TEA-3B-00.00-CO-TC-00-000003 Revision P02 dated 30th March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 8 The site compound hereby permitted shall only be used between the hours of 06:00 and 22:00 Monday to Friday.

REASON: In order to protect the amenities afforded to occupants of nearby residential properties.

- 9 A schedule of dates, times, locations and works to be undertaken outside of the normal construction hours of 08:00 - 18:00 shall be published by the applicant in a publicly accessible manner at the boundary of the site compound physically as well as online at the Canvey Island southern shoreline revetment project - information page at least three weeks prior to works being undertaken.

REASON: In order to keep local residents well informed of construction planned outside of normal construction hours in the interests of protecting the amenity of nearby residential occupants.

- 10 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the 'The Institution of Lighting Engineers: Guidance Notes for The Reduction of Light Pollution, 2000.' Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Site lighting shall be turned off when the site compound is not in use.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting

- 11 As shown in principle on planning drawing TEA-3B-00.00-DR-EG-00-002504 Rev P01. The temporary vehicular access on Eastern Esplanade shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Upon completion of the development the temporary vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing.

REASON: To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway following development in the interests of highway safety.

- 12 Prior to first beneficial use of the site compound the any parking shall be provided, with spaces complying with the adopted Essex Vehicle Parking Standards (2009) marked out and made available for use.

The approved parking shall thereafter be retained for its approved purpose for the duration of the use of the site compound and used for no other purpose.

REASON: In order to ensure the provision of adequate on-site parking facilities for the approved development.

- 13 Adequate turning areas shall be made available at all times to enable all vehicles to enter and exit the site in a forward gear, with turning facilities accommodated entirely within the site boundaries.

REASON: In order to ensure that appropriate turning facilities for all vehicles are provided within the site and to minimise potential conflict with other users of the highway.

- 14 No obstruction to any right of way shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way on footpath No. 5 (Canvey) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Upon removal of the site compound the existing right of way shall be reinstated in its original location and to its original condition.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

- 15 The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements document received by the local planning authority on 8th June 2022.

REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.

- 16 Upon first use of the site, the approved Flood Response Plan Reference 002f dated 14th June 2022 shall be enacted and thereafter maintained at all times that the site compound is in use. Any revisions to the Plan shall first be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the site in the event of a flood.

- 17 There shall be no storage of raw materials on any outdoor part of the site above a height of 2.4 metres.

REASON: To ensure that the storage of materials does not detract from the character and appearance of the surrounding area.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 Essex Fire and Rescue Service
Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone [REDACTED]

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

4 Highway Authority

- o The grant of planning permission does not automatically allow development to commence. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- o The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 5 Canvey, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- o Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
- o The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- o The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- o The applicants should be advised to contact the Development Management Team by email at [REDACTED]

5 Lead Local Flood Authority (LLFA)

Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [REDACTED]

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

6 Port of London Authority (PLA)

The applicant will require a River Works licence for the overall revetment proposals in this area.

ITEM 5

Application Number:	22/0300/FULCLO
Address:	Land Located To The East Of Marine Parade And Beveland Road Canvey Island Essex SS8 7QT (Canvey Island East Ward)
Description of Development:	Temporary construction compound area to support the works to the revetment at Canvey Island
Applicant:	Environment Agency
Case Officer	Mr Stephen Garner

Summary

The proposal seeks consent for the siting of a temporary construction compound area to the east of Beveland Road and Marine Parade to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment are in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal is considered to be consistent with national and local policy and the proposal is therefore recommended for APPROVAL.

This case is presented to committee because the council is the landowner.

Site Visit

It is not considered necessary for members to visit the site prior to determination of the application.

Introduction

The Environment Agency intend to undertake refurbishment and replacement works to the seawall on the southern and eastern coast of Canvey Island. These works will be undertaken under permitted development rights enjoyed by the EA under Class D of Part 13 of the General Permitted Development Order 2015. Such works do not require the formal consent of this Authority.

To support such works, it will be necessary for a series of storage compounds to be formed. These compounds do require the consent of this Authority and are the subject of a series of reports attached to this Agenda.

This report is primarily concerned with the application for Satellite Compound 4 (SC4), proposed to be located at the eastern end of Marine Parade and on the eastern side of Beveland Road.

However, to provide the context for this application, it should be noted that five compounds are proposed in total as indicated in the figure below, along the southern shoreline of Canvey Island.



All compound sites have been selected following a consultation process in 2021 aimed at local residents and businesses that was as comprehensive as possible within government COVID-19 guidelines for engagement. The selection strategy has regard to former compound and storage areas used in the late 1970s and early 1980s when the existing tidal defences were constructed, minimal disruption to residents, businesses, and the existing road network, whilst at the same time providing the necessary access to the working areas for these essential works to the flood defence infrastructure. Therefore, all compound locations are situated on the southern or eastern sides of existing roads to provide the most efficient access route to the tidal defences. This removes the need for any traffic management (such as temporary traffic lights) on local residential roads. The compound areas have been designed to utilise the minimum possible area whilst keeping them operational and functional.

It is proposed that the project be delivered utilising one main compound, three satellite compounds and a materials storage area along the southern frontage. This provision has been made based on the duration of the works, extensive working area and material requirements. Due to the linear nature of the assets being worked on, the intent is that the main compound area be as close to the centre as possible, with satellite compounds spread along the length of the tidal defences up and removed based on the programmed revetment works location and progress.

A key aspect of the works which the smaller compounds will be required for is the main body OSA/LSA (Open Stone Asphalt/Lean Sand Asphalt) work which requires temperature-controlled storage and regulation to ensure a good quality finish along the revetment. The delivery and storage of this material closer to the works areas is critical to maximising the time from delivery to laying.

The Application Site

Satellite Compound 4 (SC4) will be located on the eastern side of Beveland Road and eastern end of Marine Parade. It has an area of 1980m² and is scheduled to be operational from Q1-Q4 of 2023.

The site is currently a flat, grassed area of public open space to the east of Beveland Road and Marine Parade. To the north and west of the site are residential properties fronting onto Beveland Road, whilst to the east and south is the seawall.

To the south western corner of the site is the Leigh Beck Pumping Station.

The Proposal

The proposal seeks consent for the siting of a temporary construction compound area to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island.

South of the existing pumping station it is proposed to have a vehicular access to the site which will provide, site offices and material storage areas will be within the compound.

Satellite compound 4 will also include surface water drainage and temporary storage provisions to minimise surface water runoff and the risk of pluvial flooding, adopting an approach where there will be no additional surface water runoff from the site.

The compound area will be enclosed by a solid 2.4m high hoarding to the north and west, with Heras/chain link type fencing to the east and south.

LED lighting is proposed to be mounted to the inside of the hoardings and on some of the modular single storey buildings, facing down into the compound area.

This compound area is proposed to be established in Q1 2023 and is expected to be in place until Q4 2023.

Supplementary Documentation

In addition to numerous drawings, this application is supported by a number of supplementary planning documents:

- o Design and Access Statement
- o Construction Traffic Management Plan
- o Construction and Environmental Management Plan
- o Transport Statement
- o Drainage Strategy for Temporary Works Compounds
- o Indicative Lighting Design
- o Preliminary Ecological Appraisal
- o Site Waste Management Plan
- o Flood Response Plan

Planning History

Comprehensive pre-application engagement with the Environment Agency and the TEAM2100 project team has taken place since 2018.

Related Applications			
Application No.	Location	Proposal	Determination
22/0298/CLP	Land Between Thorney Bay in the West and A Point South of The Island Yacht Club in The East, Thorney Bay	Replacement and widening of floodgates; widening of the maintenance access track on the riverward side of the seawall at certain locations; replacement of all the concrete steps that lead down the revetment to the foreshore and maintenance track repairs (landward side of seawall); replacement of the concrete apron around the Concorde Cafe and the access ramp down to the foreshore; temporary ramps; Landscape, amenity and habitat opportunities associated with the required works	Certificate of Lawfulness of Proposed Development – Granted 30 th May 2022
22/0302/FULCLO	Wooden Park Thorney Bay, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0299/FULCLO	South of Western Esplanade West of The Welcome Hut, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined
22/0301/FULCLO	Western Part of the Existing Eastern Esplanade Car Park and South of The Eastern Esplanade Bandstand Area, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island.	Not yet determined
22/0320/FULCLO	Land to the East of Eastern Esplanade and to the South of Athol Close, Canvey Island	Temporary construction compound area to support the works to the revetment at Canvey Island	Not yet determined

Local Plan Allocation

Public Open Space

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Adopted Local Plan (1998)

EC2 Design

EC3 Residential Amenity

EC4 Pollution

EC7 Natural and Semi-Natural Features in Urban Areas

T8 Parking Provision

RE12 Public Rights of Way

Essex Parking Standards September 2009 (Adopted June 2010)

Consultation

Anglian Water

Below threshold (500m² building footprint) for comment

Cadent Gas

No comments received

Calor Gas

No comments received

Canvey Island Town Council

No comments received

CPBC Environmental Health

No objection to the proposal subject to the implementation of two conditions regarding noise and light pollution in order to protect the amenity of occupiers of surrounding residential premises.

CPBC Legal Services

No objection, however, proper licenses to use council land should be in place before the proposed compound area is used.

CPBC Planning Policy

No comments received

CPBC Streetscene

No comments received

Environment Agency

No objection

Essex & Suffolk Water

No comments received

Essex Highways

No objection to the proposal subject to the implementation of a number of conditions where relevant and necessary.

Essex Fire and Rescue

No objection

Port of London Authority

No objection

Essex Wildlife Trust

No comments received

Health & Safety Executive – Land Use Planning Team

No comment

Health & Safety Executive – Explosives Inspectorate

No comment

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) issued a holding objection on 8th June based on the following reasons:

- o The documents submitted omit the drainage modelling outputs, which are required for a full application.

Following submission of further details, the LLFA removed its holding objection on 15th June and raised no objection to the proposal based on the implementation of conditions where relevant and necessary.

RSPB

No comments received

Public Consultation

In addition to letters sent directly to local residents adjacent to the site, site notices were posted in the local area to publicise the proposal. No objection comments have been received.

Comments on Consultation Responses

All material concerns raised will be considered in the evaluation of this proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

It is important to note that this application seeks consent only for the site compound and associated works to create the site compound. Works relating to the seawall and revetment have

been found to constitute permitted development and are not part of the consideration of this proposal.

Principle

Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004 require applications to be determined in accordance with the development plan unless there are clear and convincing material considerations that indicate otherwise.

National Planning Practice Guidance advises that the NPPF is a material consideration that must be taken into account where it is relevant to a planning application. This includes the presumption in favour of sustainable found at paragraph 11 of the Framework:

- o *“approving development proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - ix. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - x. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”*

The area is allocated within the adopted Local Plan as public open space. The proposed development is inconsistent with that use and *prima facie*, the proposal should attract a recommendation of refusal on the basis of the loss of open space.

However, whilst the retention of the land as an open space is important to serve the recreational needs of local residents, it is also important to consider the detail and benefits of the proposal. Firstly, the proposal is for a temporary site compound which would be in situ for approximately two and a half years. This is not a permanent loss of public open space and once the works are completed the site compound will be removed and the site returned to its former condition.

Secondly, the provision of appropriate compounds is essential to the Environment Agency’s ongoing programme of refurbishment and replacement of Canvey Island’s tidal flood defences which are necessary to ensure the continued protection of residents, businesses and properties on the island from tidal flooding. This weighs heavily in favour of the proposal.



Areas of proposed refurbishment works

Despite its temporary nature, it would still be in situ for approximately two and a half years. Therefore, it is also important to consider whether there are any alternative sites which are more suitable and would not rely on an area of public open space.

There are specific requirements which need to be met for the main site compound which take into account criteria such as proximity to the seawall, impact on the road network, impact on local residents and the physical space requirements.

Other sites were discounted due to their distance from the other compounds and work site, which would generate more plant and vehicle movements each day to reach the seawall causing additional disruption to the road network and disturbance to local residents, increased carbon emissions and extend the construction programme. Utilising the Canvey Central Park by the Labworth was also discounted due to it being situated within the key amenity frontage and having a subterranean drainage system which would likely be damaged by the heavy machinery operating above.

The chosen location is the preferred option for the applicant as it provides the necessary free space immediately adjacent to the works area. Furthermore, this location was previously used as a materials storage area in the late 1970s to construct the existing tidal defences. The location will minimise vehicle and plant movements on local roads and associated traffic management works such as temporary traffic lights and is located centrally along the length of revetment the works will be taking place over. It would therefore provide accessibility both to the east and west, whilst minimising wider disruption.

It is considered that the applicant has examined all available reasonable alternative sites and that the preferred site is most appropriate for the requirements of the works. This alongside the wider public benefits associated with the proposed works in providing protection against tidal flooding for the whole of Canvey Island weighs heavily in favour of permitting the temporary site compound. Whilst the proposal would result in the temporary loss of public open space, the wider

public benefit arising from its use as a compound to support flood defence works outweigh the temporary harm to recreational provision.

No objection is therefore raised to the principle of such provision at this location.

Design and layout

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The proposed scheme is for a temporary site compound, so opportunities to incorporate a high standard of design are somewhat limited. However, in an attempt to improve the external appearance of the site compound, it is proposed to erect 2.4m solid hoarding to the northern and western sides to screen the content of the site compound from residential properties and to provide an element of security to the equipment and materials stored within the compound. Heras fencing to a height of 2.4m is proposed to the eastern and southern sides of the compound to provide easy access to the seawall.

To the northern and western sides of the compound, opposite properties on Beveland Road it is proposed to utilise decorative "leaf effect" hoarding panels.

The proposed hoarding will be located to facilitate pedestrian access around the compound in all directions so to minimise impacts to local residents' pedestrian movements.

This type of fencing arrangement is not uncommon on construction sites/compounds and within the context of the proposed use and area it is not considered to be of an unacceptable design, as providing no screening to the compound would detract from the appearance of the wider area to a far greater degree. Attempts have been made to improve the general appearance of the hoarding and site as a whole and no objection is therefore raised to the proposal on this basis.

Impact on residential amenity

Policy EC2 considers the impact of development on neighbouring residents.

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Policy EC4 of the adopted Local Plan seeks to ensure that development proposals which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air, or by reason of noise, dust, vibration, light or heat will be refused.

The proposed site compound presents the opportunity for an impact on residential amenity by reason of additional traffic, noise, air and light pollution.

The scheme proposes a site compound which will accept deliveries of materials and heavy machinery which would generate additional traffic, noise and air pollution within the local area. Lighting is also proposed within the site compound, attached to the internal walls of the compound hoarding and angled downwards.

The applicant has submitted a Construction and Environmental Management Plan which sets out the baseline noise measurements which have been undertaken and acknowledges that during the evening specifically, construction noise is likely to exceed baseline levels. However, the document sets out a series of mitigation measures to minimise disturbances wherever possible. Such measures include:

- o Temporary noise screens or enclosures
- o Utilisation of mains utilities rather than noisy generators
- o Restriction of deliveries and movement of equipment to normal working hours where possible
- o Speed restrictions of vehicles to prevent vibrations to nearby houses
- o Turning off plant and equipment when not in use
- o Keeping all local residents and property owners well informed

Lighting is proposed within the site compound attached to the compound hoarding and angled down into the site. An example lighting scheme has been submitted illustrating potential light overspill from the development when in use which helpfully illustrates that whilst the site may emit a glow, the actual light overspill into the surrounding area will be minimised.

The council's Environmental Health Officer has raised no objections to the proposal and has suggested the implementation of two conditions requiring works to be undertaken in accordance with the Construction and Environmental Management Plan as well as controlling the level of illumination and light pollution. On the basis of this professional advice, no objection is raised to the proposal on the basis of noise, air or light pollution generated from the construction of and/or use of the site compound.

However, it is important to consider the proposed hours of operation of the site compound and how this may disturb nearby residents.

It is proposed that the site compound be permitted to be operational between the hours of 06:00 – 22:00 Monday to Friday. The reason for these seemingly extended hours is that works to the estuary side of the revetment will be undertaken in accordance with the times of the low-tide window. Only one tidal shift will be carried out each day and this may be entirely or partially within the normal construction hours of 08:00 – 18:00. However, where the tidal pattern is such that this is not possible, the extended construction hours are proposed to be utilised in order to speed up the works and minimise the length of time the compound is required to be in situ. Therefore, these times of operation will vary, and the site will not necessarily be in use throughout the entire 16-hour period. Works to the landward side of the revetment will take place during normal construction hours of 08:00 – 18:00.

Work undertaken outside of these hours has the potential to cause disturbance to local residents. The impact of the proposed extended working times has been carefully considered, however the consequence of not permitting works during these extended periods would be to double the number of weeks required for works to the estuary side of the revetment, from 109 to 218, due to

the halving of the number of productive working shifts each month. This would in turn result in the site compound being in place for double the period of time whilst the works are completed.

It is considered that permitting the additional working hours in order to speed up the overall construction process presents a pragmatic compromise between ensuring the works are completed as quickly as possible whilst attempting to minimise the impact on neighbouring residents as far as is practicable and no objection is therefore raised to the proposal on this basis.

It is proposed to regularly update residents of the proposed shift working times through a dedicated project website, local bulletin board, signage and an engagement hub so that residents are well informed regarding the operating times.

Impact on wildlife

The proposal is accompanied by a preliminary ecological appraisal which notes that the main site compound consists of modified grassland with some scattered scrub. This area is not a designated or priority habitat. Given the limited biodiversity value of the site, it is not considered that the proposal would have a detrimental impact on wildlife within the area subject to mitigation measures regarding noise, dust and other potential pollutants, which are covered within the Construction and Environmental Management Plan. No objection is raised to the proposal on this basis.

Parking, access and transit

Policy T8 requires adopted parking standards to be taken into account. Parking spaces should be 2.9m x 5.5m with accessible spaces measuring 3.9 x 6.5m. End of row spaces next to hard objects should be afforded an additional 1.0m of space to allow for ease of manoeuvrability into and out of end bay spaces.

The Essex Vehicle Parking Standards do not have specific parking standards relating to temporary construction compounds; however, it should nonetheless be considered on its own merits.

It is expected that there will be 20 permanent staff at the main compound with a further 6-10 labourers, however during construction the numbers of workers will vary. Subcontractors will bring in additional members of staff, including delivery drivers (estimated to be 20 drivers at a peak) for the OSA/LSA materials and it is anticipated that a maximum of 130 people will be spread across this site and the remainder of the site compounds which will provide overflow car parking facilities when in use. The compounds would provide the following:

Compound	No. Spaces
Main Site Compound	35
Satellite Compound 1	30
Satellite Compound 2	16
Satellite Compound 4	25
Total	106

Given that the parking standards represent a maximum number of spaces required, and paragraph 108 of the NPPF states maximum parking standards should only be set where there

is a clear and compelling justification that they are necessary for managing the local road network, this is felt to represent a reasonable level of parking provision.

A total of 106 parking spaces across this compound (25) and the other compounds (81) are proposed which are considered to provide an adequate degree of parking for the number of contractors given that the number of 130 is considered to be an absolute maximum and would likely be less than this with averages anticipated to be around 70 cars and light goods vehicles. It is important to note that delivery drivers would not require parking in the same manner as staff working at the site and would leave the site once deliveries have been made. Furthermore, there is some additional space directly outside the site at Leigh Beck. No objection is therefore raised to the proposal on this basis.

No objection is therefore raised to the proposal on this basis.

It is important to note that delivery drivers would not require parking in the same manner as staff working at the site and would leave the site once deliveries have been made.

It appears that adequate space is provided within the site compound for HGVs to enter the site, turn around and leave unassisted in a forward gear. Subject to a condition requiring an adequate turning area to be provided, no objection is raised to the proposal on this basis.

The submitted Transport Assessment identifies that across all sites peak demand will be:

“236 HGV movements (118 deliveries in/118 deliveries out);

- o 184 car/LGV movements (92 arrivals in the morning, 92 departures in the late afternoon/evening); and*
- o 4 minibus movements (2 pick-up and 2 drop-off services).*

This implies the following increases in HGV traffic:

- o The worst case period for the Eastern route is a 5 week period from 09/01/23 to 06/02/23 with 85 two way HGV trips per week.*
- o The worst case period for the Western route is a 3 week period from 25/03/24 to 08/04/24 with 236 two way HGV trips per week.”*

Pre-determined routes are proposed to access Canvey Island, which utilises Canvey Way. The main compound is proposed to be accessed via Canvey Road, Long Road, Thorney Bay Road, Western Esplanade and Eastern Esplanade. It is anticipated that there will be some additional HGV and LGV vehicle movements between the site compounds along Eastern and Western Esplanades, however it is aimed to keep these to a minimum wherever possible.

Whilst the proposal will undoubtedly introduce additional traffic to the network, the proposed routes to access the sites will minimise the impact to as great a degree as they can whilst still facilitating the essential works to the revetment.

The applicant has stated that it is their intention to improve the existing unmade road along Marine Parade to an improved gravel surface to provide a suitable access between this compound and the main site compound. These works would improve the current unmade road condition and would be retained after the scheme has been completed.

Flood risk

Table 2 of the NPPG (Paragraph: 066 Reference ID: 7-066-20140306) sets out that development to flood control infrastructure is considered to be 'water-compatible'. The proposed site compound is to facilitate works to the revetment and as such is considered to be a water-compatible form of development. Table 3 of the NPPG (Paragraph: 067 Reference ID: 7-067-20140306) identifies that such development is acceptable within Zone 3A.

It has been identified in the consultation response from the Environment Agency that there is a residual risk of tidal flooding during a 1 in 1000-year event which should be considered. Further to this there is a residual risk from pluvial flooding which means that the proposed compound and buildings on it are liable to flood in the event of a heavy rain event. Therefore, this poses a risk to the potential users of the buildings on-site and the compound.

A Flood Response Plan (FRP) has been submitted alongside this application which identifies the actions that are to be taken by workers in the event of a flood warning being issued or in the actual event of a flood. It is considered that the content of this FRP is sufficient to ensure the safety of the workers at the temporary site compounds and no objection is raised to the proposal on this basis.

Surface water drainage

Paragraph 167 of the NPPF identifies that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options (Paragraph: 080 Reference ID: 7-080-20150323) as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rainwater that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rainwater which combined with a high-water table severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

The proposed compound would be largely covered in impermeable surfaces including but not limited to hardstanding for parking and material storage as well as temporary buildings for offices and welfare facilities. Surface water runoff from the site would therefore be increased by the proposed development, albeit for the temporary lifespan of the compound.

The scheme has used outputs of the 2015 Canvey Island Integrated Urban Drainage (IUD) model and has therefore been designed with an attenuated subterranean storage system with controlled discharge to the existing surface water drainage system, which runs through the site, to mimic the existing greenfield runoff rates already exhibited by the site so that the proposal does not make the existing situation worse. This specific system would have a storage capacity of some 5.4m³ and a discharge rate of 50 l/s with a depression to the centre of the site and earth bunds (0.1m) to the boundaries to contain surface water runoff within the site. The drainage will connect directly to the Leigh Beck Pumping Station which discharges at 150l/s directly into the Thames Estuary.

Subject to a condition requiring the submitted surface water drainage scheme to be implemented and maintained, no objection is raised to the proposal on this basis.

Conclusion and planning balance:

Whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It is considered that any temporary adverse impacts of the proposed compound areas and associated works can be ameliorated through appropriate planning conditions and will be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that have led to my recommendation.

My **RECOMMENDATION** is **Approval**

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The use of the site as a construction compound shall cease no later than four years beginning with the date of this permission. All works and structures shall be removed from the land on or before that date and the land returned to its former condition.

REASON: This condition is imposed in order to permit the use of the site to strengthen Canvey Island's flood defences whilst preventing the permanent use of the site as a construction compound which would result in the permanent loss of public open space to the detriment of the residential amenity, health and wellbeing of local residents as well as being out of character with the surrounding built environment.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 4 Prior to the commencement of the development hereby approved a site condition survey report for the entire site area shall be undertaken and submitted to the local planning authority.

REASON: In order to provide a means of assessing any damage that may be caused by the development.

- 5 Transport to and from the site shall be undertaken in accordance with the provisions of the submitted Construction Traffic Management Plan Reference: TEA-3B-00.00-RP-TM-00-00002 Revision P03 dated 15th June 2022 and the Transport Statement Reference: TEA-3B-00.00-RP-TM-00-00001 Revision P03 dated 15th June 2022, from which traffic movements shall not be exceeded without the formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of residents during the construction period and to minimise disruption to the local road network.

- 6 Development of the site shall be undertaken in accordance with the provisions of the submitted Drainage Strategy for Temporary Works Compounds Reference: TEA-3B-00.00-RP-CI-00-000001 Revision P01 dated 15th March 2022 from which there shall be no deviation without the formal consent of the Local Planning Authority.

Such surface water drainage system shall be suitably maintained thereafter at all times whilst the site is in use.

There shall be no discharge of surface water onto the Highway.

REASON: To limit the potential for increased surface water runoff from the site and ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding and avoid the formation of ice on the highway in the interest of highway safety.

- 7 Development of the site shall be undertaken in accordance with the provisions and recommendations set out in the Preliminary Ecological Appraisal Reference TEA-3B-00.00-RP-EN-00-000006 Revision P01.2 dated 22nd March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features and ecology of the site during the construction period.

- 8 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan Reference: TEA-3B-00.00-

CO-TC-00-000003 Revision P02 dated 30th March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 9 The site compound hereby permitted shall only be used between the hours of 06:00 and 22:00 Monday to Friday.

REASON: In order to protect the amenities afforded to occupants of nearby residential properties.

- 10 A schedule of dates, times, locations and works to be undertaken outside of the normal construction hours of 08:00 - 18:00 shall be published by the applicant in a publicly accessible manner at the boundary of the site compound physically as well as online at the Canvey Island southern shoreline revetment project - information page at least three weeks prior to works being undertaken.

REASON: In order to keep local residents well informed of construction planned outside of normal construction hours in the interests of protecting the amenity of nearby residential occupants.

- 11 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the 'The Institution of Lighting Engineers: Guidance Notes for The Reduction of Light Pollution, 2000.' Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Site lighting shall be turned off when the site compound is not in use.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting.

- 12 As shown in principle on planning drawing TEA-3B-00.00-DR-EG-00-002505 Rev P01. A section of bollards shall be removed at the eastern end of Eastern Esplanade to allow for temporary vehicular access to the compound. Upon removal of the site compound the bollards shall be reinstated.

REASON: To ensure that authorised vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 13 Prior to first beneficial use of the site compound the approved parking area as depicted on Drawing No. TEA-3B-00.00-DR-EG-00-002506 Revision P01 shall be provided, with spaces complying with the adopted Essex Vehicle Parking Standards (2009) marked out and made available for use.

The approved parking shall thereafter be retained for its approved purpose for the duration of the use of the site compound and used for no other purpose.

REASON: In order to ensure the provision of adequate on-site parking facilities for the approved development.

- 14 Adequate turning areas shall be made available at all times to enable all vehicles to enter and exit the site in a forward gear, with turning facilities accommodated entirely within the site boundaries.

REASON: In order to ensure that appropriate turning facilities for all vehicles are provided within the site and to minimise potential conflict with other users of the highway.

- 15 No obstruction to any right of way shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way on footpath No. 5 (Canvey) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Upon removal of the site compound the existing right of way shall be reinstated in its original location and to its original condition.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

- 16 The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements document received by the local planning authority on 8th June 2022.

REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.

- 17 Upon first use of the site, the approved Flood Response Plan Reference 002c dated 14th June 2022 shall be enacted and thereafter maintained at all times that the site compound is in use. Any revisions to the Plan shall first be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the site in the event of a flood.

- 18 There shall be no storage of raw materials on any outdoor part of the site above a height of 2.4 metres.

REASON: To ensure that the storage of materials does not detract from the character and appearance of the surrounding area.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption

in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

- 3 Essex Fire and Rescue Service

Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone [REDACTED]

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

- 4 Highway Authority

- o The grant of planning permission does not automatically allow development to commence. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- o The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 5 Canvey, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- o Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
- o The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- o The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- o The applicants should be advised to contact the Development Management Team by email at [REDACTED]

5 Lead Local Flood Authority (LLFA)

Strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [REDACTED]

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

6 Port of London Authority (PLA)

The applicant will require a River Works licence for the overall revetment proposals in this area.

DRAFT HEADS OF TERMS

- 1.1 Below are the proposed heads of terms to be included in a bilateral agreement to be entered into between (1) Caneleigh Limited (being the "Owner"); (2) Legal and General Affordable Homes (Development) Limited (the "Appellant"); (3) Castle Point Borough Council (the "Council"); and (4) Essex County Council (the "County Council") pursuant to (amongst other powers), section 106 of the Town and Country Planning Act 1990 (as amended) (the "Agreement").
- 1.2 The detail of the Agreement remains subject to negotiation between the parties.

Affordable Housing

- 1.3 No less than 40% (being 18 units) of the 44 residential units to be delivered as part of the Development are to be constructed and occupied as affordable housing (as defined by the NPPF). To comprise 9 units offered for affordable rent and 9 units offered for shared ownership. The remaining 26 units are additional shared ownership affordable units and may be occupied as affordable housing in accordance with the provisions of the Agreement.
- 1.4 The Agreement will include a restriction on occupation of any units comprised within the Development until (where the Owner is not a registered provider at the date of occupation of the relevant unit), the Owner has entered into an agreement with a registered provider for the transfer/lease of the unit and the registered provider/Appellant has entered into a nominations agreement with the Council in respect of the affordable housing unit.
- 1.5 The affordable housing units are to be secured as such in perpetuity, subject to the standard exclusions.

Financial Contributions

- 1.6 Payment (at a trigger(s) to be determined) to the Council of the following *[NB: the figures set out below are based on a development of 46 units (rather than the proposed 44 units). Accordingly, the contributions are subject to further amendment]:*
- (a) an indoor sports facilities contribution [(being £XXX)] to be applied by the Council to [XXX];
 - (b) a multi-games use area contribution [(being £XXX)] to be applied by the Council to [XXX];
 - (c) a health contribution [(being £XXX)] to be applied by the Council [towards the provision of measures to mitigate the impact of the Development on local health care capacity];
 - (d) a contribution towards the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) [(being £XXX)] to be applied by the Council towards the mitigation of recreational disturbance on the European designated sites within the vicinity of the Site (being the Benfleet and Southend Marshes Special Protection Area, the Ramsar site

and the Outer Thames Special Protection Area) to mitigate any increased use as a result of the Development;

- 1.7 Payment (at a trigger(s) to be determined) to the [County] Council of the following:
- (a) a primary education contribution [(being £XXX)] to be applied by the [County] Council [to meet the primary education needs arising out of the Development]; and
 - (b) a library contribution [(being £XXX)] to be applied by the [County] Council [to].

Open Space & Play Space Management

- 1.8 [Submission to, and approval in writing by the Council, of:
- (a) an open space management plan (to include a programme for implementation) setting out a strategy for the long term management of the open space comprised within the Development for recreational and ecological purposes *[NB: need to understand what the Council means by this];*
 - (b) a play space and equipment management plan (to include a programme for implementation) setting out a strategy for the long term management of the play space and equipment comprised within the Development.
- 1.9 The Owner/Appellant will be subject to an obligation not to carry out the Development otherwise than in accordance with the approved open space/play space and equipment management plan(s), unless otherwise agreed in writing by the Council.]

SuDS Maintenance

- 1.10 [Submission to, and approval in writing by, the [County] Council of a SuDS maintenance plan (to include a programme for implementation) setting out a strategy for the long term maintenance of the SuDS comprised in the Development.
- 1.11 The Owner/Appellant will be subject to an obligation not to carry out the Development otherwise than in accordance with the approved SuDS maintenance plan, unless otherwise agreed in writing by the [County] Council.]

Public Access Path

- 1.12 Following practical completion of the public access path *[to provide future access to land to the south of the Development]* to permit public access to pedestrians, cyclists and wheelchair users along the path (subject to temporary closures and/or reasonable rules and regulations governing access). There shall be no intention on behalf of the Owner to create any formal rights of way over the public access path.

Residential Travel Packs

- 1.13 Submission to, and approval in writing by, the County Council of, residential travel packs (to include (amongst other things) steps to promote sustainable modes of transport by occupiers of

the Development). The Owner/Appellant will be subject to an obligation to provide the first occupiers of each residential unit with a pack (as approved by the [County] Council).

Report to Castle Point Borough Council

by Philip Lewis BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 3 March 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the New Castle Point Local Plan

The Plan was submitted for examination on 2 October 2020

The examination hearings were held between 11 May and 29 June 2021

File Ref: PINS/ M1520/429/6

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Abbreviations used in this report

ASELA	Association of South Essex Local Authorities
COMAH	Control of Major Accident Hazards
DtC	Duty to Cooperate
ECC	Essex County Council
HRA	Habitat Regulations Assessment
LHN	Local housing need
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
RAMS	Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
SA	Sustainability Appraisal
SBC	Southend-on-Sea Borough Council
SCI	Statement of Community Involvement
SEA Regulations	Environmental Assessment of Plans and Programmes Regulations 2004
SEEDNA	South Essex Economic Development Needs Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SOCG	Statement of Common Ground

Non-Technical Summary

This report concludes that the New Castle Point Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Castle Point Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and, where necessary, carried out sustainability appraisal and Habitats Regulations Assessment of them. The MMs were subject to public consultation over an eight-week period. In some cases I have amended their detailed wording where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and Habitats Regulations Assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To revise the local housing need figure to reflect changed input figures;
- To set a stepped housing requirement to reflect the likely delivery of homes in the plan period, and the significant uplift in housing land supply proposed which will take some time to deliver;
- To amend the Green Belt Policies so that unnecessary duplication is avoided and to make them effective;
- To delete Local Policy GB4 Limited Infill – Special Policy Areas as it would not be effective and is inconsistent with national policy for the Green Belt;
- To alter Policy HO7 Gypsy, Traveller and Travelling Showpeople to include a site allocation, so that the Plan makes provision to meet the specific need for Gypsies and Travellers arising in Castle Point during the plan period;
- To make detailed adjustments to particular site allocations;
- To delete the proposed allocation of employment land at the Manor Trading Estate, as exceptional circumstances have not been demonstrated for releasing the site from the Green Belt; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the New Castle Point Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first **whether the Plan's preparation has complied with the duty to co-operate**. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The New Castle Point Local Plan submitted in October 2020 is the basis for my examination. It is the same document as was published for consultation by the Council in December 2019.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form MM1, MM2 etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MM schedule was subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the Castle Point Local Plan Policies Map 2019 as set out in EXM-002.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. **However, a number of the published MMs to the Plan's policies** require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.
7. These further changes to the Policies Map were published for consultation alongside the MMs, the Schedule of Modifications to the Policies Map November 2021 (PHD-002). In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
8. When the Plan is adopted, in order to comply with the legislation **and give effect to the Plan's policies, the Council will need to update** the adopted Policies Map to include all the changes proposed in the Schedule of Modifications to the Policies Map November 2021 and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

Context of the Plan

9. The New Castle Point Local Plan is proposed to replace the saved Policies of the Castle Point Borough Local Plan adopted in 1998. The Plan covers the whole Borough which has two distinct areas; Canvey Island and the 'Mainland', and will form part of the development plan for the area, with the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan. Castle Point falls within the Metropolitan Green Belt which is tightly drawn around the urban areas. A significant proportion of the Borough at Canvey Island falls within Flood Zone 3, protected by sea defences and other flood

defence infrastructure. The port facilities at Canvey Island are nationally significant and have a role in ensuring the security of energy supplies in the UK. The Borough contains a number of Sites of Special Scientific Interest and a Habitats site, and is close to a number of other designated areas on the Essex Coast.

Public Sector Equality Duty

10. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of gypsy and traveller sites to meet identified need, housing for older people, and the provision of accessible and adaptable housing.

Assessment of Duty to Co-operate

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of **the Plan's** preparation.
12. The Council has published a Duty to Cooperate (DtC) Report which sets out how the Council sought to fulfil the duty in the preparation of the Plan. The DtC Statement is supported by Statements of Common Ground (SOCG) with Essex County Council (ECC) and a number of neighbouring Councils in Essex. In addition, a number of SOCGs have been made with prescribed DtC bodies and others.
13. It is clear from the evidence that substantial and effective co-operation has taken place between the Council and its neighbours, along with other prescribed bodies during the preparation of the Plan. Evidence of co-operation includes meetings of the Association of South Essex Local Authorities (ASELA), meetings with specific neighbouring Councils, and extensive joint evidence preparation for the emerging development plans in the area.
14. There is also clear evidence of the outcomes of cooperation. Of particular note is the preparation of a joint Strategic Housing Market Assessment (SHMA), an assessment of the needs of Gypsies, Travellers and Travelling Showpeople, an Economic Development Needs Assessment, a Retail Study, the South Essex Strategic Flood Risk Assessment and a Water Cycle Study, the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) in respect of Habitats sites, the Essex Joint Health and Wellbeing

Strategy 2018-2022, and the Castle Point and Rochford CCG Localities Estates Strategy.

15. It has been argued by some representors that the Council did not cooperate with its neighbours in regard to the provision of a new access to Canvey Island. I am satisfied that although there is reference to such a scheme in the text of the submitted Plan, that was made on an aspirational basis, rather than as a proposal of the Plan. I have examined the Plan on the basis that it is not proposing a new access to Canvey Island, nor contains any strategic policy to that effect. I am satisfied therefore, that there is no failure of the duty in this regard.
16. Concerning other infrastructure provision, there is also substantial evidence of effective and on-going cooperation between the Council and the DtC bodies as reflected in the SOCGs, including with ECC, National Highways (formerly Highways England), Natural England, the Environment Agency, and Historic England.
17. It is clear that discussions have been held between local authorities in South Essex about how any unmet housing needs arising in one Council area may be accommodated in another. Whilst the Council had expressed concern to neighbours as to whether it could meet its local housing need at the start of the plan making process, the submitted Plan sets out to meet the housing needs arising in Castle Point in full. Consequently, the Council is not seeking neighbours to accommodate unmet housing need.
18. There is evidence that the Council and Southend-on-Sea Borough Council (SBC) have had constructive and ongoing discussions about potential unmet housing need, including a request from SBC to the Council to determine if it could reasonably meet any of the anticipated shortfall in the SBC area. There is common ground between the Council and SBC that it could not reasonably accommodate unmet need from SBC. Given the common issues, including establishing exceptional circumstances to change the boundaries of the Green Belt faced by the local authorities in South Essex, I heard that there is no agreement in place that any authority should take on unmet need from another within the South Essex area.
19. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

20. The Plan has been prepared in accordance **with the Council's Local Development Scheme**.
21. Consultation on the Plan and the MMs was carried out in compliance **with the Council's Statement of Community Involvement (SCI)**. A number of representations were received to the effect that the Council had not followed its SCI in the plan making process, that there were inadequate opportunities for people to make **representations, and that the Council's consultation was ineffective**. The submitted Plan however was published for formal consultation prior to submission in accordance with the Regulations and the opportunity to comment was provided. The same applies in respect of the consultation on the MMs.
22. The Council carried out SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The SA was updated to assess the MMs.
23. Whilst it has been queried as to whether the Council had invited representations on the SA of the submitted Plan at the Regulation 19 stage, as required by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), the Council, nevertheless, has undertaken further consultation and notification to the consultation bodies on the SA at the MM stage.
24. The SA of the Plan was carried out by the Council at the scoping stage, where the methodology was consulted upon, at the Regulation 19 stage, again prior to submission and at the MM stage. SA Objectives were developed from those used by the Council for previous development plans and were subject to consultation in the **Council's Sustainability Appraisal Scoping Report**.
25. 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. The SA has been amended to this effect at the MM stage.

26. It is clear from the submitted documents that the selection of reasonable alternatives in respect of housing allocations has been informed by the Strategic Housing Land Availability Assessment (SHLAA) process. A number of potential housing sites were rejected as reasonable alternatives by the Council and the reasons why they should be removed from further consideration are set out in the Draft Housing Sites Options Topic Paper 2018 (H-016). The SA (pre-submission plan version, SUS-002) in para 5.2.2 is clear that these sites had been omitted from the SA process. The Council later prepared a further version of the SA (SUS-007) taking account of their suggested main modifications to the Plan at the point of submission. This document includes an assessment of site S0137 as a reasonable alternative in response to representations received, despite it being rejected earlier. The SA has been further amended to clarify the position in respect of this site at the MM stage and **I am satisfied that given the Council's original findings on that site earlier in the process, no 'retrofitting' of the SA has taken place.**
27. In terms of strategic options for the supply of housing, I find the alternatives considered by the Council to be reasonable. Whilst it has been suggested that the Council should have considered an option where local housing need would be exceeded significantly, I do not consider such an option to be realistic. This is due to the identified constraints to development in Castle Point, including the Green Belt, flood risk and habitats sites. In addition, the Plan is proposing a significant boost to the supply of housing in Castle Point, and there is no robust evidence that provision of housing significantly exceeding the local housing need figure could actually be delivered in the plan period.
28. I conclude, therefore that SA has been carried out and is adequate.
29. The Habitat Regulations Assessment including Appropriate Assessment 2019 (EQ-009) and the Habitat Regulations Assessment Report including Appropriate Assessment Update 2020 (EQ-010) set out that Appropriate Assessment has been undertaken and that the Plan may have some negative impact which requires mitigation. The identified potential impacts on the integrity of European sites include recreational disturbance, habitat loss and loss of functionally linked land, and the effects on water quality and quantity. The HRA recommendations to address these impacts have been incorporated into the Plan. Further Habitat Regulations Assessment was undertaken in respect of the MMs (Habitat Regulations Assessment and Appropriate Assessment November 2021 (PHD-011) which concluded that no adverse effects on the integrity of European sites

would occur, subject to the recommended actions set out within the report being undertaken. Mitigation has been secured through the Plan (as modified by the MMs) in respect of a number of allocations.

30. Furthermore, a number of the development management policies set out HRA mitigation requirements. These include Strategic Policy SD1 Making Effective Use of Land and Creating Sustainable Places and Strategic Policy NE5 Ecologically Sensitive and Designated Sites which seeks contributions to the established RAMS.
31. Natural England made no objections to the HRA undertaken for the MMs. The HRA has been carefully examined, I find it to be robust and I am content that the Policies and allocations of the Plan will not affect the integrity of European sites.
32. The Plan includes policies to address the strategic priorities for the **development and use of land in the local planning authority's area.**
33. The Plan includes policies designed to secure that the development **and use of land in the local planning authority's area contribute to** the mitigation of, and adaptation to, climate change. In addition, the Plan identifies climate change as a strategic priority for the Plan as a whole. Specific relevant policies include Strategic Policy CC1 Responding to Climate Change; Local Policy CC2 Tidal Flood Risk Management Area; Strategic Policy CC3 Non-Tidal Flood Risk Management; Strategic Policy CC4 Sustainable Buildings and Strategic Policy NE1 Green Infrastructure and the Undeveloped Coast.
34. Appendix 7 lists policy changes from the Castle Point Local Plan 1998. To meet the legal requirement of Regulation 8(5) the Plan should be altered to make clear that the Policies of the 1998 Local Plan will be superseded (MM1 and MM87).
35. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

36. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have

identified 7 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or policy criterion in the Plan.

Covid-19

37. The examination hearings took place during the Covid-19 pandemic. A number of comments have been made as to the potential economic and social effects of the pandemic. Whilst the immediate effects of Covid-19 are here for all to see, there is no evidence that the fundamental assumptions and requirements of the Plan in respect of housing need, or any other strategic matter, will be affected to the extent that its soundness will be undermined. Any longer-term effects which may arise can be addressed through subsequent local plan reviews, informed by evidence of the actual effects of the Covid-19 pandemic.

The Revised National Planning Policy Framework

38. The Government published a revised NPPF in July 2021 during the examination. The Plan should be amended to make the strategic priorities, vision and objectives consistent with the NPPF in respect of design, green infrastructure, biodiversity net gain and sustainable transport, and as a consequence of other MMs (MM2).

Issue 1 – Whether at the strategic level there are exceptional circumstances which justify altering Green Belt boundaries to meet development needs, and **whether the Plan's Green Belt policies are effective?**

39. Castle Point Borough falls within the Metropolitan Green Belt which is drawn tightly around the existing urban area in the Borough. The submitted Plan proposes that the Green Belt boundaries are altered at Benfleet, Daws Heath, Hadleigh, Thundersley and Canvey Island to accommodate housing development. It also proposes that some areas of land in educational use are removed from the Green Belt along with some areas of land which have been developed. New Green Belt is proposed on land to the west of Roscommon Way, Canvey Island. The NPPF sets out that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.

40. Through the preparation of the Plan, the Council undertook a review of Green Belt boundaries. This adopted a methodology consisting of a number of stages. The methodology included splitting different parts of the Borough into separate parcels. Whilst there are no doubt different ways of doing this, the approach taken by the Council to the subdivision of the Borough was adequate. The resulting parcels are of a sufficiently fine grain to allow for meaningful comparisons to be made between them. The methodology for the Green Belt Review is clear and adequate.

The need for housing

41. The need for housing is discussed under Issue 2. Castle Point has a pressing housing need, issues with housing affordability and a serious shortfall in the provision of affordable homes. There is no scope for Castle Point to export housing need to another district; its neighbours are also significantly constrained and have their own significant development needs. The overall level of housing will address housing affordability and will provide more affordable homes. There is also an identified need for provision of accommodation for Gypsies and Travellers in Castle Point.

The supply and availability of land suitable for sustainable development

42. The Council has undertaken a thorough assessment of the availability of land within the urban area through its SHLAA 2018 (H-007 to 010) and the assessment of windfall sites. A total of 477 sites were considered and a design led approach was taken to determine their potential capacity, with higher densities assumed as appropriate, along with assessments of deliverability / developability as per national policy, and the assessment of viability. Additionally, through the large site capacity assessments (H-012 and H-013), the Council sought to optimise the capacity of proposed sites, including those in the urban areas. This work indicates that around 53% of the housing need could be met within the urban area (that is to say outside of the Green Belt). Therefore, it is not possible to rely on increasing the supply of housing within the urban area to avoid the need to alter the boundaries of the Green Belt to meet housing need.

Other changes to the Green Belt (not arising directly from proposed allocations)

43. The Plan seeks to remove a number of educational facilities and associated playing fields from the Green Belt. I am satisfied that there are exceptional circumstances for the removal of the Glenwood School site and the land at the Cornelius Vermuyden School from the Green Belt. This is because given the extent to which they are built up, it is unnecessary to keep these sites permanently open. Similarly, the built-up areas of the USP Canvey College Campus and the former Castle View School; Deanes School and Virgin Active, Hadleigh; and the King John School, Benfleet should be removed from the Green Belt. However, there are not exceptional circumstances for the removal of the playing fields associated with these schools from the Green Belt. The text should be amended to update the overall amount of the Green Belt which would be retained, and to confirm the schools affected (MM67). The Policies Map should be amended accordingly.
44. An area of land of about 10.9 hectares would be added to the Green Belt to the west of Roscommon Way adjoining the urban area at Canvey Island. The alteration of the inner edge of the Green Belt boundary would reinforce the strategic gap between Canvey Island and Stanford-le-Hope, whilst providing a more robust boundary to the Green Belt at Canvey Island. Although the land is part of a SSSI, given its former use, I am not convinced that normal planning policies and development management would be adequate to keep it open. There are therefore exceptional circumstances for including this land within the Green Belt.

Conclusion

45. In conclusion, there are strategic-level exceptional circumstances to alter the Green Belt boundary to meet housing needs in the interests of the proper long-term planning of the Borough.

Issue 2 – Whether the Plan makes adequate provision for new housing?

Local housing need

46. The Plan has been prepared using the standard method for assessing local housing need as set out in the NPPF. The standard method provides a minimum starting point in determining the number of homes needed in an area. The submitted Plan sets out that the local housing need for the plan period calculated using the standard method is 5,130 homes. During the examination, the

Council recalculated the local housing need, rebased to 2021 and using the most recent workplace-based affordability ratio as per the Planning Practice Guidance (PPG). The updated capped local housing need figure for the plan period is 5,325 dwellings.

47. 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. For example, 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 SOCG.
48. In respect of unmet housing need, there has been no agreement by the Council to take on unmet need from a neighbouring authority set out in a SOCG. During the hearings, I heard that there has been no request from the Mayor of London for the Council to take on any unmet need arising from the Capital.
49. 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, nor that an increase in the local housing need figure, say up to the uncapped level, would bring forward any significant additional affordable provision 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. Consequently, it has not been demonstrated that actual housing need is higher than the standard method indicates.
50. National policy as expressed in the NPPF, or the guidance set out in the PPG, is not concerned with providing a lower housing need figure than that indicated by applying the standard method. The NPPF in paragraph 61 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The standard method simply takes the household projections, applies an affordability ratio and an adjustment figure to arrive at the level of housing need.
51. The Addendum to the South Essex Strategic Housing Market Assessment (H-006) calculated the net affordable housing need at Castle Point to be 353 homes per annum. In comparison to the

capped Local Housing Need (LHN) figure of 355 homes per annum, this indicates an acute need for further affordable housing provision in the Borough.

The housing requirement

52. The NPPF in paragraph 11 b) says, amongst other things, that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area, or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
53. With regard to paragraph 11(b)i, footnote 7 of the NPPF lists the policies that protect assets or areas of particular importance. Having regard to the evidence before me, which includes the SA, the HRA, the Green Belt Review, the Strategic Flood Risk Assessments and results of the sequential and exceptions tests, and Heritage Impact Assessments and archaeological evaluation report, I conclude that the application of policies in the NPPF that protect areas or assets of particular importance do not provide a strong reason for restricting the overall scale, type or distribution of development in the Plan area as a whole.
54. There was some discussion about the issue of flood risk at the hearings and a number of written submissions in this regard. In particular, I have taken into account the particular circumstances relating to Canvey Island, that much of it is at or below mean high tide level and that it is defended by formal raised sea defences. Furthermore, the Thames Estuary 2100 Plan (CC-004) sets out a policy for Canvey Island which is to take further action to keep up with climate and land use change so that flood risk does not increase for Canvey Island. I have also had regard to flood risk on the mainland part of the Borough. I am satisfied that given the technical evidence on flood risk and the mitigation measures proposed through the Plan as amended, that the proposed development in the plan is acceptable and should not be restricted specifically due to flood risk considerations.
55. Turning to paragraph 11 b) ii. I have also considered whether any adverse impacts of providing for objectively assessed needs for

housing and other uses would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The Plan in overall terms seeks to significantly boost the supply of housing, including affordable housing and housing for different groups in the community. In addition, it seeks to provide additional employment land and land for other uses. These are significant benefits.

56. There will however be harm arising from new development such as through the loss of countryside and Green Belt, increased urbanisation and increased pressure on transport systems. The Plan as modified has been subject to the iterative SA process, where potential benefits and harm were considered within the SA objectives, and includes a variety of mitigation measures including those arising from the HRA, provision of sustainable transport measures and specific measures set out in the allocations. Having considered carefully the evidence before me, I am satisfied that the adverse impacts of meeting the objectively assessed needs will not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
57. The submitted plan proposes that the level of local housing need should form the housing requirement for the Plan. Whilst the updated LHN figure is higher than that set out in the submission Plan, the housing land supply proposed would meet the LHN with a small margin of headroom to afford some flexibility. The Council has recalculated the housing land supply taking into account the proposed MMs to be 5,510 homes for the plan period. This is marginally above the minimum objectively assessed need for housing of 5,325 homes.
58. The Plan is seeking to meet the local housing need for the plan period in full as per national policy. In doing so, it is consistent with paragraph 20 of the NPPF in making sufficient provision to meet identified needs for the plan period. In this regard, I am not convinced that to provide a level of development significantly above the minimum identified housing need would be justified, given the evidence before me. To seek to do so through this Plan would cause significant delay to its adoption, with of course, no guarantee that such a Plan would be found sound, and consequential delays in the delivery of much needed housing.
59. Strategic Policy HO1 Housing Strategy and the text of the Plan should be modified to confirm that the housing requirement for the

plan period is 5,325 homes (MM5). To avoid duplication with other Policies, Parts 2 and 3 of the Policy should be deleted. To be clear and effective, Part 4 of the Policy related to placemaking should be deleted (MM5) with this matter being addressed in an amended Strategic Policy SD1, which I deal with under Issue 7 below.

Would a stepped housing requirement be justified?

60. The Council in its hearing statement set out that the average delivery of homes in Castle Point in the past 10 years was 113 homes per annum. The present housing land supply is constrained by the Green Belt and other factors including the lack of an up-to-date development plan. Consequently, the new homes which have been delivered in recent years have typically arisen from urban intensification and regeneration. This is reflected in the latest housing delivery test result where only 49% of the new homes required in the past 3 years were delivered. The dwelling requirement for the Plan would be 355 homes per annum over the plan period. This represents a significant upturn in home building in the Borough. Additionally, there is already a shortfall in terms of housing delivery since the start of the plan period when measured against the requirement set out in this Plan.
61. Whilst there is evidence that new homes will continue to arise from urban intensification and regeneration through the plan period which are important components of the housing land supply, it will take some time for the proposed housing allocations of the Plan to come forward. This is because a number of the proposed allocations will remain in the Green Belt until the Plan is adopted, and it will take time for master plans, development briefs and planning applications to be prepared and considered, planning conditions and obligations to be discharged and construction to commence. Consequently, the significant increase in the supply of new housing is likely to take place later in the plan period.
62. Having regard to the evidence on the housing land supply and the deliverability of housing sites, the Plan should therefore include a stepped housing requirement which would still ensure that the overall housing requirement would be met in the plan period, but better reflecting the likely delivery trajectory of homes throughout the plan period. This should be a minimum of 291 homes per annum to 2026/27 and 430 homes per annum between 2027/28 and 2032/33 (MM5).

The supply of housing land

63. The Plan as amended should secure a supply of 5,510 homes over the plan period. This gives a small margin over the requirement to allow some flexibility. Overall, the housing supply is sufficient to provide a reasonable prospect that the requirement will be met.
64. Given historic delivery rates, the evidence set out in the SHLAA and the Brownfield Register, opportunities identified from town centre redevelopments, and schemes arising from prior approval processes, there is compelling evidence for a continued supply of a further 600 homes from windfall sites over the remainder of the plan period.
65. As 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 shortfall spread over the remaining plan period known as the Liverpool method. In reaching this 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.
66. The five-year housing supply target at adoption is 1,872 homes. This figure is made up of 5 years of supply at 291 homes per annum, plus 105 homes as a proportion of the shortfall in the plan period to date, to which a 20% buffer is applied given the housing delivery test result.
67. Later in my report I set out my conclusions in respect of the soundness of individual allocations. Having regard to these, the **Council's hearing statement and appendices, and the updated** housing land supply documents and housing trajectory (H-026, H-027, H-028, H-029), I am satisfied that the Plan as modified will supply specific, deliverable sites for years one to five of the plan period after adoption. I am also satisfied that it should provide sufficient developable sites for years 6-10 as per paragraph 68 of the NPPF. Furthermore, I find that at least 10% of the housing requirement will be met on sites of less than one hectare, as per paragraph 69 of the NPPF.

Conclusion

68. The LHN for the plan period is 5,325 new homes. The LHN figure should be the overall housing requirement for the Plan. The housing requirement represents a significant uplift from past delivery rates of new homes and should be stepped as the bulk of the new homes proposed are projected to come forward later in the plan period. Against this stepped requirement, there would be a five-year supply of housing land on adoption of the Plan. The housing supply is sufficient overall to meet the housing requirement over the plan period.

Issue 3: Is the Plan positively prepared and would it be effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople?

69. The updated Castle Point Borough Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) (H-004) sets out an assessment of the need for the provision of additional pitches for Gypsies and Travellers. This includes those who meet 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. No further accommodation needs are identified for Travelling Showpeople.
70. During the examination it was clarified that the identified need for permanent pitches for Gypsies and Travellers in Castle Point arises from the two established sites in the Borough. Since the GTTSAA was undertaken, the need arising from the site known as Janda Field has been addressed through the granting of planning permission on appeal for 6 additional static caravans on the 3 existing pitches at this site. 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 to meet the identified need.
71. Orchard Place is situated in the Green Belt. Whilst it is previously developed land, the provision of further pitches is likely to have a greater impact on the openness of the Green Belt than the existing development. Consequently, any application for additional pitches would have to demonstrate very special circumstances through the development management process as the provision of new buildings in these circumstances is inappropriate development in the Green Belt. To be effective in providing for the future needs arising from

Orchard Place, Policy HO7 and the text should be amended so that the site is specifically allocated for Gypsy and Traveller accommodation only, and the site inset from the Green Belt (MM10). The Council is proposing to alter the Policies Map to this effect. Having regard to document EXM-042 – Note on Gypsy and Traveller Provision and Revised Policy HO7, I am satisfied that the specific accommodation needs for additional pitches arising from this site provides the exceptional circumstances to alter the boundary of the Green Belt.

72. Policy HO7 should also be amended to include that a project level HRA may be needed for certain proposals, consistent with the HRA undertaken for the Plan, and to ensure that the policy addresses the living conditions of future residents effectively (MM10).

Conclusion

73. Subject to the MMs discussed above, I am satisfied that the Plan is positively prepared and would be effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople.

Issue 4 – Are the proposed housing allocations justified, effective and consistent with national policy?

Allocated site capacity assumptions

74. The proposed housing allocations each provide an indication of site capacity which has been used to inform the housing trajectory. So that the Plan is justified and effective, it is necessary to explain within the supporting text to the policies the basis upon which the capacity figures have been derived, and to confirm that the final dwelling figures delivered on specific sites would be established through the development management process (MM12).
75. So that the Plan would be effective, Policies HO9, HO10, HO11, HO12, HO13, HO14, HO15, HO16, HO17, HO18, HO19, HO20, HO21, HO22, HO23, HO24, HO25, HO26, HO27, HO28, HO29, HO30, HO31 and HO32 should also be amended to clarify that the indicative dwelling figure is not a maximum site capacity (MMs 13 through to MM36).

Canvey Island and flood risk

76. There was some discussion at the hearings concerning the issue of flood risk at Canvey Island, which falls within Flood Zone 3, and is protected from tidal flooding by the presence of flood defences. The issue of access to maintain the existing flood defences and for their future strengthening is considered in Local Policy CC2 Tidal Flood Risk Management Area. I am satisfied that the sequential test is passed and the exceptions test is capable of being satisfied with the provision of the identified measures, for the proposed allocations at Canvey Island. Having regard to the tidal breach modelling and exceptions test results, to be effective Policies HO23, HO24, HO26, HO27 and HO31 should be amended so that it is clear that self-contained residential accommodation and bedrooms at ground floor level would not be permitted (MM27, MM28, MM30, MM31 and MM35).

Local Policy HO9 Land west of Benfleet

77. The site is situated between the A130 Canvey Way and the existing built-up area and is well contained by these. It consists largely of open fields separated by hedgerows. The boundary of the Green Belt to the west is defined by the landscape planting along the A130, and a railway line to the southwest boundary, these are readily recognisable and are likely to be permanent.
78. Whilst the proposal would give rise to a loss of openness, given the location of the site and the provisions of the Policy criteria, the harm to the Green Belt would be minor overall. The Council has taken into account the need to promote sustainable patterns of development in the allocation of the site which is situated next to the existing settlement. In conclusion, taken together with the strategic level justification, exceptional circumstances exist to remove this site from the Green Belt for development.
79. There was some discussion at the hearing concerning the effects of the proposed allocation on air quality in the area. Having considered the evidence, I am satisfied that the proposed allocation would not give rise to any issues in respect of compliance with air quality limit values in the area. Additionally, I am satisfied that the proposed access arrangements for the site are achievable, are based upon adequate transport modelling and that there is no convincing technical evidence before me to suggest an unacceptable impact on highway safety or that residual cumulative effects on the road network would be severe.

80. To be effective, Policy HO9 and the explanatory text should be amended to clarify the master planning, health care, education, residential care home, drainage and sustainable transport requirements. The Policy and text should also be amended so that the requirements for biodiversity net gain and in respect of the Benfleet and Southend Marshes SPA would be effective (MM13).

Policy HO10 Land between Felstead Road and Catherine Road, Benfleet

81. The site consists of an area of woodland and sporadic residential development, with the land immediately to its west occupied by two schools adjoining the built-up area. The site adjoins the urban area to the south and partially to the north. Whilst the release of the land from the Green Belt would harm openness, the effect on the Green Belt purposes has been assessed in the Green Belt Review to be minor. The Green Belt boundary to the east would be defined by Catherine Road and to the north by London Road, these are readily recognisable and likely to be permanent. Although the proposed allocation would serve to reduce the gap between Benfleet and Thundersley, the alteration to the Green Belt boundary recognises the recent development along on London Road up to Catherine Road, and an appreciable gap would remain between the settlements. Taken together with the strategic justification, exceptional circumstances exist to remove this site from the Green Belt for development.
82. The proposed allocation includes a Local Wildlife Site (LWS). The proposed extension to this LWS is not justified (see Local Policy NE4 and MM77) and it has been replaced by a potential LWS. Any potential effects on the LWS/potential LWS would be addressed through the master plan as sought by the modified Policy (MM14).
83. To be effective, the Policy and text should be altered so that the requirements for a master plan, design principles, transport, drainage and green infrastructure are clear. Also, to ensure that access is provided to natural greenspace to divert and deflect visitors from Habitats sites and to reflect that the site consists of two distinct development areas (MM14).
84. The indicated site capacity derived from the Large Site Capacity Study update (H-013) is justified given the identified constraints and there is no convincing evidence that a higher site capacity should be set out in the Plan. Ultimately, that would be a matter for the

development management process. For clarity and effectiveness, the text however should be updated to reflect the current status of development built or otherwise committed within the site (MM14).

Local Policy HO11 Land off Glyders, Benfleet

85. The proposed allocation consists of agricultural land situated to the east of the existing urban area. The release of the site from the Green Belt would give rise to harm to openness and to the Green Belt purposes as set out in the Green Belt Review. However, the site is enclosed by existing development to the west and south, and along much of its northern boundary. A new Green Belt boundary would be formed to the east with a policy requirement for a landscape strategy to provide planting along the eastern boundary of the site. This would be readily recognisable and likely to be permanent. The provision of the strengthened boundary and the requirements of the Policy would serve to limit the harm to the wider Green Belt.
86. The site allocation proposed includes an area of ground extending to the east of the main body of the site to accommodate surface water storage infrastructure. Given that this can be achieved without harming the openness of the Green Belt, there are not the exceptional circumstances for the removal of this particular area of land from the Green Belt. The Policies Map should be updated accordingly as per document PHD-002. Overall, given the limited harm to the Green Belt and the need for housing which cannot be accommodated within the existing urban area, subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt.
87. The proposed allocation is adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), which comprises an extensive series of saltmarshes, mudflats and grassland, and supports a diverse flora and fauna. The Policy and text should be amended to ensure that the adjacent SSSI is protected and enhanced consistent with paragraph 179 of the NPPF, and to be effective in safeguarding the nationally important site (MM15).
88. A number of matters were discussed at the hearing, including the issues of land stability, the presence of a high-pressure gas pipeline near the site, and how the site would be accessed. To be effective, the Policy and text should be amended so that the issues of land stability, drainage, site access and the proximity of the high-

pressure gas pipeline to the site are clearly addressed and mitigated. In addition, the Policy should be altered so that it would be effective in safeguarding Habitats sites. The recommended changes to the Policy are set out in MM15.

Local Policy HO12 Site of the former WRVS Hall, Richmond Avenue Benfleet

89. The proposed allocation consists of the former WRVS Hall site and a car park. Whilst the proposal would give rise to a loss of off-street parking, I saw at my site visit that parking on nearby streets is not subject to restrictions and there is no evidence before me of parking stress in the area. To be effective, the Policy and text should be amended so that it is clear that net gain in biodiversity should be measurable, to safeguard Habitats sites, and to set out the need for the management of tidal flood risks, sustainable drainage, and foul and surface water requirements. In addition, to be effective the Policy should be corrected to refer to the South Benfleet Playing Fields. The amendments are set out in MM16.

Local Policy HO13 Land east of Rayleigh Road, Hadleigh

90. The proposed allocation is comprised of predominantly open fields with internal boundaries marked by hedgerows. The site contains a farm and several other buildings and a reservoir, and falls partly within the designated Historic Natural Landscape under Policy NE2. The development of the site would cause harm to the openness of the Green Belt and some harm to its purposes as it would cause a loss of countryside and serve to reduce the strategic gap between Thundersley and Daws Heath. However, the site would be enclosed by existing development to the west, north and along much of its southern boundary. A new Green Belt boundary would be formed to the east of the allocation with the nature reserve. This would be readily recognisable and is likely to be permanent, maintaining a gap and preventing coalescence between Thundersley and Daws Heath.
91. Three additional areas of land would also be removed from the Green Belt as a consequence of the allocation. These consist of an area of built-up land adjacent to the A129, an area of land to the rear of dwellings on Daws Heath Road including residential gardens, and part of Daws Heath Road. However, given its largely developed character, the removal of this land from the Green Belt would not give rise to significantly greater harm beyond that arising from the allocation.

92. Whilst there would be harm to the Green Belt, the Policy requirements would serve to reduce that harm. Overall, given the need for housing which cannot be accommodated within the existing urban area, and subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt.
93. The Policy and text should be amended so that it is clear that net gain in biodiversity should be measurable, that a buffer is applied to the neighbouring nature reserve, to ensure that Habitats sites are safeguarded, and to clarify the requirements for greenways to provide multi-user access so that it would be effective. In addition, to be effective, the Policy and text should also set out clearly the requirements for community facilities, for foul and surface water drainage and the provision of sustainable transport (MM17). Following the MMs consultation, I have amended the wording of paragraph 10.33 of the text to reflect the recent name change of the nearby Cottage Plantation to Valerie Wells Wood.

Local Policy HO14 Land at Brook Farm, Hadleigh

94. The proposed allocation is situated to the southeast of Daws Heath and consists of open fields divided by hedgerows, and the Brook Farm complex. The site is proposed to be removed from the Green Belt. The allocation would cause some loss of openness to the Green Belt and would serve to reduce the strategic gap between Hadleigh and Daws Heath. However, a reasonable gap of open Green Belt land would be retained between the two settlements which would maintain a clear physical separation between them and ensure development of the proposed allocation would not lead to their coalescence. The proposal would improve access to the adjoining Green Belt through the provision of multiuser greenways, which would include equestrian use. It would also include habitat improvement on adjoining land. These are compensatory improvements to the Green Belt. A new Green Belt boundary would be formed to the east and south of the allocation, partly following existing boundaries, with a policy requirement to secure mature planting along the southern boundary. This would be readily recognisable and likely to be permanent, preventing further encroachment into the countryside and the coalescence between Daws Heath and Hadleigh. Notwithstanding the harm to the Green Belt, I am satisfied that given the need for housing which cannot be accommodated within the existing urban area and potential for compensatory improvements to the Green Belt, exceptional circumstances exist to remove this site from the Green Belt for development.

95. The policy and text should be altered so that they are clear about the requirements for multi-user greenways, in achieving net gain in biodiversity including enhancements of adjoining land in the Green Belt and safeguarding Habitats sites, and for sustainable drainage, foul and surface water drainage, vehicular access and contributions to sustainable travel so as to be effective (MM18).

Local Policy HO15 Land at Scrub Lane, Hadleigh

96. The allocation is situated in the urban area and consists of open land adjoining a school. The Policy and text should be amended to set out the sustainable travel requirements and to ensure that Habitats sites are safeguarded so as to be effective. Additionally, to be consistent with national policy as set out in the NPPF in paragraph 99, the Policy should be amended to ensure that the loss of land formerly used as playing fields is mitigated appropriately (MM19).

Local Policy HO16 Land at Oak Tree Farm Hadleigh

97. The proposed allocation is situated to the east of Hadleigh and is close to the ancient woodland protected as the Great Wood and **Dodd's Grove SSSI. The Policy and text should be amended so as to** be consistent with paragraph 179 of the NPPF and to be effective in safeguarding the SSSI and Habitats sites. There was some discussion at the hearing about the access to the site. Subsequently, from the MM consultation I have become aware that some dwellings have been granted prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order, with access off Poors Lane. However, given the proximity of the SSSI, the Policy should be amended to be clear that vehicle access to the proposed allocation will be taken from Central Avenue only (MM20).
98. A small part of the site falls within Flood Zones 2 and 3 and the site has been considered through the sequential and exceptions tests. I am satisfied that the sequential test is met and that the exceptions test is capable of being met. The Policy and text should be amended so that they are consistent with national policy on flood risk as set out in the NPPF. The Policy should also be amended so that it is effective in respect of the provision of sustainable drainage (MM20).
99. The site would need to be released from the Green Belt. Whilst there would be some loss of openness and harm to some Green Belt purposes, including the encroachment of development into the

countryside, the provisions of the Policy would minimise that harm. The new boundaries of the Green Belt would be formed by existing field boundaries to the north and east and Poors Lane to the south, and would provide a physical screen to limit harm to the Green Belt. These would be readily recognisable and likely to be permanent. Notwithstanding the harm to the Green Belt, given the need for housing which cannot be accommodated within existing urban areas, exceptional circumstances exist to remove this site from the Green Belt for development.

Local Policy HO17 Hadleigh Island, Hadleigh

100. The site situated in Hadleigh town centre is currently occupied by a number of buildings. To be effective Policy HO17 should be amended so that the development brief requirements include sustainable transport provisions, access to natural greenspace to divert and deflect visitors from Habitats sites, and the safeguarding of access for the maintenance of drainage and utility infrastructure at the site (MM21).

Local Policy HO18 Land north of Grasmere Road and Borrowdale Road, Thundersley

101. The allocation site consists primarily of open land with hedges and trees within the Green Belt. The new boundaries of the Green Belt would be formed by existing field boundaries to the north and west, with the site being adjacent to the urban area to the south and east. The new Green Belt boundaries would be readily recognisable and are likely to be permanent. Whilst the development would cause loss of openness and some harm to Green Belt purposes, this harm would be reduced by the policy requirements to retain hedges and tree lined field boundaries wherever possible. Consequently, given the need for housing which cannot be accommodated within existing urban areas, there are exceptional circumstances for altering the Green Belt boundaries.
102. The Policy should be amended to ensure that the criteria relating to sustainable drainage, biodiversity net gain, access to natural greenspace to divert and deflect visitors from Habitats sites, and access and sustainable transport are clear and effective. Additionally, for effectiveness the Policy and text should be altered to address the retention of the public right of way which passes through the site (MM22).

Local Policy HO19 Land at Glebelands, Thundersley

103. The allocation relates to an area of open field and scrub land situated between the A130 road, and the urban area in Thundersley. The land is currently in the Green Belt. The removal of the site from the Green Belt would cause some loss of openness and minor harm to Green Belt purposes through the extension of the urban area and eroding the gap between South Benfleet and North Benfleet. However, a new boundary to the Green Belt would be formed by the A130 road representing a strong and recognisable boundary which is likely to be permanent, preventing further encroachment into the countryside and coalescence with North Benfleet. The existing schools to the north of the site consist of largely developed land which would also be removed from the Green Belt, along with some otherwise isolated areas of Green Belt comprising domestic gardens between the existing urban area and the proposed allocation site. Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for changing the Green Belt boundaries as proposed.
104. There was some discussion at the hearings concerning the vehicular access to the site and the effect of the development on the wider highway network. I am satisfied that the transport modelling for the Plan is robust and that there is no specific evidence that the proposed allocation would not have a safe or suitable access, nor that any significant impacts on the highway network could not be cost effectively mitigated to an acceptable degree. To be effective however, the Policy and text should be amended so that the requirements for sustainable transport, including that the transport assessment for the development of the site should include Tarpots Junction, are clear. This is to ensure that any significant impacts from the development on the transport network are assessed and appropriately mitigated. I have made a minor change to the MM to paragraph 10.65 as it was published for consultation, so that it would be clear and effective in this regard.
105. Additionally, the Policy should be amended to confirm the requirements for master planning, biodiversity net gain and to divert and deflect visitors from Habitats sites (MM23).

Local Policy HO20 The Chase Thundersley

106. The site consists of open fields, playing fields and some wooded areas, broadly situated between Hart Road and Kiln Road. Although

the land is largely enveloped by the existing urban areas of Thundersley, it is currently designated as Green Belt. It is proposed that the land is removed from the Green Belt which would cause some limited harm to the Green Belt through the loss of openness, increasing urban sprawl and loss of countryside. The site would have a short boundary with the Green Belt on the A129 Rayleigh Road which would be readily recognisable and is likely to be permanent. In addition, the Council has taken into account the need to promote sustainable patterns of development, which is reflected in the policy requirements. Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for removing this site from the Green Belt.

107. The NPPF sets out in paragraph 125 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**. The Council's Large Site Capacity Study update (H-013) identifies a potential capacity for the site of about 430 dwellings (gross). 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, which do not appear to have been applied consistently with other proposed site allocations. The site capacity should be amended taking into account existing commitments, to be around 412 new homes net (MM24). The actual number of new homes provided however will be determined through the master planning and development management processes having regard to factors such as the site characteristic, infrastructure needs and the housing mix.
108. The proposed allocation would be subject to the preparation of a master plan, which is necessary given the complexities of the site. To ensure that the master plan would be prepared in a timely way so that the proposed development is able to come forward in **support of the Government's objective of significantly boosting the supply of homes**, the Policy should be amended so that the master plan requirements and the timescales for its preparation are clear, this is so that it would be effective. Additionally, the Policy should also be amended so that it is clear how the master plan would be used in the development management process (MM24). The increase in potential site capacity has implications for infrastructure provision, such as for education need arising from the development. This would be determined through the development management process when an assessment of need can be made at that point in

time. I have made a minor change to criterion 4 of the MM to the Policy to clarify that any applications received in advance of the master plan must incorporate the requirements of criterion 3 of the Policy as appropriate to any such proposals. This is to ensure that the Policy is consistent with national policy.

109. Given the character and appearance of the area, for effectiveness the Policy should be amended to be clear as to the urban design approach required in order to create an attractive, green, parkland environment, integrated into the existing landscape, whilst making effective use of land (MM24).
110. The Policy and text should be amended so that the necessary relocation of sports pitches would be consistent with national policy for existing open space, sports and recreational buildings as per paragraph 99 of the NPPF. To be effective, the Policy should be amended so that the requirements for contributions to community facilities and infrastructure, regarding net gain in biodiversity, the safeguarding of Habitats sites, and to retain public rights of way, are clear (MM24).
111. There was some discussion at the hearing regarding vehicular access to the various parcels of land which make up the site. For effectiveness in guiding planning decisions, the Policy and text should be altered so that it is clear that the main vehicular access would be from Kiln Road to the south of The Chase, and from Runnymede Chase or Rayleigh Road to the north of The Chase, but that there may be limited access taken from other roads to small pockets of development as appropriate (MM24). Taking limited access in this way from roads such as Hart Road could be considered in the development management process.

Local Policy HO21 Land fronting Rayleigh Road, Thundersley

112. This site is located within the urban area and is served by public transport. However, due to its location on Rayleigh Road, close to its junction with the A127 and opposite a retail park, there are high traffic flows in the area. As such there is a need for development on this site to support localised improvements to active travel and enable mode shift to public transport. To be effective therefore, the Policy and text should be amended so that the sustainable transport requirements are clear. For effectiveness and consistency with national policy, the Policy also requires reference to measures to

provide access to natural greenspace to safeguard Habitats sites (MM25).

Local Policy HO22 Land at Thames Loose Leaf, Kiln Road, Thundersley

113. Given the location of the site in the urban area, and the traffic flows in the area, the Policy and text should be altered so that the sustainable transport and surface water drainage requirements are clear and effective, and to ensure that the Policy would be effective in safeguarding Habitats sites (MM26).

Local Policy HO23 Land east of Canvey Road, Canvey Island

114. The site is situated on the western side of the urban area at Canvey Island in the Green Belt and is made up of open grassland and scrub. It is largely enclosed by the existing urban area and Canvey Road, with open land to the north. The site immediately adjoins the **Scheduled Monument 'Roman saltern 260m southeast of Great Russell Head Farm, Canvey Island'**.
115. The Roman Saltern is one of only four scheduled Roman salterns in the country and is one of two with upstanding archaeological remains. Whilst the principal significance of the heritage asset is from its archaeological interest, its setting makes an important contribution to its significance. It is situated within a landscape of open, former grazing marsh and open countryside to the west and north, allowing long distance views to the grazing marsh beyond the A130.
116. The inclusion of land immediately to the west and north of the scheduled monument within the proposed allocation would erode the appreciation of the saltern in an agrarian setting and obscure views to the grazing marsh, severing it from its landscape context. Given the role of tidal water in Roman salt production it is clear that this change in setting would result in a loss of significance. The site allocation should be altered by the removal of the northern field to safeguard the setting of the scheduled monument and the Policies Map altered accordingly. I am satisfied that the removal of this land would not affect the indicative dwelling capacity of the site, as that had assumed that this land would be used for public open space.
117. The proposed development however gives an opportunity to provide for the preservation and enhancement of the scheduled monument

and its setting, such as through a conservation strategy, archaeological work and the provision of interpretation. For effectiveness and consistency with national policy, the policy and text should be altered so that the protection and enhancement of the scheduled monument and its setting are secured through the master planning process (MM27).

118. The proposed access to the site would be from a new junction on the A130 Canvey Road, with access to the existing urban area being for non-vehicle modes of travel and emergency vehicles only. The provision of the access to the site west to Canvey Road should be undertaken in a way which would preserve the setting of the Scheduled Monument. Whilst not all of the land necessary for the provision of the access may be within the control of the site promoter, I am satisfied that the site can be delivered, using if **necessary, the Council's statutory compulsory purchase powers.** The Policy as submitted includes provision of a new vehicular access to the adjacent secondary school. Whilst the need for this access has been questioned at the MM stage, this matter can be dealt with through the master planning and development management processes. The policy should be amended so that the provision of access is considered through the master planning process (MM27).
119. There was some discussion at the hearings concerning flood risk as the site falls within Flood Zone 3, and is protected from tidal flooding by the presence of flood defences. I am satisfied that the sequential test is passed for the site and that the exceptions test is capable of being met.
120. The Policy and text should also be amended so that the provisions of the master plan in respect of biodiversity and designated sites, public open space, foul and surface water drainage and provision for community uses and infrastructure would be clear and effective (MM27). In addition, the phasing requirement set out in the submitted Policy as criterion 2 is not consistent with the NPPF in terms of the sequential and exceptions tests and should be deleted.
121. The inclusion of the northern field within the allocation is not justified as it would give rise to unacceptable harm to the Green Belt, through loss of openness and sprawl into the open countryside to the north of the urban area. For consistency with national policy, it should be removed from the allocation and be retained in the Green Belt. The provision of public open space on land to the north of the site allocation however would be compatible with the

purposes of the Green Belt and ensure that the land remains open. The scheduled monument and the existing field boundary would represent readily recognisable physical features to provide a clear new Green Belt boundary on the northern side of the site which, if strengthened by a landscape buffer, is likely to be permanent.

122. Whilst the development (as amended) would clearly reduce the openness of the area and encroach into the countryside, it would be mostly well contained by the existing built-up area. The removal of the northern field and the requirements of the policy for a strong landscaped buffer on the northern boundary and provision of public open space and new greenways would limit and mitigate impacts on other Green Belt purposes. Compensatory improvements would be provided to the Green Belt land to the north consistent with paragraph 142 of the NPPF. Given the need for housing which cannot be accommodated within the existing urban area, subject to the MMs recommended, there are therefore exceptional circumstances for altering the Green Belt boundaries in respect of the allocation.

Local Policy HO24 Land west of Canvey Road, Canvey Island

123. The proposed allocation is a broadly triangular area bound by Canvey Road, Northwick Road and Roscommon Way. The site is proposed for removal from the Green Belt. It is largely open with some existing development along Northwick and Canvey Roads. The site is also adjacent to the Grade II listed Dutch Cottage.
124. A proposed new Green Belt boundary would be formed by Roscommon Way. The Policy includes within the master plan requirements that a strong landscaped buffer would be formed on this boundary. The Green Belt boundary should therefore be well defined and is likely to be permanent. The proposal would give rise to some harm to the Green Belt as discussed in the Green Belt Review in terms of sprawl, and encroachment on the countryside and loss of openness. The site is however well contained by the road network and the impact on the wider Green Belt would be limited. Given this and the need for housing which cannot be accommodated within the existing urban area, there are therefore exceptional circumstances for altering the Green Belt boundaries.
125. The submitted Policy contained a phasing requirement relating to flood risk. This is not consistent with the NPPF in terms of the sequential and exceptions tests and should be deleted (MM28).

The Policy and text should be amended so that detailed heritage assessment work is secured through the master planning process and to ensure that the significance of the Grade II Listed Dutch Cottage and any archaeological remains would be safeguarded. In addition, the master plan provisions in respect of biodiversity and Habitats sites should be amended to make them effective (MM28).

126. For effectiveness, the Policy should also be amended to ensure adequate space is retained to allow for the maintenance of the Hill Hall Dyke and to allow for enhancements to flood defences (MM28).

Local Policy HO25 Land at Thorney Bay Caravan Park, Canvey Island

127. The proposed allocation relates to an existing caravan park. The park is in the process of being redeveloped from static caravans to park homes under existing consents. The proposed allocation is made to deal with any proposals that fall outside of the existing consents. In this regard, the Policy and text should be amended to be effective and so that the purpose of the Policy is clear.
128. Amendments to the Policy and text are also necessary so that it is effective in dealing with the following matters. The site is within close proximity to a Calor Gas terminal and parts of it are within an area where new development falling outside of the existing consents would not be permitted on safety grounds. The site also falls within 400 metres of the Canvey Water Recycling Centre and any new development should not be subject to unacceptable odour nuisance or prejudice the continued operation of the Water Recycling Centre consistent with the agent of change principle set out in the NPPF. There is also sewerage infrastructure which should be taken account of in new development. The site is in an area of flood risk and is adjacent to the existing sea defences and provision should be made for access to the sea wall for maintenance and any upgrading, and for the provision of sustainable drainage. New homes should be resistant and resilient to flooding. In addition, the Policy and text should be amended to clarify the requirements for biodiversity net gain, safeguarding Habitats sites, and the need for affordable housing and infrastructure contributions. The recommended amendments are set out in MM29.

Local Policy HO26 Land at the Point, Canvey Island

129. The proposed allocation relates to an area of existing employment land within the urban area. The site falls within Flood Zone 3, and is

protected from tidal flooding by the presence of flood defences. I am satisfied that the sequential test is passed and that the exceptions test is capable of being passed for the site. To be consistent with national policy, the Policy should also secure sufficient space for any future enhancements to the sea defences as per Local Policy CC2 and access for maintenance to existing infrastructure (MM30). In addition, to be effective, the Policy and text should be amended in terms of a requirement for a project level HRA and to safeguard Habitats sites, to reflect the findings of the HRA. To be effective, the Policy should be amended so that it is clear about the requirements for sustainable transport and links to green infrastructure and the coast (MM30).

Local Policy HO27 Walsingham House, off Lionel Road, Canvey Island

130. The site falls within Flood Zone 3 and is protected from tidal flooding by the presence of flood defences. I am satisfied that the sequential test is passed and that the exceptions test is capable of being passed for the site. To be effective, the Policy should be amended to be clear that sustainable drainage measures take into account the Canvey Island Six Point Plan and that suitable access is provided for maintenance of drainage and utility infrastructure. In addition, to be effective, the Policy should be amended so that it would safeguard Habitats sites through provision of access to natural green space (MM31).

Local Policy HO28 Land at the Admiral Jellicoe, Canvey Island

131. The allocation relates to the site of a former public house in the urban area. To be justified, the Policy and text should be amended so that the site capacity is changed from 40 homes to around 14 homes to reflect the changed planning status of the site. In addition, the requirements for a planning and development brief for the site are not justified and should be deleted. To be effective, the Policy should be amended so that suitable access is provided to foul water infrastructure and mitigation of any adverse impacts of the proposal on the foul water pumping station on future residents is provided (MM32). Additionally, to be effective, the Policy should also be amended to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan and so that it would safeguard Habitats sites through provision of access to natural green space (MM32).

Local Policy HO29 Land south of Haron Close, Canvey Island

132. Since the Plan was submitted, the Council has resolved to grant planning permission for a sheltered accommodation scheme comprising 24 apartments at the site. To be effective, the Policy and text should be amended to reflect this increase in site capacity. For effectiveness, the Policy should also be amended to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan, and to safeguard Habitats sites through provision of access to natural green space (MM33).

Local Policy HO30 Land at Haystack car park, Canvey Island

133. To be effective, the text should be amended to clarify the current planning status of this site as planning permission has been granted for a mixed-use scheme comprising retail units at the ground floor and 14 apartments above (MM34). For effectiveness, the Policy should also be amended to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan and so that it would safeguard Habitats sites through provision of access to natural green space (MM34).

Local Policy HO31 Land to the east of Kings Park Village, Canvey Island

134. The allocation site is an area of open grassland adjacent to the Kings Park Chalet and Mobile Home Park, located within the Green Belt. The Green Belt Review identifies that if developed, there would be some minor harm to Green Belt purposes on this site in respect of checking unrestricted sprawl and safeguarding the countryside. However, the boundaries of the site are well defined by the coastal wall to the north and the Canvey Heights Country Park, a reclaimed landfill site, to the east and are likely to be permanent. Whilst there would be some loss of openness and minor harm in respect of some Green Belt purposes, the requirements of the Policy should ensure that the harm would be minor.
135. So that the Policy is effective and consistent with national policy, the following changes are required. The site is in an area of flood risk and is adjacent to the existing sea defences, so provision should be made for access to the sea wall for maintenance and any upgrading, and for the provision of sustainable drainage. In addition, the Policy and text should be amended to clarify the requirements for biodiversity net gain and for a project level HRA consistent with the findings of the HRA. The development should also provide access to

the adjacent country park to be consistent with national policy on achieving healthy, inclusive and safe places. To be effective, the Policy and text should be amended to address the issue of potential contamination at the site in relation to the adjacent restored landfill site, to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan and so that it would safeguard Habitats sites through provision of access to natural green space (MM35).

Local Policy HO32 Land at 244 – 258 London Road, Hadleigh

136. The site is situated within Hadleigh town centre and is opposite the Grade I listed St James the Less Church. To be effective, the Policy and text should be amended to confirm the requirements for the development brief for the site, which are not adequately set out in the submitted Policy. This should include enhancements to the setting of the Grade I listed St James the Less Church and the requirement for archaeological evaluation in the period between the demolition of the existing buildings and the construction of new development as per the Heritage Impact Assessment; and provision for contributions towards sustainable transport and to safeguard Habitats sites through provision of access to natural green space (MM36).

Conclusion

137. The Plan is capable of meeting the local housing need subject to the proposed Green Belt alterations to provide for housing development. These alterations would have relatively limited impacts on openness and would not cause severe or widespread harm to the purposes of the Green Belt. The Green Belt housing sites would be adjacent to the urban area and would have localised effects on openness.
138. Overall, therefore, for the strategic reasons set out earlier in this report and the site specific reasons referred to above, I am satisfied that there are exceptional circumstances to justify removing the following areas of land from the Green Belt to facilitate the development proposed in Policy HO1: Land west of Benfleet, Benfleet (Policy HO9), Land between Felstead Road and Catherine Road, Benfleet (Policy HO10), Land off Glyders, Benfleet (Policy HO11), Land east of Rayleigh Road, Hadleigh (Policy HO13), Land at Brook Farm, Hadleigh (Policy HO14), Land at Oak Tree Farm, Hadleigh (Policy HO16), Land north of Grasmere Road and Borrowdale Road, Thundersley (Policy HO18), Land at Glebelands, Thundersley (Policy HO19), The Chase, Thundersley (Policy HO20),

Land east of Canvey Road, Canvey Island (Policy HO23) as amended, Land west of Canvey Road, Canvey Island (Policy HO24), and Land to the east of Kings Park Village, Canvey Island (Policy HO31). Furthermore, subject to my recommended MMs, the Plan would be effective in ensuring that each site is developed in an acceptable way.

Issue 5 – Is the strategy and provision for employment development effective and justified?

139. The SEEDNA(ER-002) considers future employment growth in South Essex for the period 2016 – 2036. The total employment land requirement for Castle Point for the period, including a supply side adjustment to take account of historic development rates and offsetting losses of employment land to other uses, is 9 hectares.
140. Strategic Policy EC1 of the submitted Plan proposes that there should be an additional 24 hectares of employment land over the plan period. Of the three sites proposed to be allocated by Local Policy EC2, the proposed extension to the Charfleets Industrial Estate of 10.5 hectares is under construction and there has been a technical start to construction of the site south of Northwick Road which has an area of 9.7 hectares. Numerically therefore, the employment land need as identified in the SEEDNA could be said to be met in full, and indeed comfortably exceeded, from these two sites alone, which are both situated at Canvey Island.
141. The submitted Plan also proposes that 3.7 hectares of new employment land are allocated to extend the Manor Trading Estate in Thundersley. This land is proposed to be removed from the Green Belt.
142. 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 NPPF promotes sustainable travel.
143. I understand that vacancy rates on existing employment sites are 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. However, I am not convinced that there is a need to seek a greater balance in the distribution of employment land within Castle Point. I acknowledge nevertheless, that there is an issue with the quality of some of the existing industrial areas, which is a matter addressed by Strategic Policy EC1.

144. The proposed allocation at the Manor Trading Estate would be accessed via the existing estate. However, 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 actually be delivered within the plan period.
145. The level of existing commitments of employment land is such that there is no numerical or qualitative need for additional employment land 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 NPPF, the proposal at the Manor Trading Estate is modest in scale, and any such benefits which may arise in this regard would be limited. Consequently, 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.
146. Therefore, Strategic Policy EC2 and its explanatory text should be amended by the deletion of the proposed extension to the Manor Trading Estate as that is not justified or consistent with national policy in respect of the need to alter the boundaries of the Green Belt (MM38). The Policies Map should be altered accordingly. To be effective, Policy EC2 should also be amended to reflect the current planning status of the other proposed allocations; the extension to the Charfleets Industrial Estate and South of Northwick Road and to reflect the amended Use Classes Order (MM38).
147. To be effective, Strategic Policy EC1 and the explanatory text should also be altered to reflect the amended Use Classes Order and permitted development rights, to seek the retention of port and port related facilities at Canvey, to secure access by sustainable transport modes, and to ensure that new development can be integrated effectively with existing businesses as per paragraph 187 of the NPPF. The explanatory text should be amended so that the

employment land and sector requirements reflect the latest available evidence so as to be effective and justified (MM37).

Conclusion

148. Subject to these MMs, the Plan makes adequate provision for new employment land for the plan period and the strategy and provision for employment land are justified.

Issue 6 – Is the Plan period of 2018 – 2033 justified?

149. The NPPF 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 the strategic policies would look ahead around 11 years from adoption.
150. The South Essex Economic Development Needs Assessment (SEEDNA) (ER-002) considers the period 2016 – 2036 and identifies the need for the provision of additional employment land over this period. The Plan is proposing a level of employment land provision in excess of that required to 2036. Consequently, the provision of employment land proposed in the Plan would in effect meet the projected needs of the area beyond the plan period.
151. Turning to housing, I have concluded under Issue 2 above 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 NPPF. Furthermore, adequate provision of housing is made to meet the identified LHN until the end of the plan period, with a small excess providing some modest headroom.
152. It is clear from the evidence before me that to address the question of the provision of housing beyond 2033 would require significant additional work to be undertaken by the Council. This would require, amongst other things, updating of key parts of the evidence base, including a further assessment of strategic transport infrastructure, and a Green Belt Review. 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 2021 housing delivery test measurement was 49%. Furthermore, the

Council is working with neighbours on the preparation of the South Essex Plan. That plan is to provide a high-level strategic framework for the distribution of development across South Essex beyond 2033.

153. It has been argued that the Plan should be subject to a requirement for a prompt review. However, given the extent of the housing and employment land supply which is provided by the Plan, and the legal requirement for Local Plan Policies to be reviewed to assess whether they need updating at least once every five years¹, regardless of the future progress of the South Essex Plan, amending the Plan to require its early review is not necessary to make it sound, despite the housing land supply not looking ahead 15 years on adoption.

Conclusion

154. To conclude on this matter, I therefore consider it pragmatic for an otherwise sound Plan, with the recommended amendments set out in this report, to proceed to adoption with a plan period of 2018 – 2033, despite not being in line with paragraph 22 of the NPPF in regard to the provision of housing. The plan period proposed is justified.

Issue 7 – Are the development management policies clear, justified and consistent with national policy and will they be effective?

Strategic Policy SD1 Making Effective Use of Land and Creating Sustainable Places

155. As submitted, Strategic Policy SD1 is concerned with making effective use of land. To be effective and consistent with national policy set out in the Revised NPPF, the Policy and text should be amended so that it is also concerned with creating sustainable places. In this regard, amended placemaking criteria based on those set out in the submitted Strategic Policy HO1 Housing Strategy should be included in Policy SD1. The Policy should also be amended so that it sets out the requirements for development proposals in regard to Habitats sites, consistent with national policy, and as recommended in the HRA. In addition, to be effective, and consistent with national policy, the Policy should be amended to set

¹ Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

out that urban intensification and brownfield redevelopment are important land supply sources (MM3).

Strategic Policy SD2 Development Contributions

156. Policy SD2 and the text should be amended so that it is consistent with the tests for planning obligations as set out in paragraph 57 of the NPPF, and for effectiveness to clarify that the Infrastructure Delivery Plan identifies the infrastructure required to meet the demands of new development (MM4).

Strategic Policy HO2 Master Planning

157. Strategic Policy HO2 sets out a requirement for master plans, planning or development briefs. To be consistent with national policy as expressed in the revised NPPF, the Policy should be amended to refer to the National Design Guide and National Model Design Code, and to be effective, it should clarify that the Policy relates to those allocations made in the Plan. The Policy should also be amended to clarify the approach to be taken to the adoption of master plans/development briefs as Supplementary Planning Documents, and voluntary Planning Performance Agreements to be effective. These changes are set out in MM6.

Strategic Policy HO3 Housing Mix

158. Strategic Policy HO3 as submitted is not justified and would not be effective in specifying specific housing mix requirements by site size. The housing mix requirement for the area may change over time and a fixed proportion of 1 or 2 bedroom dwellings may not be suitable for particular sites, given their characteristics, viability considerations or local specific housing mix needs. Consequently, the policy would be inflexible and ineffective in addressing changing needs and requirements. The Policy and text should be altered so that it would be effective in providing for the housing needs of different groups in the community identified in the SHMA as, and when, it is updated throughout the plan period (MM7). Additionally, to be positively prepared and effective, the Policy should set out how the housing needs of older people would be met as part of the overall housing mix on sites (MM7).

Strategic Policy HO4 Securing more Affordable Housing

159. Strategic Policy HO4 sets out the approach to affordable housing. In order to address the affordable housing need identified in the SHMA,

the Policy sets out an affordable housing threshold of 40% for sites on the Mainland and different thresholds for different types of development at Canvey Island. The viability evidence indicates that it would not be justified to seek affordable housing provision from solely specialist accommodation for older people at Canvey Island, which should be made clear in the Policy. To be justified and effective, the affordable housing thresholds relating to Canvey Island should differentiate between flatted and non-flatted development to reflect the findings of the viability evidence. The affordable housing targets should relate to 10 dwellings or more, and be clear as to the mix between housing for rent and affordable home ownership, so as to be consistent with national policy as expressed in the NPPF. The text should be amended so that the Plan would be effective in respect of payment in lieu of on-site provision. These changes are set out in MM8.

Strategic Policy HO6 Caravan and Park Homes

160. There are several Caravan and Park Home sites in Castle Point which provide permanent residential accommodation. The Policy should be amended so that it includes a requirement for a project level HRA as appropriate to be consistent with national policy and to reflect the recommendations of the HRA for the Plan. To be effective and justified, the text should also be updated to reflect the present situation regarding the Thorney Bay site (MM9).

Local Policy HO8 Residential Annexes

161. Local Policy HO8 sets out development management criteria for the consideration of planning applications for residential annexes. The Policy as submitted would not be effective in respect of the provisions relating to ownership and is not consistent with national policy for the Green Belt, or planning obligations as set out in the NPPF. The Policy should be amended accordingly, so that it would be effective and consistent with national policy (MM11).

Local Policy EC3 Canvey Seafront Entertainment Area

162. Policy EC3 is concerned with the seafront area on Canvey Island which is a significant tourist attraction in the Borough. The Policy should be amended so that it is consistent with the Use Classes Order and include provisions for a project level HRA, for consistency with national policy, and to reflect the findings of the plan level HRA (MM39).

Local Policy EC4 Canvey Port Facilities

163. The ports on Canvey Island receive hazardous materials in the form of Liquid Petroleum Gas and BioLPG (Calor) and oil derived products, including aviation fuel. These port sites are designated as Control of Major Accident Hazards (COMAH) sites. I have no reason to dispute that these facilities are nationally significant and have an important role in securing national energy supplies. The current Health and Safety Executive (HSE) consultation zones show the potential scale and extent of any risk posed by the installations at present to the area. Parts of the residential area including areas of housing and the Thorney Bay Caravan Park fall within a HSE outer consultation zone.
164. Local Policy EC4 sets out to promote public safety in respect of hazardous materials handled at the port consistent with the NPPF in terms of safe places and public safety. The Policy also seeks to ensure that the level of hazard posed by the activities there does not unacceptably increase to local people. In doing so regard has been had to the prevention of major accidents and limiting their consequences, and whether additional measures for existing establishments are required so that risks to people in the area are not increased, as per the PPG.
165. The Policy seeks to make provision, where possible, to reduce risk in the future to local people, for example, where the nature of materials handled at the sites changes in the longer term, as may result from decarbonizing the economy. It does this by setting out that a change of hazardous materials handled should be in the national interest, and that there must be no unacceptable change in the level of hazard or risk. Such a scheme of national importance would fall within the Nationally Significant Infrastructure Projects consenting regime and be determined against the relevant National Policy Statements, rather than fall to the Council to determine against the provisions of this Plan. However, given the proximity of the facilities to the built-up area and the risk posed, I consider the national interest provision to be justified to promote public safety for local residents through the use of the land in the long term. I find no conflict with the NPPF in this regard.
166. Local Policy EC4 should be amended so that it is consistent with national policy in paragraph 188 of the NPPF to make it concerned with whether proposed development is an acceptable use of land, rather than the control of processes or emissions which are subject

to separate pollution control regimes. The Policy should also be **amended to include provisions relating to the 'agent of change'** principle as per paragraph 187 of the NPPF to be consistent with national policy. I have amended the proposed MM so that it correctly refers to Nationally Significant Infrastructure Projects.

167. For effectiveness, the Policy should be amended so that it is clear how proposals for development at the port relating to existing and new activities should be assessed. The Policy should include provision for a project level HRA consistent with national policy and to reflect the findings of the plan level HRA, and to be consistent with national policy in respect of flood risk. The references to the Nationally Significant Infrastructure Projects procedures should also be clarified. These changes to the Policy and text are set out in (MM40).

Strategic Policy TC1 Town Centre Strategy, Local Policy TC3 Local Shopping Parades, Local Policy TC4 Out of Centre Retail Parks and Local Policy TC5 South Benfleet Leisure Quarter

168. The Borough experiences obesity levels appreciably higher than those nationally. To enable and support healthy lifestyles consistent with paragraph 92 of the NPPF, Policies TC1, TC3, TC4 and TC5 and the text should be amended to require health impact assessments for proposals for development involving the sale of foodstuffs. Also, to be effective and consistent with national policy, the Policies should be amended to reflect the recent changes to the Use Classes Order (MM41, MM43, MM44, MM45).

Local Policy TC2 Canvey Town Centre and Hadleigh Town Centre Regeneration

169. To be effective, the reference to the Hadleigh Town Centre Master Plan should be deleted from part 3 of Policy TC2 (MM42).

Strategic Policy TC6 Fast Food Outlets

170. Strategic Policy TC6 seeks to manage the provision of fast-food outlets within town centres and shopping parades. Having regard to **the Council's Retail and Leisure Study (ER-008)** and Shopping Frontages Assessment (ER-011), the thresholds set out in the Policy are justified and necessary to ensure the vitality of these centres. Whilst it is acknowledged that there is evidence that obesity levels in Castle Point are higher than the national average, there is not the Castle Point specific evidence to justify the exclusion of new hot

food takeaways within 400 metres of new and existing schools, colleges and youth centres outside of town centres. Accordingly, that requirement should be deleted. The Policy should however be amended to require Health Impact Assessments in respect of proposals for fast food outlets to enable and support healthy lifestyles consistent with paragraph 92 of the NPPF. These changes to the Policy and text are set out in (MM46).

Strategic Policy HS1 Strategy for Healthy Communities

171. To ensure that the Policy is effective, it should be amended to refer to access to the coast which is a key amenity resource in the Borough. The Policy should be amended so that development has **regard to Sport England's Active Design Principles, rather than** incorporate them. To make the Policy effective, criterion dii should refer to Policy NE7. Whilst I find that the thresholds for Health Impact Assessments set out in the submitted Plan are sound, to be effective, the requirements for Health Impact Assessments should be extended to all development for the sale of foodstuffs, consistent with the Town Centre Policies. These changes to the Policy and text are set out in (MM47).

Strategic Policy HS2 Opportunities for Indoor Leisure and Sport

172. To be effective, the Policy and text should be amended to clarify the community sports hall provision requirements, where community use agreements would be sought, and how provision for indoor leisure and sport would be secured (MM48).

Strategic Policy HS3 Opportunities for Outdoor Recreation

173. **To be effective, Policy HS3 should be altered to refer to the Council's** Playing Pitch Assessment and Strategy which establishes the need for outdoor recreation facilities, to clarify the requirements for new and improved ancillary features, to ensure that residential amenity is considered in new development and to clarify the HRA requirements to safeguard Habitats sites (MM49).

Strategic Policy HS4 Education, Skills and Learning

174. The Policy and text should be amended to ensure that it would be effective and clear in the provision of new or enhanced education facilities by clarifying when additional facilities would be sought (MM50).

Strategic Policy HS5 Health and Social Care Provision

175. The Policy and text should be amended to ensure that it would be effective and clear in the provision of health and social care and the use of planning obligations (MM51).

Strategic Policy HS6 Community Facilities

176. The Policy and text should be amended to make it effective by making clear that the existing community facilities are illustrated on the Policies Map, referring to the requirements for planning obligations under Policy SD2, and to require project level HRA as appropriate to safeguard Habitats sites (MM52). For effectiveness, the Plan should be altered to include a schedule of the community facilities designated under the Policy. The Canvey Island Rugby Football Club was omitted from the schedule published for consultation in the MM consultation. I have amended the schedule to include the Rugby Club (MM88). The Policies Map should also be amended in this regard.

Local Policy HS7 Open Spaces, Allotment Gardens, and Playing Fields associated with Educational Uses

177. To be effective, Policy HS7 should be amended to make it clear that a reduction in open space should not have an unacceptable effect on the character of the area, and to require project level HRA as appropriate to safeguard Habitats sites. The Policy should also be altered so that the provisions relating to the development of open space, allotment garden or playing fields are consistent with national policy as set out in the NPPF. The text should be amended to refer to the Castle Point Playing Pitch Assessment and Strategy (2018) to be effective. These changes are set out in MM53. The schedule of open spaces set out in Appendix 3 should be amended to delete Runneymede Paddocks as its inclusion is not justified (MM83).

Strategic Policy TP1 Transport Strategy

178. Policy TP1 sets the overall transport strategy for the area. To be effective, it should be amended to require project level HRA as appropriate to safeguard Habitats sites (MM54).

Local Policy TP2 Improvements and alterations to Carriageway Infrastructure

179. The submitted Plan, in Local Policy TP2, identifies a number of transport schemes. Some of these would be delivered within the Plan period and are associated with development proposed in the Plan, whilst a number of others would be safeguarded. In addition, the text refers to other transport schemes which are not subject to Policy TP2.
180. 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, the limited provision of sustainable alternatives to the use of the private car, and the presence of two top tier COMAH sites at ports of national importance to fuel supply.
181. I am satisfied that given the technical evidence, the level of growth proposed in the Plan is such that any significant impacts which would arise from it 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.
182. Some representors have argued for a higher level of provision of new housing through the Plan. However, it has not been demonstrated that a significantly higher level of growth can be accommodated within the plan period without causing significant impacts on safety and efficiency of the transport network, which could be successfully mitigated.
183. The submitted Plan is not clear in the way in which it addresses strategic highway improvements, containing both 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. The approach taken in the Plan to this matter is confused, unclear, is not justified, and would not be effective, as discussed below.

The Extension to Roscommon Way (Phase 3).

184. A route for this road scheme is shown on the submitted 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 or 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, especially given the existing land uses along the route. The scheme should be deleted from the Policy and a route for the scheme should not be included on the Policies Map.

185. To be effective, Policy TP2 and the text should be amended to relate to those schemes necessary to support growth during the plan period, set out how these would be secured and to require project level HRA as appropriate to safeguard Habitats sites (MM55).

New Access for Canvey Island

186. Table 14.1 of the Plan includes a scheme for a new access to Canvey Island, crossing Holehaven Creek to the Mainland. However, this scheme is not a proposal in this Plan and no safeguarding provisions are proposed. Consequently, it was not subject to SA or 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 its merits.
187. The Council has been having discussions with some DtC Bodies about new or improved access to Canvey Island for a number of years. There is also an agreement with ECC to undertake a Canvey Study to assess potential access arrangements and improvements to access for Canvey Island.
188. To make the Plan effective in respect of transport matters relating to Canvey Island, a new Strategic Policy concerned with achieving new and improved access to Canvey Island should be included in the Plan, to set out that the Council will undertake a feasibility study to identify options for improving access to and from, and within Canvey Island, in collaboration with DtC bodies. The results of that study would inform the future review of the Plan. The Policy should also set out the requirement for an assessment under the Habitats Regulations. These changes to Policy and the text of the Plan are set out in MM56. Following the MM consultation, I have amended criterion 4 of new Strategic Policy TP3 by deleting some wording so that it is consistent with the Habitats Regulations and to be effective. This matter was discussed at the hearings and reflects

the approach set out in Strategic Policy SD1. Consequential renumbering of Policies in the TP series resulting from this new Policy is necessary (MM57 to MM62).

Local Policy TP3 Improvements to Footpaths, Bridleways and Cycling Infrastructure

189. To make the Policy effective, it and the text should be amended so that it relates to active travel infrastructure, clarifies that all routes should be attractive and well-designed consistent with the NPPF, clarifies cycling infrastructure requirements and require as project level HRA as appropriate to safeguard Habitats sites (MM57).

Strategic Policy TP4 Improvements to Public Transport Infrastructure and Services

190. To be effective, the Policy should be amended to confirm how schemes would be funded and to include a criterion regarding necessary improvements to Benfleet Railway Station (MM58).

Strategic Policy TP5 Highway Impact

191. The Policy and text should be amended so that the requirements relating to transport assessments and highway and junction capacity are consistent with national policy as set out in the NPPF, and to clarify how schemes would be funded, to be effective (MM59).

Strategic Policy TP6 Safe and Sustainable Access

192. To be effective in improving sustainable transport options, the Policy and text should be amended so that access to public transport should be provided within 400 metres of a site, equivalent to a five-minute walk, and encourage non-car modes of travel (MM60).

Strategic Policy TP7 Parking Provision

193. To be effective, the Policy should be amended to clarify how the need for parking provision would be assessed (MM61).

Strategic Policy CM1 Communications Infrastructure Strategy

194. Part 2 of the Policy as submitted is concerned with the provision of telecommunications infrastructure in new development. These matters are dealt with by the Building Regulations and should be deleted (MM63).

Green Belt Policies

195. A number of policies relating to the Green Belt are included in the submitted Plan. Strategic Policy GB1 Green Belt Strategy and the reasoned justification should be amended to remove duplication with national policy as set out in the NPPF and for it to be effective (MM67). Strategic Policies GB2 New Development in the Green Belt, GB3 Extensions and alterations to, and Replacements of Buildings in the Green Belt, GB5 Change of Use of Buildings and Land in the Green Belt and GB8 Enclosure and Boundary Treatment in the Green Belt and Local Policy GB6 Ancillary Buildings and Structures in the Green Belt, and the reasoned justification should be amended and combined as Strategic Policy GB2 Development in the Green Belt, so as to avoid unnecessary duplication, address inconsistency with national policy, and to make them effective (MM68). The NPPF in paragraph 142 includes that plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. This is achieved through specific policy requirements on a number of the proposed allocations, and through Strategic Policy GB3 Positive Uses in the Green Belt (as amended).
196. Local Policy GB4 Limited Infill and Self-Build – Special Policy Areas, would not be effective, as whilst the Policy would support new dwellings within the defined areas of the Green Belt, the submitted policy as worded is inconsistent with the NPPF, and given the character and pattern of development within the identified areas, in many cases, proposals for new buildings within these areas are likely to constitute inappropriate development as they would fall outwith the exceptions defined in paragraphs 149 and 150 of the NPPF. Local Policy GB4 should be deleted (MM69).
197. Strategic Policy GB7 Positive uses in the Green Belt is not clearly written and unambiguous so it is evident how a decision maker should react to development proposals, and it should be amended to make it effective and renumbered as a consequential change (MM70).

Strategic Policy DS1 General Design Principles

198. The Policy should be amended so that it is clear that part 1 of the Policy relates to the urban area, rather than the Green Belt, where the specific Green Belt policies apply, so that it is effective. The

Policy should also be amended so that it is consistent with national policy as set out in the NPPF in respect of beautiful and sustainable design, for effectiveness refers to the Essex Design Guide, and includes criteria on flood resilience and drainage and adjoining land uses. These changes and changes to the text are set out in MM64.

Strategic Policy DS2 Landscaping

199. To be effective and to be consistent with the NPPF, the Policy should be amended so that the requirements for the provision of trees and tree lined streets are clear. A criterion should be added in regard to tackling climate change so it is consistent with national policy as set out in the NPPF (MM65).

Strategic Policy DS3 Advertisements

200. To make the Policy effective, the policy requirements should be amended to make them clear, and to remove repetition between parts of the Policy (as set out in MM66).

Local Policy CC2 Tidal Flood Risk Management

201. Canvey Island falls within Flood Zone 3 and is protected from tidal inundation by sea defences. There is a very small probability that these defences may be breached or over topped. Whilst this probability is very small, it is however necessary for the Policy to be amended to ensure that safe refuge areas should be provided in development of self-contained residential accommodation at ground level, and that buildings are hydrostatically and hydrodynamically resistant to prevent damage to their structure to enable them to be brought back quickly into use after a flood event. These changes are necessary so that the Policy would be effective and consistent with the NPPF. The Policy should also be amended to include the need for the exceptions test to be passed where appropriate for consistency with national policy. These changes are set out in MM71.
202. The Thames Estuary 2100 Plan (CC-004) recognises the need to maintain and enhance the sea defences over the next 50 years to deal with the effects of climate change. To be effective, the Policy and text should be amended so that the requirements for land to be safeguarded for these purposes is clear, and to set out that specific land requirements would be determined on a case-by-case basis.

203. There was some discussion at the hearing about the identification of a safeguarded area in relation to the maintenance and improvement of the sea defences, and the size of that in relation to the separate requirements for Flood Risk Activity Permits. It is appropriate and justified to identify the 19 metre deep zone for this purpose, provided that the Policy is clear and sufficiently flexible that the actual requirements for land to access the sea defences for works would be determined through the development management process. To be effective, the text should explain the relationship between the Town and Country Planning and the Environmental Permitting requirements relating to works near sea defences (MM71).

Strategic Policy CC3 Non-Tidal Flood Risk Management

204. To be effective, Policy CC3 and the text should be amended to be clear that it relates to areas at risk of flooding in 1 in 100 year events and to clarify access requirements for maintenance in respect of main rivers and surface water drainage requirements. The sequential and exceptions test requirements should also be altered to be consistent with national policy as expressed in the NPPF (MM72).

Strategic Policy CC4 Sustainable Buildings

205. Policy CC4 includes that all new development should achieve high levels of water efficiency. At the hearing, the Council argued for the application of the optional water efficiency requirement set out in part G2 and Regulation 36(2)(b) of the Building Regulations, which is currently 110litres/person/day. The findings of the South Essex Water Cycle Study (CCC-003) highlight the need to achieve water efficiency and therefore reduce demand, to address a predicted future deficit in water supply. Whilst the study was prepared some time ago, there is no alternative evidence before me.
206. Although the application of the higher Optional Technical Housing Standard for water consumption would have a modest cost implication for developers, I am satisfied that it would not have a significant effect upon viability, given the low cost per home to achieve the standard. Therefore, the application of the higher Optional Technical Housing Standard for water consumption is justified. Policy CC4 should be amended so that it is consistent with national policy as expressed in the NPPF in respect of impacts on climate change, efficiency requirements and materials, and to be

effective, duplicated text within the Policy should be deleted. These changes are set out in MM73.

Strategic Policy NE1 Green Infrastructure and the Undeveloped Coast

207. To be effective, Policy NE1 and its supporting text should refer to blue infrastructure in addition to green, given that blue infrastructure is a fundamental part of the natural environment in Castle Point. To be consistent with national policy in the NPPF, the requirement for biodiversity net gain should be amended. In addition, the Policy should be amended to require a project level HRA to safeguard Habitats sites as per the findings of the HRA and to be effective (MM74).

Local Policy NE2 Protection of Historic Natural Landscape

208. For effectiveness, the Policy should be amended so that it is clear as to how it would be applied in the development management process in protecting and enhancing landscapes, and to ensure that the levels of protection afforded to heritage assets are consistent with national policy (MM75).

Local Policy NE3 The South Canvey Green Lung

209. **The submitted 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, and maintain the openness of the area and its landscape value, and identifies the area as a wildlife corridor.
210. I do not find that the designation is justified on landscape grounds. However, the area subject to Local Wildlife and Potential Local Wildlife Sites designations provides a wildlife corridor in South Canvey. As such, I am satisfied that the designation of the land as a wildlife corridor is justified and the Policy should be amended accordingly (MM76).

Local Policy NE4 Local Wildlife Sites

211. The submitted Plan identifies a number of proposed extensions to the existing designated Local Wildlife Sites. However, there is not robust evidence to justify the proposed sites/extensions to sites at Poors Lane, Kents Hill Wood, Coombe Wood and Brickhouse Farm.

The evidence however is sufficient to warrant the identification of these areas as Potential Local Wildlife Sites to be considered for designation at a later date, when more robust evidence may be available. The text should be amended accordingly (MM77). If Potential Local Wildlife Sites were to be considered suitable for designation in due course, they could be incorporated into the development plan through a review of this Plan. The Council has proposed the changes to the Policies Map which should be made on adoption of the Plan. The Policies Map changes consultation has revealed inaccuracies in respect of the boundary of the designated Brickhouse Farm LoWS which should be corrected by the Council on adoption of the Plan.

212. Policy NE4 should be amended so that it is consistent with the NPPF in respect of net gains in biodiversity. To be effective it should also be amended so that it is clear in respect of avoidance of harm to sites, mitigation and compensation requirements (MM77). The tables of Local Wildlife Sites and Potential Local Wildlife Sites in Appendix 4 should be altered as a consequence of MM77. This is set out in MM84.

Strategic Policy NE5 Ecologically Sensitive and Designated Sites

213. To be effective and consistent with national policy, the Policy and text should be amended to distinguish between the hierarchy of international, national and locally designated sites and afford the appropriate protection, and to provide for a measurable net gain in biodiversity (MM78).

Strategic Policy NE7 Pollution Control

214. To be consistent with national policy as expressed in the NPPF, the Policy should be amended to ensure that new development can be integrated effectively with existing businesses and community facilities as per the agent of change principle. The criterion regarding the use of S106 agreements should be altered so that it is consistent with the tests for planning obligations set out in paragraph 57 of the NPPF. To be effective in controlling pollution, the Policy should be amended to require major development proposals to be accompanied by a Construction Environment Management Plan and the text amended to refer to the Canvey Island Six Point Plan and the role of drainage provision in pollution control (MM79).

Local Policy NE10 Ensuring Capacity at Water Recycling Centres

215. To make the Policy effective, it and the text should be amended to include a requirement that new development should demonstrate that adequate foul water treatment and drainage already exists or can be provided to serve development, and to require a project level HRA to safeguard Habitats sites as per the recommendations of the HRA (MM80).

Strategic Policy HE1 Conserving and Enhancing the Historic Environment

216. The Policy as submitted is inconsistent with national policy for conserving and enhancing the historic environment as set out in the NPPF. The Policy and text should be amended so that they are consistent with national policy and effective through reference to both designated and non-designated heritage assets, and by addressing the significance of heritage assets and their settings. These changes are set out in MM81. To be effective, the schedule of listed buildings should also be updated in Appendix 5 to include buildings recently added to the statutory list (MM85).

Consequential changes

217. As a consequence of the MMs recommended to the Plan, a number of alterations are necessary to the Monitoring Framework as set out in MM82. The Glossary in Appendix 6 should be altered as a consequence of recommended MMs (MM86).

Conclusion

218. Subject to the MMs described above, the development management policies in the Plan are effective, justified and consistent with national policy.

Overall Conclusion and Recommendation

219. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
220. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude

that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the New Castle Point Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Philip Lewis

Inspector

This report is accompanied by an Appendix containing the Main Modifications.



Department for
Communities and
Local Government

The Rt Hon Sajid Javid MP

*Secretary of State for Communities and Local
Government*

***Department for Communities and Local
Government***

4th Floor, Fry Building
2 Marsham Street
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16 November 2017

Dear (Leader)

LOCAL PLAN INTERVENTION

On 7 February we published our housing White Paper in which we made clear that the housing market in this country is broken, and the cause is very simple: for too long, we haven't built enough homes. We have identified three systemic problems: not enough local authorities planning for the homes they need; house building that is simply too slow; and a construction industry that is too reliant on a small number of big players.

Up-to-date plans, including local plans are essential because they provide clarity to communities and developers about where homes should be built and where not, so that development is planned rather than the result of speculative applications. At present too few places have an up-to-date plan.

On 21 July 2015 we made a Written Ministerial Statement to the House on this same subject. I am writing to you as your authority has yet to adopt a 2004 Act Local Plan and to express my concerns about the lack of progress your authority has made on plan-making.

Local planning authorities are required to publish a Local Development Scheme (LDS) which sets out when an authority expects to reach key milestones in the plan-making process, and the timetable for producing documents to maintain an up to date plan. In the 13 years that have passed since the 2004 Act was introduced your Council has failed to meet the deadlines set out in that timetable.

The February 2017 Housing White Paper set out that we will prioritise intervention

where:

- the least progress in plan-making has been made
- policies in plans had not been kept up to date
- there was higher housing pressure; and
- intervention would have the greatest impact in accelerating Local Plan production

My decisions on intervention will also be informed by the wider planning context in each area (specifically, the extent to which authorities are working cooperatively to put strategic plans in place, and the potential impact that not having a plan has on neighbourhood planning activity).

I would like to take this opportunity to ask you to outline any exceptional circumstances, by 31st January 2018, which, in your view, justify the failure of your Council to produce a Local Plan. In addition to this explanation, I would like to hear of any measures that the authority has taken, or intends to take, to accelerate plan publication.

My officials have been engaging with your officers to discuss the progression of your Plan and they will write to set out further detail and next steps.

A handwritten signature in black ink, appearing to read 'S. Javid', is positioned above a horizontal line.

THE RT HON SAJID JAVID MP



**Ministry of Housing,
Communities &
Local Government**

Councillor Colin Riley
Leader, Castle Point Borough Council

The Rt Hon Sajid Javid MP

*Secretary of State for Housing, Communities and
Local Government*

***Ministry of Housing, Communities and Local
Government***

4th Floor, Fry Building
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23rd March 2018

Dear Councillor Riley

LOCAL PLAN INTERVENTION

Following your Council's persistent failure over many years to get a Local Plan in place, on 16 November 2017, I expressed concerns about the lack of progress your authority has made on plan-making. The housing White Paper set out that intervention in Local Plans will be prioritised where:

- the least progress in plan-making has been made
- policies in plans had not been kept up to date
- there was higher housing pressure; and
- intervention would have the greatest impact in accelerating Local Plan production

We also made clear that decisions on intervention will be informed by the wider planning context in each area (specifically, the extent to which authorities are working cooperatively to put strategic plans in place, and the potential impact that not having a plan has on neighbourhood planning activity). I gave you the opportunity to put forward any exceptional circumstances by 31 January 2018, which, in your view, justifies the failure to produce a Local Plan under the Planning and Compulsory Purchase Act 2004 regime.

I have considered carefully the submission accompanying your letter of 31 January 2018. The Council has failed to meet its deadline for publication of a Plan between January – March 2018, in accordance with your July 2017 Local Development Scheme. There has been a consistent failure to produce a Local Plan since the last Plan was adopted in 1998. The Council has failed to meet milestones in published Local Development Schemes at least five times since 2004 and two failures to take a plan through examination.

I note the exceptional circumstances given by your Council are that it is constrained by Green Belt, that the previous plan should not have been found unsound and that you are pursuing a Joint Plan in South Essex. These do not appear to be exceptional circumstances. Green Belt challenges are not unique to Castle Point; I have not seen any convincing evidence as to why I should dispute the Inspector's decision to find the previous plan unsound which is in line with decisions on the twelve other authorities who failed the duty to co-operate. The work on the preparation of a joint plan does not appear to be exceptional circumstances, as the other constituent authorities of Basildon and Brentwood are proposing to submit plans ahead of the Joint Plan.

In terms of the intervention criteria, Castle Point appears to have failed to make progress on plan-making, the policies do not appear to be up to date and there is high housing pressure. Given that your Council has said it will not produce a Local Plan until after the Joint Plan has been produced and that the Joint Plan is not due to be submitted until 2020 it appears possible that Plan production could be accelerated through intervention.

Having considered your representations and the Government's policy set out in the November 2017 Written Ministerial Statement and housing White Paper I have decided to continue with the intervention process. This will involve a team of experts, led by the Chief Planner, providing me with further advice on next steps. My officials will be in contact with your officers to discuss the next steps.

My officials will also begin formal discussions on the options of inviting Essex County Council to prepare a Local Plan for Castle Point and with the neighbouring authorities on the possibility of directing an accelerated Joint Plan, as part of considering whether to use my statutory powers and if so which ones.

A handwritten signature in black ink, appearing to read 'S. Javid', with a stylized flourish at the end.

RT HON SAJID JAVID MP

Net Zero Carbon Strategy

Land off Hart Road,
Thundersley



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Version:	Date:	Written By:	Company:	Approved by:	Company:
1	27/09/2022	Mark Pendry	Legal and General Modular Homes	Matthew Barnacle	Legal and General Modular Homes

Executive Summary

An area of land to the rear of number 248 Hart Road, Thundersley, is proposed to be developed into 44, 2- and 3-bed residential homes. This document sets out proposals to make the development of these homes Net Zero Regulated Carbon. Net Zero Regulated Carbon means that the balance of carbon emissions from the operation of the homes over a period of a year is zero or less. Regulated carbon refers to the carbon derived from the energy uses set out in Part L of the Building Regulations.

Individual assessments have been undertaken of all the homes using the Standard Assessment Procedure (SAP). This is the government tool for assessing compliance to Part L of the Building Regulations. This assessment confirms:

- 40 of the homes will individually achieve Net Zero Carbon Emissions;
- 4 of the homes (all with north facing roofs) will achieve an Energy Performance Certificate of 'A' – but will not meet the Net Zero Carbon benchmark; and,
- The emissions from all of the homes added together will achieve Net Zero Carbon emissions over the course of a year.

Net Zero Carbon Strategy

1.0 Introduction

Legal and General Affordable Homes (LGAH) are proposing to develop an area of land to the rear of number 248, Hart Road in Thundersley into residential homes. A total of 44, 2- and 3- Bed homes are proposed to be built

The following document sets out the proposed Net Zero Carbon Strategy that will be adopted for this construction. This comprises:

- Development of 40 of the homes to achieve Net Zero Regulated Carbon; and,
- Development of 4 of the homes to achieve an EPC Rating of A.

The document starts off by setting the planning context for low and zero carbon in the Castle Point Borough Council area. The scheme then identifies the proposed approach to Net Zero – and shows how the scheme substantially exceeds requirements regarding the carbon performance of developments.

2.0 Planning Context

2.1. Castle Point Adopted Plan

Castle Point Borough Councils Local Plan was adopted in 1998. The plan does not directly address climate change or carbon directly – but does reference Energy Efficiency.

Policy EC6 (Energy Efficiency) of the plan requires developments to have regard to energy conservation in their siting, orientation, layout and design.

2.2 Castle Point Residential Design Guidance

The Residential Design Guide was published in November 2012. This guide has a section relevant relating to Energy & Water Efficiency & Renewable Energy. Policy RDG9 identifies that residential developments should incorporate measures for achieving high levels of energy and water efficiency. Again, the guide identifies that the design and layout has maximised opportunities to reduce energy, improve daylighting and how the construction has followed nationally agreed principles for sustainable dwellings.

2.3 Castle Point Withdrawn Emerging Local Plan

At the time of planning, there was a draft local plan at an advanced stage. This has subsequently been withdrawn. This emerging Local Plan did require all new development to minimise its impact on climate change arising from energy consumption by using design, siting and layout to maximise opportunities for solar gain, daylight penetration and energy reduction. The plan also required measures to be integrated into buildings in order to achieve high levels of energy efficiency. The plan required buildings as a minimum to meet the energy efficiency requirements of the Building Regulations.

2.4 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (last updated in 2021) identifies a number of areas where low carbon should be promoted through the planning system. This includes Part 2 'Achieving Sustainable Development' of the NPPF.

Paragraph 7 and 8 of Part 2 identify that it is the purpose of the planning system to contribute to the achievement of sustainable development. This is framed into three objectives: an economic objective, a social objective and an environmental objective.

As part of the Environmental Objective, the NPPF confirms that the planning system should be used to mitigate and adapt to climate change – and this includes moving to a low carbon economy. The NPPD also confirms that there should be a presumption in favour of Sustainable Development.

3.0 Sustainable Energy Strategy

3.1 Net Zero Carbon Housing

Carbon from houses has two main components:

- Regulated Carbon – this is the carbon that comes from the running of the home. This covers the carbon generated from the energy used to heat the house, provide hot water and to operate lighting, pumps and extract fans. Regulated carbon is controlled through Part L of the Building Regulations.
- Unregulated Carbon – This is the carbon that comes from the residents use of energy in the home. For example, it covers the carbon that comes from the use of a television or a fridge. There are no direct legal controls on unregulated carbon.

Regulated carbon is measured using the "Standard Assessment Procedure" (SAP). SAP is a theoretical model that takes the key features of a home – such as the materials used to build it – and makes a prediction as to how much carbon will be generated from it. Regulated carbon is measured in kilogrammes of Carbon Dioxide (CO₂) per meter square per year. SAP software is used to determine compliance to Building Regulations and determines the Energy Performance Certificate (EPC) rating for each home.

In order for a home to pass Building Regulations, a 'Notional Home' is modelled. This Notional Home has the same physical characteristics as the home being assessed (e.g. the same number of windows, the same shape etc.) but has a set of minimum standards applied to it. These standards set out what is needed for a home to meet Building Regulations. The Notional Home is used by SAP to derive a 'Target Emission Rate' (TER). This TER sets out how much carbon the home is allowed to emit over the course of a year in order to comply with Building Regulations.

Once the Notional Home has been modelled, the actual home is then modelled. This uses the specifics of the building – such as the amount of insulation provided. This second model provides an output that is called the 'Building Emission Rate' (BER). For a home to be compliant to the Building Regulations the BER must be less than the TER.

There are many varied definitions of Net Zero Carbon. For the purposes of the Hart Road project, it is proposed to construct the majority of homes so that they are Net Zero Carbon with regard to Building Regulations. This means they achieve a Building Emission Rate (BER) of Zero or less. This means that there will be no carbon generated from the operation of the home over the course of a year.

3.2 Approach to Carbon Reduction

Legal and General Affordable Homes (LGAH) is committed to reducing the carbon associated with the lifetime use of the homes it builds and operates. LGAH have reviewed the proposals for the site and are proposing that as many homes as possible should achieve Net Zero Regulated Carbon. Any homes that cannot achieve this will achieve a minimum performance of an Energy Performance Certificate (EPA) rating of A.

In developing its approach to the carbon performance of the homes on this site, LGAH has adopted the following low carbon hierarchy:

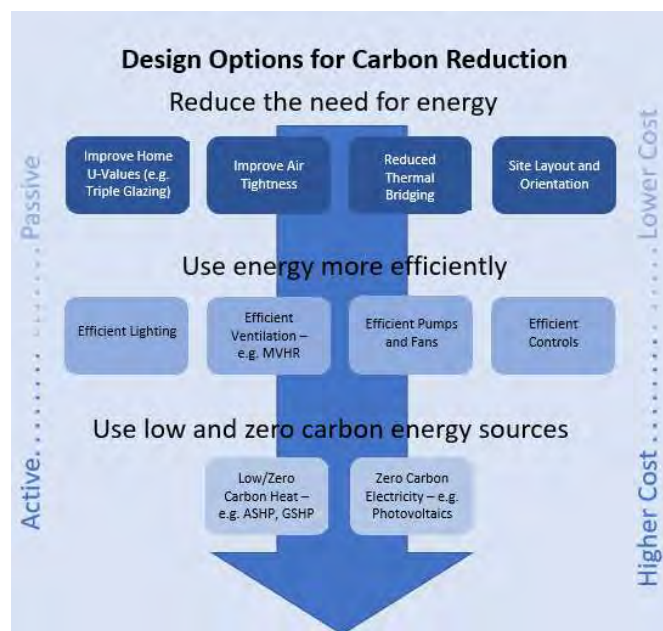


Figure 1: Reduction of Carbon

Details of specific measures associated with the three main tiers outline in Figure 1 are detailed in the following sections.

3.2 Sustainable Carbon Measures

3.2.1 Reducing the need for energy

The dwellings at Hart Road have been developed to significantly reduce the need for energy using passive measures. Reducing the need for energy will reduce the emissions associated with the use of electricity and gas within the building.

Measures to reduce energy use include:

- Reduced U-Values for walls, roof, floor, and windows. The proposed target U-Values for the scheme are set out in Table 1 below. As can be seen from this table the proposed u-values go beyond the minimum requirements of Part L of the 2022 Building Regulations.
- Careful orientation of residential units where possible. There are some limitations to this given the nature and north access point for the site.
- Balancing of fabric performance against the needs to maximise daylight within the home.
- Improved Air Tightness – An Air Tightness performance level of 3 m³/h/m²@50Pa has been targeted for the homes.
- Reduced Thermal Bridging (through using enhanced Psi Values).

Building Fabric	Minimum Building Regulations Standard U-Value (W/m ² K)	Targeted U-Values (W/m ² /K)	Targeted Improvement upon Backstop Values (%)
External Walls	0.26	0.24 to 0.18	Up to 23%
Roof	0.16	0.07	56%
Ground Floors	0.18	0.11	39%
Windows	1.6	1.4	12.5%

Table 1: Targeted U-Values

Based on the above measures the Fabric Energy Efficiency of the units is more efficient than that required by Building Regulations.

3.2.2 Use Energy more Efficiently

Dwellings at Hart Road will ensure that the energy they use is done so in as efficient a manner as possible. To this end, all the homes will have the following energy efficiency fittings and measures provided:

- Energy Efficient Lighting
- Energy Efficient Pumps and Fans
- Thermal zoning and controls
- Efficient Heat Sources.

3.2.3 Use of Low and Zero Carbon Energy Sources

As part of the development of site the use of low and zero carbon energy sources for this project. The results of the review are shown in Appendix 1 to this report. This identifies the technical and financial viability of different types of low and zero carbon energy sources. Based on this review the scheme will utilise two sources of low and zero carbon energy:

- Heating and hot water will be provided by an Air Source Heat Pump (ASHP). ASHP's are an efficient means to provide heat which rely on electricity to operate. One of the further benefits of using ASHP's is that the National Grid will decarbonise further in the future. This means that the carbon reduction benefits of using this method of heating will increase further.

- Photovoltaic Panels will be used. To meet Net Zero a number of PV panels will be required (assuming a 0.34 kWp yield panel).

3.3 Assessment of Carbon Reduction

A SAP assessment of each dwelling type has been undertaken using SAP 10.2 assessment software. This assessment has been based on the design parameters of the different dwelling types proposed at the site. The results from the SAP modelling are provided in Appendix 2.

In summary:

- 40 of the homes will be developed to achieve Net Zero Regulated Carbon Emissions.
- The remaining 4 homes will achieve an EPC rating of 'A'. These are homes with North facing roofs.

Table 1 below illustrates the overall carbon impact of the scheme. This takes the emissions from all 44 homes. As can be seen from this table, the development as a whole will have Zero Regulated Carbon emissions. As the homes are also electricity only homes – the reduction in emissions is likely to grow over time as the national grid decarbonises. This will result in even greater carbon savings over time.





If the site was developed to comply with Part L only, the development would result in the emission of 45.9 tonnes of carbon per year.

Measure	Emissions from a Part L Compliant Development (tCO ₂ e/year)	Emissions from the proposed LGAH Development (tCO ₂ e/year)
Total Cumulative Emissions/year	45.9 tonnes	0 tonnes



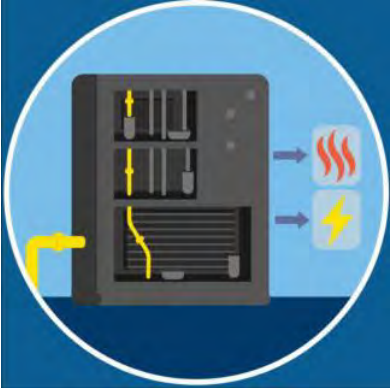

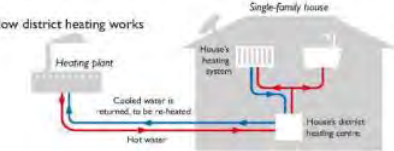

Table 1: Overall Carbon Reduction

The provision of 40 Net Zero homes, plus the achievement of overall Net Zero emissions from development as a whole will make a significant reduction in carbon – and will exceed the planning requirements set out by Castle Point Borough Council.





Appendix 1: Low and Net Zero Carbon

Technology	How it Works?	Technical and Financial Considerations	Viability Assessment	Viability
Biomass Boilers 	<p>Heat and hot water are generated through burning of solid organic matter in the form of wood chips or pellets.</p>	<p>Best suited for relatively continuous operation.</p> <p>Requires storage facilities to accommodate the fuel.</p> <p>Requires a large plant area.</p> <p>Can provide a carbon neutral energy source – but is dependent on where the fuel is sourced from.</p> <p>Can be carbon leakage via transport of materials.</p> <p>Redesign would be needed for proposed housetypes.</p>	<p>Whilst technically viable for providing the heating requirement, the site infrastructure and location does not lend itself to this as an option. There are also concerns around the sourcing of sustainable biomass fuels.</p>	
Ground Source Heat Pump (GSHP) 	<p>GSHPs transfer heat from the ground into a building to provide space heating and/or hot water.</p> <p>The ground tends to be at a constant temperature of around 12°C throughout the year and, using a refrigerant cycle this constant low-grade heat can be harnessed to provide a useful level of heat for a building.</p>	<p>Feasibility depends on space for the piping circuit and whether the geology is suitable for either boreholes or trenches.</p> <p>Heat pumps are most suitable for low temperature heating systems such as underfloor heating.</p> <p>The capital cost of GSHPs is significantly higher than ASHPs.</p> <p>Greatest carbon savings when combined with renewable electricity-generating technologies.</p> <p>Redesign would be needed for proposed housetypes.</p>	<p>The associated capital cost is expected to be significantly higher for GSHPs than for ASHPs. Further investigation would also be required into ground conditions to find out if this technology is technically possible. Based on the above, we have deemed this not viable at this stage.</p>	



Net Zero Carbon Strategy, Land off Hart Road, Thundersley

<p>Air Source Heat Pump (ASHP)</p> 	<p>Heat pumps and exchangers extract heat from outside air to provide space heating and/or hot water.</p> <p>ASHPs are less efficient than GSHP due to the lower average temperature of outside air and greater variance across the year.</p>	<p>Requires a suitable location for the external unit to the building.</p> <p>The noise generated by the external unit must be considered.</p> <p>Like GSHPs, air to water ASHPs are most effective when providing space heating via LTHW heating systems designed to operate at temperatures of around 40-45°C.</p> <p>ASHPs are easier and cheaper to install than GSHPs.</p>	<p>Electricity is a favoured fuel source due to the future decarbonisation of the electricity network.</p> <p>ASHPs work well for this project as it can provide both space and water heating. It also requires minimal plant space, which is a significant advantage.</p> <p>House types designed to accept this technology.</p>	
<p>Combined Heat and Power (CHP)</p> 	<p>CHP is the simultaneous generation of both usable heat and electrical power from the same source.</p> <p>Fuel (usually mains gas or oil) is combusted in an engine where the mechanical power produced is used to generate electricity while the heat emitted provides space heating or hot water.</p>	<p>CHP requires predictable and constant electricity and heating loads for best performance.</p> <p>The unit should be sized on heat demands, rather than electrical requirements - units are usually sized on the building's hot water load as this is continuous throughout the year.</p>	<p>Due to the expected energy profile, where the heating / hot water demand is not continuous, a CHP unit is not considered to be suitable for this site.</p>	
<p>District Heating Scheme</p> 	<p>Distribution of heat from a centralised heat source (often waste heat). Distribution undertaken via an insulated pipe network.</p>	<p>There is a source of heat available from the adjacent anaerobic facility. Would require changes to current modular products.</p>	<p>Due to the constraints of the proposed current modular system in conjunction with complexities around energy choice, continuity of supply and consistency of demand, means this is not currently a viable option for this site.</p>	

Net Zero Carbon Strategy, Land off Hart Road, Thundersley

<p>Solar Thermal</p> 	<p>Solar thermal panels generate hot water from the sun's energy using solar collectors.</p> <p>A mixture of water and anti-freeze is circulated through the solar collectors and a heat exchanger within the water storage cylinder to heat the water in the tank.</p>	<p>Most effective in a south-facing position on an incline of 30-40 degrees.</p> <p>Panel locations should be clear of obstructions and over shading.</p> <p>Requires space for a hot water cylinder close to the collectors.</p> <p>Most economically viable in buildings with a high hot water demand or where a building is not on the national gas grid.</p>	<p>The hot water demand per dwelling is expected to be low to justify the selection of this system. It also competes with PV panels for the same amount of the roof area, so it is more sensible from a sustainability point of view to opt for the PV panels.</p>	
<p>Photovoltaics (PV)</p> 	<p>PV arrays are made up of semi-conductor solar cells which directly convert sunlight into electricity.</p> <p>Energy from sunlight causes an electrical current to flow between difference atomic energy levels within the solar cells.</p> <p>PV panels are made of solar cells, and several panels create a PV array.</p>	<p>The position of the PV array will affect the energy generation and, consequently the carbon and financial savings.</p> <p>PV panels may require regular cleaning to avoid a reduction in efficiency.</p> <p>PV panels should be free from shading from adjacent buildings/trees.</p>	<p>A PV array could be located on the roof of each dwelling and would work well alongside technologies such as ASHPs.</p>	

Net Zero Carbon Strategy, Land off Hart Road, Thundersley

<p>Wind</p> 	<p>Wind turbines produce energy by using wind power to drive a generator.</p> <p>Turbines can either be free-standing or roof mounted. Roof-mounted wind turbines require an average wind speed of 3 m/s to be viable whereas larger, stand-alone turbines require greater speeds of approximately 6 m/s to be viable.</p>	<p>Rural areas are better suited than urban areas as the wind speeds are higher and less turbulent.</p> <p>Pay-back periods are strongly dependent on wind conditions plus the length of cabling required to connect the turbine to the building.</p> <p>Planning permission is required and is often a contentious issue</p>	<p>Due to the location and constraints of the site a wind turbine is not deemed to be a suitable option for this site.</p>	
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Appendix 2: SAP Output



Project Name	Hart Road, Thundersley
Project Number	OPP-063167
Revision	1
Author	Matthew Stainrod
Issue Number	STR0023501

Results with PV added for zero DER

Results with PV added for 2010 DER									PV System			PV System		
Property Type	Plot	Build Type	TOTV	Delta	DER % Improvement	Net Zero	DER % Improvement	DER % Improvement	DER % Improvement	DER % Improvement	DER % Improvement	DER % Improvement	DER % Improvement	DER % Improvement
House	Plot 1_Enfield	Semi detached	10.43	-0.17	101.63%	Net Zero	105.14	Yes	5.44	16	West	0.00	0	
House	Plot 2_Enfield	Semi detached	10.33	-0.19	101.84%	Net Zero	105.14	Yes	4.08	12	South	0.68	2	North
House	Plot 3_Malden	Semi detached	12.14	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 4_Malden	Semi detached	12.04	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 5_Malden	Semi detached	12.04	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 6_Malden	Semi detached	12.04	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 7_Enfield	End terrace	10.29	-0.18	101.75%	Net Zero	105.14	Yes	5.44	16	East	0.00	0	
House	Plot 8_Malden	Mid terrace	10.79	-0.19	101.76%	Net Zero	81.76	Yes	2.72	8	South	1.36	4	North
House	Plot 9_Malden	End terrace	11.91	-0.14	101.18%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 10_Enfield	Semi detached	10.46	1.27	87.86%	EPC A	105.14	Yes	4.42	13	North	0.00	0	
House	Plot 11_Enfield	Semi detached	10.44	-0.16	101.53%	Net Zero	105.14	Yes	4.08	12	East	1.36	4	West
House	Plot 12_Enfield	End terrace	10.43	-0.17	101.63%	Net Zero	105.14	Yes	5.44	16	West	0.00	0	
House	Plot 13_Malden	Mid terrace	11.13	-0.14	101.26%	Net Zero	81.76	Yes	2.72	8	South	1.36	4	North
House	Plot 14_Enfield	End terrace	10.33	-0.19	101.84%	Net Zero	105.14	Yes	4.08	12	South	0.68	2	North
House	Plot 15_Enfield	Semi detached	10.24	-0.19	101.86%	Net Zero	105.14	Yes	4.08	12	South	0.68	2	North
House	Plot 16_Enfield	Semi detached	10.33	-0.31	101.06%	Net Zero	105.14	Yes	4.42	13	South	0.00	0	
House	Plot 17_Malden	Semi detached	12.04	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 18_Malden	Semi detached	11.95	-0.08	100.67%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 19_Malden	Semi detached	12.04	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 20_Malden	Semi detached	11.95	-0.08	100.67%	EPC A	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 21_Enfield	Semi detached	10.46	1.27	87.86%	Net Zero	105.14	Yes	4.42	13	North	0.00	0	
House	Plot 22_Enfield	Semi detached	10.26	-0.16	101.56%	Net Zero	105.14	Yes	4.08	12	East	1.36	4	West
House	Plot 23_Enfield	Semi detached	10.33	-0.17	101.65%	Net Zero	105.14	Yes	5.44	16	West	0.00	0	
House	Plot 24_Enfield	Semi detached	10.33	-0.19	101.84%	Net Zero	105.14	Yes	4.08	12	South	0.68	2	North
House	Plot 25_Enfield	Semi detached	10.43	-0.19	101.82%	Net Zero	105.14	Yes	4.08	12	South	0.68	2	North
House	Plot 26_Enfield	Semi detached	10.33	-0.19	101.84%	Net Zero	105.14	Yes	4.08	12	South	0.68	2	North
House	Plot 27_Malden	Semi detached	12.04	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 28_Malden	Semi detached	12.14	-0.08	100.66%	Net Zero	81.76	Yes	2.72	8	South	1.70	5	North
House	Plot 29_Malden	Semi detached	12.24	-0.21	101.72%	Net Zero	81.76	Yes	2.72	8	West	2.04	6	East
House	Plot 30_Malden	Semi detached	12.13	-0.21	101.73%	Net Zero	81.76	Yes	2.72	8	West	2.04	6	East
House	Plot 31_Enfield	Semi detached	10.44	-0.11	101.05%	Net Zero	105.14	Yes	4.42	13	South	0.00	0	
House	Plot 32_Enfield	Semi detached	10.46	-0.14	101.34%	Net Zero	105.14	Yes	4.08	12	West	1.36	4	East
House	Plot 33_Malden	Semi detached	12.13	-0.21	101.73%	Net Zero	81.76	Yes	2.72	8	West	2.04	6	East
House	Plot 34_Malden	Semi detached	12.13	-0.21	101.73%	Net Zero	81.76	Yes	2.72	8	West	2.04	6	East
House	Plot 35_Enfield	Semi detached	10.35	-0.16	101.55%	Net Zero	105.14	Yes	4.08	12	West	1.36	4	East
House	Plot 36_Enfield	Semi detached	10.46	-0.14	101.34%	Net Zero	105.14	Yes	4.08	12	West	1.36	4	East
House	Plot 37_Enfield	Semi detached	10.44	-0.16	101.53%	Net Zero	105.14	Yes	4.08	12	West	1.36	4	East
House	Plot 38_Enfield	Semi detached	10.55	1.27	87.96%	EPC A	105.14	Yes	4.42	13	North	0.00	0	
House	Plot 39_Enfield	Semi detached	10.35	-0.11	101.06%	Net Zero	105.14	Yes	4.42	13	South	0.00	0	
House	Plot 40_Enfield	Semi detached	10.55	-0.14	101.33%	Net Zero	105.14	Yes	4.08	12	West	1.36	4	East
House	Plot 41_Malden	Semi detached	12.03	-0.21	101.75%	Net Zero	81.76	Yes	2.72	8	West	2.04	6	East
House	Plot 42_Malden	Semi detached	12.03	-0.21	101.75%	Net Zero	81.76	Yes	2.72	8	West	2.04	6	East
House	Plot 43_Enfield	Semi detached	10.44	-0.16	101.53%	Net Zero	105.14	Yes	4.08	12	West	1.36	4	East
House	Plot 44_Enfield	Semi detached	10.66	1.27	88.03%	EPC A	105.14	Yes	4.42	13	North	0.00	0.00	

* Plots 10, 21, 38 & 44 - not possible to achieve zero DER due to north facing PV

Year	Change in GDP (in %)
1086.6	-17.9
1086.1	-20.0
992.6	-6.5
984.4	-6.5
984.4	-6.5
984.4	-6.5
1081.9	-18.9
882.2	-15.5
973.8	-11.4
1099.8	133.5
1097.7	-16.8
1096.6	-17.9
910.0	-11.4
1086.1	-20.0
1076.6	-20.0
1086.1	-11.6
984.4	-6.5
977.0	-6.5
984.4	-6.5
977.0	-6.5
1099.8	133.5
1078.7	-16.8
1086.1	-17.9
1086.1	-20.0
1096.6	-20.0
1086.1	-20.0
984.4	-6.5
992.6	-6.5
1000.7	-17.2
991.7	-17.2
1097.7	-11.6
1099.8	-14.7
991.7	-17.2
991.7	-17.2
1088.2	-16.8
1099.8	-14.7
1097.7	-16.8
1109.2	133.5
1088.2	-11.6
1109.2	-14.7
983.6	-17.2
983.6	-17.2
1097.7	-16.8
1120.8	133.5

Yönetim Giderleri	45903,6	-28,1
Yönetim Gelirleri	45,9	0,0

Appeal Statement of Case

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Appendices (bound separately)

Appendix 1: Landscape & Visual Appraisal
Appendix 2: Green Belt Appraisal
Appendix 3: Housing Delivery & Land Supply Analysis
Appendix 4: Affordable Housing Analysis
Appendix 5: Officer Report (Application)
Appendix 6: Previously-examined Local Plan
Appendix 7: Officer Report (Full Council 15/06/22)
Appendix 8: Relevant Appeal Decisions
Appendix 9: Adopted Local Plan Saving Direction
Appendix 10: Adopted Local Plan Proposals Map
Appendix 11: Minutes of Application Committee Meeting
Appendix 12: Draft S106 Heads of Terms
Appendix 13: peLP Inspector's Report
Appendix 14: Government Intervention Letters
Appendix 15: Net Zero Carbon Strategy

1. Introduction

1.1. Preamble

This Appeal Statement of Case ('Statement') has been prepared by Savills (UK) Ltd on behalf of Legal & General Affordable Homes ('the Appellant') in respect to a S.78 Appeal ('the Appeal') of the refusal of full planning permission for (ref. 21/1137/FUL / 'the Application') a proposed development of 44 affordable homes, open space, landscaping, access and other associated works ('the Proposed Development') on land south of Hart Road, Thundersley ('the Appeal Site').

The Appeal Site is located within the Borough of Castle Point, within the County of Essex. It thus lies within the administrative boundaries of Castle Point Borough Council ('the Council' or 'CPBC') and Essex County Council ('the County Council' or 'ECC').

This Statement has been prepared with regard to the advice in the Procedural Guide: Planning appeals – England (last updated 12 April 2022).

The Appellant is requesting that the Appeal be determined by means of an Inquiry. Noting the guidance regarding the appropriate means for an appeal to be considered, it is considered that the complex history surrounding the preparation and withdrawal of the previously-examined and found sound draft Local Plan, including the allocation of the Appeal Site, the Green Belt nature of the site, the 100% affordable nature of the Proposed Development, the balancing of these factors to demonstrate Very Special Circumstances, and CPBC's conclusions in relation to these, are matters that need to be tested through formal questioning and examination that is not possible by means of either written representations or a Hearing.

1.2. The Appellant

Legal & General Affordable Homes' ('L&GH') vision is for everyone to have a great quality, environmentally sustainable and affordable home from which to build better futures.

Its mission is to become the leading developer and operator of affordable homes in the UK by investing long-term capital at scale and significantly increasing the supply, design quality and choice of affordable homes. LGAH is committing to long term involvement in the area as the long term owner and landlord of the affordable rented and the rental portion of the shared ownership homes.

LGAH was established in 2018 by Legal and General Capital (LGC), and has built up a pipeline of over 6000 homes and is targeting the delivery of 3,000 affordable homes a year. LGC is Legal & General's alternative asset platform that invests capital from the Group to create real assets for Legal & General Retirement (LGR) (the pension fund). The alternative assets that LGC invest in deliver a tangible societal impact, its purpose is to invest society's capital for society's benefit. LGAH funds the delivery of homes through a combination of equity funding from LGC and debt finance. The affordable homes are purchased by LGAH PropCo (the L&G Registered Provider) on behalf of LGR who owns those homes in perpetuity. LGAH are Strategic Partners of Homes England and receives grant funding for the delivery of homes from Homes England in the 2022-2026 programme.

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Legal & General Affordable Homes is driven by its focus to make a real difference to the affordable housing sector by means of innovation and has an ambition that all its homes will be net zero carbon in operation by 2030. Legal & General Affordable Homes is a customer service proposition delivering a great resident experience and works closely with 14 management providers around the country to ensure this happens.

LGAH identified Castle Point as an area with an affordable housing shortage, that could significantly benefit from additional high quality and sustainable affordable homes. Delivered in partnership with Homes England, LGAH hope the successful delivery of this development will lead to LGAH getting involved in future developments in the area.

This will help address the housing needs of those currently living in the Borough who are living in unsuitable or overcrowded accommodation or who are looking to own their own home and are unable to afford homes on the open market. This will help ensure it is the Borough's residents who benefit from additional housing delivered in the area.

If planning permission is granted, L&G Modular Homes will build out the site and they have been involved in the design of the scheme from the outset. This development aims to help provide employment for local people with a target for 80% of the on-site workforce to be sourced locally.

The long-term management provider for the homes is proposed to be one of our management partners, Chelmer Housing Partnership (CHP), a local housing association.

1.3. Background and Context - Overview

The Application was submitted on 13th December 2021, at a time when the Appeal Site formed part of a proposed residential allocation in the previously-examined Local Plan ('peLP'). The intent behind the submission of the Application was to try to bring forward much-needed affordable housing, the historic delivery of which has been pitiful, and the projected supply of which is now abysmal.

At the point the Officer Report on the Application was prepared for the Planning Committee, the Appeal Site formed part of proposed site allocation 'HO20' in the peLP. The peLP had been found sound by the examining Inspector, and at a meeting in March 2022 CPBC considered a recommendation from Officers to adopt the peLP in line with the Inspector's findings. However, instead of adopting the peLP, surprisingly CPBC decided not to adopt it. At a subsequent meeting on 15th June 2022, CPBC then decided instead to withdraw the peLP. This process is discussed further in Section 4 of this Statement.

On 14th June 2022 – the day prior to the withdrawal of the peLP, the Application was considered by CPBC's Planning Committee, which resolved to refuse permission for two reasons. The Decision Notice was issued on 21st June 2022, and as a result of the withdrawal of the peLP, it is understood from verbal discussions with Planning Officers that CPBC will likely withdraw the second reason for refusal, subject to confirmation by Members of the Planning Committee. The first, and thus only remaining reason for refusal asserts that the Appellant had not demonstrated 'Very Special Circumstances' to justify the granting of planning permission for the proposed Development in the Green Belt.

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Had the Council acted in accordance with the Inspector's findings, and the recommendations of Officers, the Appeal Site would have been removed from the Green Belt on 23rd March 2022, and the first reason for refusal would not have been applicable.

It is worth noting at the outset, that there are no objections to the Proposed Development by any statutory consultee, internal CPBC department, or external organisation; the only objections to the Proposed Development were received from members of the general public.

In summary, the most pertinent matter for consideration at appeal is considered to be whether the harm that will be caused to the Green Belt by reason of the 'inappropriateness' of the Proposed Development and the harm to openness, along with any other harm, is outweighed by the benefits of the Proposed Development including the provision of 44 much-needed affordable homes, and thus whether Very Special Circumstances ('VSCs') exist to justify the granting of planning permission.

1.4. Format of this Statement

This Statement is structured as follows:

- Section 1 provides an introduction;
- Section 2 refers to the description of the Appeal Site and its' surroundings;
- Section 3 described the Proposed Development;
- Section 4 refers to the planning history of the Appeal Site, including the Application itself, and its inclusion as part of a proposed residential allocation in the previously-emerging, submitted and tested Local Plan;
- Section 5 sets out the planning policy context at local and national level;
- Section 6 addresses matters of housing delivery and land supply;
- Section 7 explains the urgent and critical need for affordable housing;
- Section 8 discusses the impact on the landscape, Green Belt and 'other' harm;
- Section 9 discusses the benefits of the Proposed Development;
- Section 10 sets out a response to the reasons for refusal, and considers whether Very Special Circumstances exist;
- Section 11 provides an overall planning balance assessment;
- Section 12 provides a summary and conclusion.

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1.5. Application / Appeal Documentation

A full schedule of all the application and supporting documentation is enclosed with the appeal submission. This makes clear what documentation was before CPBC at the time of the decision to refuse was taken, and the new material that is submitted with the Appeal.

2. Appeal Site & Surroundings

NB Further, more detailed, information on the Appeal Site and its surroundings is included in the various application and supporting documentation.

2.1. Surrounding Area

Castle Point is a small predominantly Green Belt Borough served by a number of towns including South Benfleet, Hadleigh and Canvey Island, and a number of large villages that provide services to their respective catchment areas

The Appeal Site is located on the south western edge of Thundersley, south of Hart Road. Thundersley is located approximately 2.5 km south of Rayleigh, 9 km north west of Southend-On-Sea and 25 km south of Chelmsford. Southend Airport is located 9 km to the east. There are a number of smaller villages and hamlets surrounding Thundersley that benefit from services and facilities that it offers.

The Appeal Site is located within walking distance of a variety of nearby services, facilities, and public transport (accessed via bus stops on Rayleigh Road). It is located approximately 2.5 km from Rayleigh Railway Station, which provides direct and frequent services to London Liverpool Street (42 minutes), Southend Victoria (18 minutes) and Southend Airport (11 minutes) amongst other destinations.

2.2. The Appeal Site

The Appeal Site currently comprises an existing dwelling, stables and a menage towards the northern boundary. The remainder of the Site is currently in equestrian use.

Access is taken from the existing access from Hart Road to the north.

It is bordered by trees and hedgerows to the southern, eastern and western boundaries, providing a significant degree of visual containment. Additionally, a drainage ditch runs along the southern boundary.

Residential development borders the Appeal Site to the north and east. Cedar Hall Primary School borders it to the west, with an open agricultural field bordering it to the south. There is further residential development to the south-east and south-west.

There are no TPOs present on the Appeal Site.

The southern part of the Appeal Site is designated as a Local Wildlife Site.

There are no Scheduled Ancient Monuments, Listed Buildings or Conservations Areas within or adjacent to the Appeal Site, or that would be affected by the Proposed Development.

The Appeal Site is entirely within Flood Zone 1.

Almost all of the Appeal Site, excepting a small part on the northern boundary, is located within the Green Belt.

3. The Proposed Development

NB Further, more detailed, information on the Proposed Development is included in the various application and supporting documentation as listed in the draft Statement of Common Ground.

3.1. Description of Development

The agreed revised description of the Proposed Development is:

“Demolish existing building and stables and construct 44 affordable dwellings including open space, play space, landscaping and associated access, infrastructure and parking arrangements.”

3.2. Housing Mix

In summary, the following housing mix is proposed:

Type	No. Homes / %age
2-bed house	19 (43%)
3-bed house	25 (57%)
Total	44 (100%)

Tenure	No. Homes / %age
Affordable Rent	9 (20%)
Shared Ownership	35 (80%)
Total	44 (100%)

Combined (number of homes only):

Tenure	Affordable Rent	Shared Ownership	Total
2-bed house	7	12	19
3-bed house	2	23	25
Total	9	35	44

The above tenure mix is slightly different to that considered by CPBC in that it is now proposed that the number of Affordable Rent homes be increased from 8 to 9, and the number of Shared Ownership homes reduced from 36 to 35. It is understood from verbal discussions with Planning Officers that CPBC will be agreeable to this minor amendment to the tenure mix.

3.3. Layout

The proposed layout has been carefully considered to respect the existing context of the Appeal Site, and consists of two-storey dwellings, arranged as semi-detached and terraced dwellings, all with private defensive space facing the street, placed along a central spine round running north to south, with three off-shoots running west to east.

All dwellings would have rear gardens, with street access allowing for the storage of cycles, garden and household waste.

All dwellings would have two car parking spaces, with a further twelve visitor car parking spaces provided at various points across the Site.

In addition to the residential development, the Proposed Development includes a soft landscaping scheme, which incorporates amenity space as well as sustainable drainage systems. Furthermore, playspace provision (with a focus on natural type playground) is proposed within the south of the Site, north of the surface water attenuation basin which sits adjacent to the southern border of the Site. To the east of the playspace is a 'tiny forest', which adds significant ecological benefit to the development, plus a wildflower meadow.

Soft landscaping across the Proposed Development is interspersed with the built form to provide an attractive setting with retains and enhances many of the sites features, including trees and hedges along the Appeal Sites boundaries.

3.4. Means of Access

All access will be taken from the existing access from Hart Road on the northern boundary of the Appeal Site, with the access route being lined with new tree planting.

With the Appeal Site forming part of a wider proposed allocation at the time of submission, an additional pedestrian access was proposed to the land to the south. Without the wider allocation this access would lead to private land and is thus no longer proposed, albeit it is proposed that the S106 provides for its implementation should the wider allocation come forward.

4. Planning History

4.1. The Appeal Site

A full description of the planning history of the Appeal Site itself is set out in the Statement of Common Ground. Other than the pre-application discussions that preceded the Application, none of this planning history is considered pertinent to the consideration of the Proposed Development.

4.2. The Application

4.2.1. Pre-Application

As set out in the Planning Statement submitted with the Application (paras. 3.20 to 3.23):

“The Proposed Development has been informed by pre-application engagement, including through the Council’s pre-application advice service.

A request for pre-application advice (reference 21/0814/MAJPRE) was submitted to the Council on 12 May 2021 for a scheme of 47 dwellings comprising houses and flats. A pre-application meeting with an officer of the Council took place on 8 September 2021, and written feedback was provided by the Council on the same day.

Key changes to the Proposed Development following pre-application advice included the removal of the proposed flatted accommodation to ensure that development does not exceed two storeys; and, through the revised layout, a reduction in the number of dwellings proposed from 47 to 46.

In addition to pre-application engagement with the Council, there was also pre-application consultation with the wider community. A Statement of Community Involvement (SCI) accompanies this Application and explains the pre-application community engagement that has been undertaken to inform the Proposed Development.”

4.2.2. The Original Submission

The Application, originally for 46 affordable homes, was submitted on 13th December 2021 following pre-application discussions between the Appellant and CPBC and broad support for this potential inward investment in the Borough. As noted, a full schedule of all the original application and supporting documentation is enclosed with the appeal submission.

4.2.3. Consultation Responses

As noted in the Officer Report (p.9) on the Application(see **Appendix 5** to this Statement), the following organisations either had no comment to make, or raised no objection to the Proposed Development (in some cases subject to comments, planning conditions and/or obligations):

- Essex County Council Highways
- Essex County Council Fire & Rescue

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- Essex County Council Infrastructure Planning Officer
- Essex County Council Lead Local Floor Authority;
- Environment Agency;
- Anglian Water
- Essex Policy Architectural Liaison Officer
- NHS England
- Invertebrate Conservation Trust (Buglife) *
- Essex Wildlife Trust *
- Essex Badger Patrol *
- Essex Bat Group
- CPBC Environmental Health Officer
- CPBC Legal Services
- CPBC Streetscene
- CPBC Housing Manager

* No response received.

The latter of these consultees noted, which is of particular relevance (Officer Report, p.9) (emphasis added):

"Affordable rented homes within the borough are always in high demand, the proposed construction of 2 and 3 bed properties fits with the demands within the area, whilst we would welcome a higher proportion of rented homes, we are pleased to see an increase in the number of affordable homes being available and as a housing provider are happy to work with L&G Homes in any way we can."

Indeed, the only objections to the Proposed Development were received from members of the general public.

4.2.4. Amendments to the Original Submission

In February 2022, the application was revised by mutual agreement between the Appellant and CPBC. The revision reduced the number of affordable homes proposed from 46 to 44, together with a series of consequential minor changes to the proposed layout. Again, a full schedule of all the revised / additional application and supporting documentation is enclosed with the appeal submission and explained in the draft Statement of Common Ground..

4.2.5. Refusal of Planning Permission

The Application was then considered by CPBC's Planning Committee on 14th June 2022, with the Decision Notice being issued on 21st June 2022.

Planning Permission was refused for two reasons:

"1. The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that very special circumstances have been

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demonstrated in this case which either in isolation or combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework.

2. The proposed development is premature in that it seeks to secure the development of land in the face of unresolved objections to Policy HO20 of the unadopted Castle Point Local Plan (2018 -2033)."

It is understood from verbal discussions with Planning Officers that it is likely that, following the withdrawal of the peLP, CPBC will withdraw the second reason for refusal, subject to confirmation by Members of the Planning Committee. This is discussed further in Section 10 of this Statement.

The first, and thus only remaining reason for refusal asserts that the Appellant had not demonstrated 'Very Special Circumstances' to justify the granting of planning permission for the proposed Development in the Green Belt.

The reasons for refusal are discussed further, along with the Appellant's response, in Section 10 of this Statement.

4.2.6. Amendments Post Refusal

As discussed further in Sections 3 and 9 of this Statement, there have been no material amendments to the Proposed Development since the refusal of planning permission. However, whilst the application drawings submitted showed photovoltaic solar panels with the annotation 'Size and Extent of Pvs TBC, further work undertaken by the applicant with a view to achieving 'net zero carbon' (see Section 9 of, and **Appendix 15** to, this Statement) has refined the predicted arrangement of panels and revised plans and elevations showing these have been prepared and are included in the appeal submission. The annotation has been retained given that solar photovoltaic technology is evolving at pace, and the Appellant would be agreeable to a condition relating to the design, layout and specification of the panels.

In addition, in direct response to the withdrawal of the peLP (see below), several additional supporting documents have been prepared, which are included as Appendices to this Statement:

- Landscape and Visual Appraisal (see **Appendix 1**);
- Green Belt Appraisal (see **Appendix 2**);
- Housing Delivery & Land Supply Analysis (see **Appendix 3**); and
- Affordable Housing Analysis (see **Appendix 4**).

A full schedule of all the revised / additional application and supporting documentation is enclosed with the appeal submission.

4.3. **The Previously-examined Local Plan**

As noted previously in this Statement, CPBC was preparing a new 'emerging' Local Plan (the 'peLP'), which would have replaced the saved policies from the CPLP (see **Appendix 6** to this Statement).

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The peLP was submitted for Examination in October 2020, examined during May and June 2021, and the Inspector issued his Report on 3rd March 2022. In the Report the Inspector concluded that the peLP was, subject to Main Modifications, sound and could be adopted. Based on an annual housing requirement figure of 355 dpa (based on Standard Method Local Housing Need – see Section 6 of / **Appendix 3** to this Statement), the inspector took a pragmatic approach recommending a stepped trajectory to allow for lower delivery rates in the first few years of the plan period.

4.3.1. Site Allocation / Policy HO20

The peLP included a number of proposed residential and mixed-use allocations, which would have made a significant contribution to the meeting of housing and other needs over the peLP plan period from 2018 to 2033.

Included within these was land at The Chase, Thundersley – Site HO20. This comprised 28 ha of land that was proposed to be allocated for residential purposes, to deliver 412 homes during the plan period. Policy HO20 required that a ‘master plan’ be prepared for the site – a process that CPBC had initiated and to which the Appellant was contributing.

Site Allocation / Policy HO20 was thoroughly considered by the Local Plan Inspector, who concluded (para. 106) (see **Appendix 14** to this Statement):

“... Although the land is largely enveloped by the existing urban areas of Thundersley, it is currently designated as Green Belt. ... Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for removing this site from the Green Belt.”

In addition, and of relevance to the Appeal Site / Proposed Development, the Inspector also commented (para. 111):

“There was some discussion at the hearing regarding vehicular access to the various parcels of land which make up the site. ... Taking limited access ... from roads such as Hart Road could be considered in the development management process.”

4.3.2. Decision to Withdraw the peLP

However, at a meeting of Full Council on 23rd March 2022 CPBC voted not to adopt the peLP. In the event of this the Officer Report had provided (Recommendation 8) that “... a report be made to a future meeting of the Council.”

The ‘future meeting of the Council’ took place on 15th June 2022, the day after the consideration of the Application at Committee, and 6 days prior to the issue of the Decision Notice. The Officer Report (see at **Appendix 7**) to the meeting included a section (Section 6) on ‘Implications’. This included the following commentary (para. 6.4):

“Withdrawing [the peLP] ... has very significant implications:

- a) The Council will not have an up-to-date local plan in place. ...*

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- b) *Until a new plan is adopted, the Council will not be able to demonstrate that there is five-year housing land supply and passing the annual housing delivery test will not be possible*

...

The Authority Monitoring Report is clear that housing delivery remains below 50% of the target and the Council is failing the Housing Delivery Test. This puts the Borough at risk of continued inappropriate speculative development including within the green belt, and results in a small number of affordable homes being built.

- c) *Without a supply of development sites, affordable housing delivery will be at risk. The Council has a current waiting list of about 600 households, which is growing annually faster than people can be housed through relets.*

The unadopted local plan not only allocates sufficient housing land to meet the assessed need, it includes an affordable housing policy that would secure up to 40% of the new dwellings as affordable (and could have delivered around 1,200 affordable homes). In addition, the viability of these sites has been tested through the plan making process, and proven that affordable housing, and infrastructure can be provided.

- d) *Without an up-to-date local plan in place, there is an increased risk of appeals and associated costs. ...*

Although in the event of the plan being withdrawn, its policies cease, the evidence that was used to prepare the unadopted plan remains and will be used by developers as justification for their proposals for sites that were allocated in the unadopted plan.

The risks were set out in paragraphs 6.17 to 6.19 the report to adopt the plan on 23 March 2022:

'During plan preparation a critical factor in demonstrating whether a site is developable, or deliverable is through discussion with prospective landowners and developers. The Council has established the Local Plan Delivery Board as a discussion forum to ensure that developers submit planning applications that accord with the Plan and can deliver, inter alia, the necessary infrastructure, highest quality standards and affordable housing. The formation of this board was a recommendation of the Development Control Peer Review.

In the event that the plan is delayed or not adopted, it is highly likely that the developers will continue with the preparation and submission of planning applications. Without an up-to-date local plan, there is a risk that the Council would decide to refuse planning permission. Developers will contend that there are very special circumstances to grant planning permission and appeal a decision to refuse.

The evidence that informed the current plan remains valid, as are the conclusions in the Inspector's report. The Inspector has examined the plan using this evidence and is satisfied that the evidence supports the plan and its soundness. Whilst the weight

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attributed to an Inspector's conclusions does not hold the same weight as an adopted plan, in the absence of an adopted plan and no five-year land supply, there is a risk of the evidence being used successfully by developers on appeal.' ..."

Despite all of the above, CPBC considered and agreed the following motion – the withdraw the peLP:

"The Local Plan examination has now been completed and the Local Plan has not been adopted.

We call on the Council to withdraw the local plan immediately and start work on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence. All housing developments should prioritize brownfield development. We hope that in the interests of our borough this motion is supported on a cross party basis."

In short, CPBC agreed that a new 'housing target' should be identified – one that is lower than that contained in the peLP / the National Planning Policy Framework Standard Method Local Housing Need (see Section 6 of / **Appendix 3** to this Statement), and that a new Local Plan should be prepared based on this lower target.

It should be noted that CPBC reached this decision despite the Government's planning policy and guidance relating to the Green Belt having remained materially unchanged since the preparation and submission for examination of the peLP.

CPBC has not yet published a timetable for the preparation of a new Local Plan, nor is it known when such a timetable might be published. In this context it is noteworthy that the peLP Inspector supported the Green Belt sites that the Council's evidence base had supported for release and allocated for development, including the Appeal Site. CPBC has itself accepted that, without the release of Green Belt sites, only approximately 60% of the identified (minimum) housing need could be met.

4.4. Other Relevant Planning History

There have been many other applications and appeals where the harm to the Green Belt, and any other harm, has been balanced against a range of other factors that have been asserted to result in VSCs, including the provision of affordable housing. Most have come to similar conclusions as to the weight to be afforded to the harms and the benefits. We have included reference to two of the most relevant, and most recent, of these below: other decisions are covered more fully in the Planning Statement submitted with the Application.

Land off Bullens Green Lane, Colney Heath

Appeal Refs. APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926 – Allowed (see at **Appendix 8**)

100 dws including 45 affordable and 10 self-build

The site was entirely within the Green Belt, was agreed to be inappropriate development and would cause harm to openness, both matters to which the Inspector concluded must be given **substantial weight**.

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However, the LPAs had a very poor record in relation to both overall and affordable housing delivery and supply, that the proposal would help to address, both matters to which the Inspector gave **very substantial weight**.

This demonstrates that it is possible, in the context of an acute shortfall in affordable housing delivery, for the provision of affordable housing to be given more weight – usually very substantial weight, than the harm that would result to the Green Belt – usually only substantial weight, by way of both inappropriateness and to openness.

Land south of Heath Lane, Codicote

Appeal Ref. APP/X1925/W/21/3273701 – Allowed (see at **Appendix 8**)

167 dws including 67 affordable

The matters discussed and conclusions reached in this appeal were very similar to those discussed / reached in the Colney Heath appeal.

5. Planning Policy Context

5.1. Basis for Determining Planning Applications / Appeals

S70(2) of the Town and Country Planning Act 1990 and S38(6) of the Planning and Compulsory Purchase Act 2004 together require that applications for planning permission be determined in accordance with the Development Plan, read as a whole, unless material considerations indicate otherwise.

5.2. The Development Plan

The pertinent parts of the Development Plan comprise:

- Saved policies from the Castle Point Local Plan, adopted 1998
- The Essex Minerals Local Plan, adopted 2014
- The Essex and Southend-on-Sea Waste Local Plan, adopted 2017

There is no Neighbourhood Plan that has been 'made' in relation to the Application Site, or surrounding area, nor is any such Plan being prepared.

As noted previously in this Statement, CPBC was preparing a new 'emerging' Local Plan ('peLP'), which would have replaced the saved policies from the CPLP, however this was withdrawn just prior to the determination of the application.

5.2.1. Castle Point Local Plan 1998

In relation to the Appeal Site and the Proposed Development, the most pertinent part of the Development Plan is the saved policies from the Castle Point Local Plan ('CPLP').

Status of the Plan

The CBLP was adopted in November 1998, almost 24 years ago.

It was (para. 108) intended to "... *provide the basis for development control to 2001*". It is, for all intents and purposes, 'time expired'.

Other than CPBC's previous attempts at preparing a new Local Plan – in 2014, 2016 and most recently the previously-examined Local Plan ('peLP') – see below, the CBLP has not been 'reviewed'.

In 2007, the Secretary-of-State ('SoS') agreed to some of the policies from the CBLP being 'saved' for continued use in the determination of planning applications (see **Appendix 9** hereto). The saved policies did not include Policy GB1: Control of Development in the Green Belt, or Policy H1: Residential Development. Rather the Secretary of State urged the Council to 'promptly' replace saved policies with new, up-to-date, policies according with national guidance (see **Appendix 9**); 15 years on CPBC has still not managed to do so.

Following the publication of the first iteration of the NPPF in 2012, CPBC published the '1998 Adopted Local Plan Conformity Check' (April 2013). The conclusions reached in this Conformity Check are pertinent

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to the status of the saved policies from the CPLP, and the application of those in the determination of planning applications.

Despite the continued evolution of the NPPF, CPBC has not undertaken any subsequent compatibility assessment and thus the conclusions reached in the 2013 Conformity Check are not necessarily still correct; nor does Savills necessarily agree with them.

CPBC was one of the 15 Local Planning Authorities ('LPAs') that the Secretary of State ('SoS') wrote to in November 2017 and then March 2018 regarding their failure to update their Local Plan (see **Appendix 14**). In the case of Castle Point, the SoS concluded that Government 'intervention' was required.

Saved Policies

The Application Site is shown on the 1998 CPLP Proposals Map (see **Appendix 10** to this Statement) as being subject, in part, to two designations:

- Green Belt – applies to the vast majority of the Appeal Site; and
- 'Residential' – applies to a very small area at the northern end of the Appeal Site, along the south side of Hart Road.

In 2014, the High Court concluded¹ that despite CPLP Policy GB1 having not been 'saved', the Green Belt remained.

Many saved policies from the CPLP are relevant to the Appeal Site / Proposed Development, including:

- EC2: Design
- EC3: Residential Amenity
- EC4: Pollution
- EC13: Protection
- EC14: Creation of new Wildlife Habitats
- EC22: Retention of Trees Woodlands and Hedgerows
- H2: Residential Land
- H7: Affordable Housing
- H9: New Housing Densities
- H10: Mix of Development
- T8: Car Parking Standards
- H17: Housing Development – Design and Layout
- RE4: Provision of Children's Playspace and Parks
- CF1: Social and Physical Infrastructure and New Developments
- CF14: Surface Water Disposal

An analysis of the provisions of each of these policies, CPBC's analysis of the compatibility of each with the 2012 NPPF, and the compliance of the Proposed Development with each, is included in both the Planning Statement and the Officer Report, wherein it is concluded that there would not be any conflict with any of these policies - the Appellant is seeking to confirm this via the Statement of Common Ground.

¹ [2014] EWHC 15 (Admin)

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Paragraph 11(d) of the NPPF makes it incumbent on decision-takers to identify 'the policies which are the most important for determining the application', and to form a view as to whether these policies are, collectively, out-of-date.² If the 'most important' policies are out-of-date, or there are no relevant development plan policies, then there is the scope for the 'tilted balance' to be engaged (which we discuss further in Section 5 of this Statement).

Given the reasons for refusal, it is considered that 'the policies that are the most important for determining the application' would be those relating to:

- i) (affordable) housing need / supply;
- i) control of development in the Green Belt;
- ii) the boundaries of the built-up area within Castle Point (often referred to as 'settlement boundaries' or similar); and
- iii) the protection of the countryside beyond those boundaries.

The Officer's Report does not consider or form a view as to which policies are the most important for determining the application.

As is notable from the above list of relevant saved policies, there are no saved policies that are relevant to the Proposed Development that relate to the four matters identified above. Hence, whilst it is not the Appellant's contention that there are 'no relevant development plan policies', it is the Appellant's contention that what would be the 'most important' policies are absent, and thus there is the potential for the tilted balance to be engaged.

5.2.2. Essex Minerals Local Plan

Of the various allocations, policies and provisions in the Minerals Local Plan, the only pertinent policy is Policy S5 – Reducing the use of mineral resources. The Officer Report proposes that the requirements of this policy, and others, be addressed by a Condition requiring a Construction Environment Management Plan ('CEMP'); a proposal with which Appellant agrees.

5.2.3. Essex and Southend-on-Sea Waste Local Plan

There are no allocations, policies or provisions in the Waste Local Plan that are relevant to the Appeal Site or the Proposed Development.

5.3. **Other Material Considerations**

5.3.1. National Policy & Guidance

The National Planning Policy Framework ('NPPF') is a material consideration, as is Planning Practice Guidance ('PPG').

5.3.2. Supplementary Planning Guidance / Documents

Relevant Supplementary Planning Documents ('SPDs') include:

² [2019] EWHC 1524 (Admin)

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- Developer Contributions Guidance SPD, October 2008
NB CPBC prepared a draft revised SPD in early 2014 as part of its intended introduction of CIL as a result of the intended adoption of the then emerging Local Plan, which was subsequently withdrawn.
- Essex Design Guide Urban Places Supplement, March 2007 (adopted August 2008)
- Essex Vehicle Parking Standards, September 2009
- Residential Design Guidance ('RDG'), November 2012
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD, May 2020

Other relevant guidance includes:

- The Castle Point Brough Green Belt Review, 2018
- Addendum to the South Essex Strategic Housing Market Assessment, 2017
- Addendum to the South Essex Strategic Housing Market Assessment, 2020
- Habitats Regulations Assessment (Screening Report and Appropriate Assessment), September 2020
- Safer Places: the Planning System and Crime Prevention, 2004
- Castle Point Open Space Appraisal Update, 2021
- Technical Housing Standards – national described space standard, March 2015
- DEFRA Non-statutory technical standards for sustainable drainage systems, March 2015

6. Housing Delivery & Land Supply

6.1. Introduction

As set out in opening (see Section 1.3 of this Statement), the intent behind the submission of the Application was to try to bring forward much-needed affordable housing.

Given the withdrawal of the peLP, the Appellant has carried out an Analysis of Housing Delivery and Land Supply in Castle Point, which is included at **Appendix 3** to this Statement.

The conclusions of this analysis are set out below.

6.2. Housing Delivery

The Housing Delivery Test measurement for Castle Point has been persistently and continually very poor. The most recent measurement was 49%.

In summary, recent overall housing delivery in Castle Point has been pitiful, persistently less than half of that needed, and within the poorest performing 5% of areas nationwide.

Worse, affordable housing delivery in Castle Point over the past decade has been even more pitiful, indeed abysmal, with only a small fraction of what is needed being delivered.

6.3. Housing Land Supply

It is clear that CPBC is unable to demonstrate the minimum requirement of a deliverable '5-Year Housing Land Supply' ('5YHLS') as required, with the Appellant's analysis suggesting that the deliverable land supply is just **1.41 years**. This level of deficit is not de minimis.

In addition, it would appear that there is no supply of affordable housing to be delivered in the Borough.

7. Affordable Housing in Castle Point

7.1. Introduction

Again, as set out in opening (see Section 1.3 of this Statement), the intent behind the submission of the Application was to secure permission and so to bring forward much-needed affordable housing.

Given the withdrawal of the peLP, the Appellant has carried out an Analysis of Affordable Housing in Castle Point, which is included at **Appendix 4** to this Statement.

The conclusions of this analysis are set out below.

7.2. Context

The need for affordable housing is heavily influenced by the cost of market housing. Whilst household incomes play a very significant role (see below), in general the more expensive housing gets, the more unaffordable it gets; and the faster house prices increase, the faster it gets more unaffordable. In this context the very significant increase in average house prices over recent years is a very indicator of the worsening affordability – over the past 10 years the increase in Castle Point has materially exceeded the increase nationwide, across the region, and even across the County.

The cost of renting is affected by increasing house prices and affordability. As more people are priced out of the housing market the demand for rented homes increases. This in turn increases rental asking prices which places further pressure on households that cannot afford to buy.

7.3. Existing Affordable Housing Provision

CPBC has the second-lowest stock of affordable housing in the country. As such, the availability of affordable housing in the Borough is significantly more constrained than at either county or national level. By way of example, the total number of Local Authority owned Affordable Rent properties is the same as the number of Affordable Rent properties that would be delivered as part of the Proposed Development, on its own. In addition, with only 601 existing Registered Provider owned affordable homes in Castle Point, the Proposed Development would, on its own, represent a 7% increase in this stock

7.4. Recent Affordable Housing Delivery

Since the identification in the 2017 SHMA Addendum of a need for 353 new affordable homes every year, there has been a net increase in provision of just 34 affordable homes across Castle Point – an average of 6 affordable homes each year. Of the c. 300 Local Authorities across the country, this is the lowest level of provision anywhere, except for in four other areas that include the City of London and the Isles of Scilly.

7.5. In comparison, the provision of 44 new affordable homes via the Proposed Development would represent a very substantial contribution.

7.6. Affordable Housing Need

The most succinct and to-the-point summary of the existing situation in Castle Point, is set out in para. 9.38 of the previously-examined but withdrawn Local Plan for 2018 to 2033 (emphasis added):

“There is a continued demand for affordable housing. Indeed, the SHMA 2017 Addendum concludes that 110% of new homes delivered in the borough should be affordable. ...”

The SHMA also identified that most need was for 2 or 3-bedroom properties.

The average household income in Castle Point is £52,000 per year.

In comparison, the Analysis demonstrates that households with an income of approximately £22,000 and £28,000 would be able to afford, respectively, a 2 or 3 bed Affordable Rented house on the Proposed Development, assuming that 45% of the household's net income would be spent on housing costs.

With regard to homeownership, the Analysis demonstrates that a household with the average income would not come close to being able to afford an ‘average’ priced 2-bedroom home, with access to larger houses clearly being impossible in the open market. It then demonstrates that based on a 40% share of a 2 or 3 bedroom house on the Proposed Development and a 4.5% or 7% mortgage interest rate, a household income of approximately £43,000 - £50,000 (2 bedroom) or £54,000 - £62,000 (3 bedroom) would be required, again assuming that 45% of the household's net income would be spent on housing costs. Whilst the difference in these figures serves to demonstrate the important role that interest rates play, the figures clearly demonstrate that Shared Ownership housing, which would not otherwise be affordable, would be accessible to households with at or even below average incomes.

7.7. Summary

It is clear that there is a critical and urgent need for a substantial amount of affordable housing in Castle Point, of all types of tenure, including both Affordable Rent and Shared Ownership. Very low past delivery has led to a serious cumulative backlog of affordable housing need. Affordability is continuing to worsen and thus price households out of both the rental and home ownership markets. Future planned affordable housing delivery is effectively non-existent, and as such will not address the backlog, current needs or future affordable housing needs for local people, with significant consequential social and economic effects.

8. Green Belt & Other Harm

8.1. Green Belt Assessment

Given the withdrawal of the peLP, and thus the changed context of the Appeal Site / for the Proposed Development (i.e. remaining within the Green Belt) the Appellant has carried out a Green Belt Assessment ('GBA'), which is included at **Appendix 2** to this Statement.

Overall, the GBA concludes, in relation to the Appeal Site itself in the context of the 'five purposes' of Green Belt (NPPF, para. 138) (para. 5.1):

"... due to its location alongside surrounding settlement and 'urban fringe' characteristics, it makes a minor contribution to purpose a) 'To check the unrestricted sprawl of large built-up areas' and a very limited and minor contribution to purpose c) 'To assist in safeguarding the countryside from encroachment'. The remaining three purposes where either not impacted or did not apply to the Site."

In relation to the Proposed Development, the GBA concludes (para. 5.2):

"The proposed development ... would introduce new built form on to the Site and in respect of the two purposes identified above, development would therefore have a minor and limited impact on the two purposes identified ..."

In relation to the 'openness' of the Green Belt, the GBA concludes (para. 5.3):

"... that whilst there will be a physical impact resulting from the increase in volume and area of built form and hardstanding respectively, the visual impact, however, will be limited to only the immediate surroundings adjacent to the Site. As a discrete parcel of land that is visually well contained, the perception of openness from locations in the surrounding area is limited and with the exception of views into the Site entrance from Hart Road, the introduction of new houses will be largely imperceptible in views from the surrounding streets. From the undeveloped land to the south and east views will similarly be limited and as a result of layout which will see houses set back from the boundaries and the existing and proposed boundary vegetation, the perception of the change will be limited. ..."

and that:

"... In conclusion therefore the introduction of houses on the Site on visual aspects of openness will be limited and localised with negligible effects on the wider surrounding area."

8.1.1. Summary

In summary, it is accepted that there would be harm resulting from the inappropriateness of the Proposed Development and that this should be afforded **substantial weight**.

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It is further accepted that there would be further but limited harm to the openness of the Green Belt, but given the conclusions of the GBA, it is considered that this should be afforded **no more than moderate weight**.

8.2. Other Harm

8.3. Land & Visual Appraisal

Given the withdrawal of the peLP, and thus the changed context of the Appeal Site / for the Proposed Development (i.e. no longer as part of a proposed wider allocation in the peLP) the Appellant has carried out a Landscape and Visual Appraisal ('LVA'), which is included at **Appendix 1** to this Statement.

Overall, the LVA concludes that the Proposed Development will result in (para. 5.20):

"... a very limited change to the surrounding character of residential areas of Thundersley and will not result in any significant adverse effects on it."

It continues (para. 5.21):

"... on balance, the effects are assessed as adverse on the landscape of the Site itself, neither the Site nor the surrounding area are considered to be of high sensitivity nor are they valued landscapes as defined by the NPPF."

and (para. 5.22):

"As an overall conclusion the effects on both landscape and visual amenity are limited to and are experienced at a local and site based level."

8.3.1. Summary

In summary, it is considered that the effect of the Proposed Development on the landscape can be characterised as 'limited', and that this harm should be afforded **limited weight**.

As such, overall it is considered that the Proposed Development would not result in any other harm.

9. Benefits of the Proposed Development

9.1. Provision of Affordable Housing (including Housing Mix)

As noted, the Proposed Development does not comprise the normal mix of market and affordable housing, but is for solely 100% affordable housing.

Given:

- the persistently pitiful delivery of housing overall;
- the even more pitiful, indeed abysmal delivery of affordable housing; together with
- the absence of a 5YHLS; and
- no projected supply of affordable housing;

the proposed delivery of 44 new high-quality and sustainable affordable family homes, of a type specifically targeted at meeting local needs, is a very significant benefit of the proposal and must be afforded very substantial weight.

Had an open market scheme been promoted it would have had regard to Policy H7 of the 1998 Local Plan and how this deals with affordable housing. CPBC consider this is sufficiently flexible in its wording to allow for interpretation via SPDs.

The Developer Contributions SPD adopted in 2008 establishes a requirement for 35% affordable housing which has used to form the basis of negotiations since that time. The peLP sought a 50% contribution but this no longer exists. Thus 35% of 44 is 15.4 or 16 affordable housing units. Compared to this the Proposed Development thus delivers 28 'additional' affordable homes.

The tenure mix set out in Section 4 of this Statement is slightly different to that considered by CPBC in that it is now proposed that the number of Affordable Rent homes be increased from 8 to 9. It is understood from verbal discussions with Planning Officers that CPBC will be agreeable to this minor amendment to the tenure mix.

All 35 Shared Ownership homes (just 9 of which would have been required by Policy HO4 in the peLP – see below) will be considered the same in the S106 Planning Obligations Agreement. This represents a material gain of 26 'additional' Shared Ownership homes.

Ensuring that the Proposed Development delivers a policy-compliant mix is not straightforward given that CPBC's affordable housing policies and guidance are either out-of-date or have now been withdrawn. However, at 40% Policy HO4 of the peLP set the highest requirements for affordable housing ever proposed by CPBC and the Proposed Development exceeds those requirements.

CPBC has not adopted a position in relation to the requirement for First Homes. Given the identified critical and urgent need for both Affordable Rent and Shared Ownership properties, a type of need and provision

supported by CPBC, the Appellant has proposed these tenures which were supported by the CPBC's Housing Officer in their consultation response to the application.

In summary, the Proposed Development would not only meet all planning policy requirements pertaining to the supply of affordable housing, it will deliver far in excess of this, secured via the proposed S106 Planning Obligations Agreement, thus helping to address the substantial shortfall in delivery in recent years. Targeted to meet identified local affordable housing needs, this clearly represents a very significant benefit of the Proposed Development, that should be afforded **very substantial weight**.

9.2. Housing Specification

The Proposed Development will be constructed utilising a 'modular' method of construction to minimise waste.

In addition, all 44 new homes would meet accessibility standards (M4(2)) that enable the conversion of the home for wheelchair use.

Further, the Appellant has designed the Proposed Development to as far as possible achieve 'net zero' energy use. A Net Zero Carbon Strategy has been produced to demonstrate this (see **Appendix 15** to this Statement).

This demonstrates that:

- Of the 44 homes proposed, 40 homes will individually achieve 'Net Zero Carbon Emissions', which would be a significant benefit in terms of mitigating the effects of climate change.
- The Future Homes Standard is a set of rules that will come into effect from 2025 to ensure new homes produce less carbon emissions. To help lay the groundwork for the introduction of the Standard, the Government introduced major changes to the Building Regulations in June 2022, with new homes in England now needing to produce around 30% less carbon emissions compared to the previous Regulations. The homes making up the Proposed Development would exceed these more stringent requirements.
- The other 4 homes (which have some north facing roof slopes) will achieve an Energy Performance Certificate of 'A' – but will not individually meet the Net Zero Carbon Emissions benchmark; but
- Overall, the emissions from all 44 homes added together will achieve Net Zero Carbon Emissions over the course of a year.

In summary, it is considered that these specification measures, especially the Net Zero Carbon Emissions measures, which would be secured via condition and/or planning obligation, are significant and represent a benefit of the Proposed Development that should be afforded **substantial weight**.

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9.3. Natural Habitat & Ecological Enhancement

As detailed in the Ecological Impact Assessment ('EIA') submitted with the Application, the Proposed Development would result in a net gain in Habitat Units of 2.94% and a net gain in Hedgerow Units of 96.51%.

This increase in 'Biodiversity Net Gain' ('BNG') and effective doubling of hedgerow habitat, which would be secured via condition and/or planning obligation, is clearly a significant benefit of the Proposed Development that is considered should be afforded **at least moderate weight**.

9.4. Other Benefits of the Proposed Development

In addition to those specifically discussed above, there a number of other benefits that would result from the Proposed Development:

9.4.1. Economic Benefits

The Proposed Development would result in a range of positive economic benefits, including:

- An enlarged labour force of economically active residents;
- Additional household spending in the local area;
- Additional demand for services and facilities;
- Investment in construction and support for construction jobs; and

9.4.2. Social Benefits

The Proposed Development would result in a range of positive social benefits, including:

- Provision of a mix of high quality additional affordable housing in a sustainable location with good public transport provision, access to local schools & facilities thereby helping support local family connections and maintain a balanced community;
- Net Zero / energy efficient homes that will require occupiers to spend far less of their income on energy bills.
- Additional household spending and demand for services and facilities that would support their ongoing viability and community vitality; and
- Additional public open space, including for play and recreation.

9.4.3. Environmental Benefits

The Proposed Development would result in a range of positive environmental benefits, including 40 Net zero homes & 4 Grade A Energy Performance Certificate standards :

- New native species planting; and the
- Provision of additional public open space.

Collectively, it is considered that these other positive impacts of the Proposed Development should be afforded **at least moderate weight**.

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9.5. Summary

Overall, it is very clear that the Proposed Development would deliver a number of very significant benefits, including:

- i) The provision of much-needed affordable housing, targeted to meet identified local needs, represents a very significant benefit of the Proposed Development, that should be afforded **very substantial weight**.
- ii) The increase in 'Biodiversity Net Gain' ('BNG') and effective doubling of hedgerow habitat is clearly a significant benefit of the Proposed Development that is considered should be afforded **at least moderate weight**.
- iii) Significant aspects of the proposed housing specification which exceed local plan policy & the Building Regs, especially the Net Zero Carbon Emissions measures, represent a benefit of the Proposed Development that should be afforded **substantial weight**.
- iv) Collectively, the many additional residual positive economic, social and environmental impacts represent a further significant and substantial public benefit, which should be afforded **at least moderate weight**.

10. Response to Reasons for Refusal & the Case for VSC

10.1. Reason 1

The reason states:

"The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that very special circumstances have been demonstrated in this case which either in isolation or combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework."

The material part of the reason is that underlined above: i.e. that CPBC does not consider that the Appellant has not demonstrated VSCs to outweigh the harm to the Green Belt.

This is not quite what was resolved by CPBC's Planning Committee:

"That the application be refused ... because it constitutes inappropriate development in the Green Belt contrary to the 1998 Local Plan."

That the Proposed Development represents 'inappropriate' development is agreed by the Appellants and was noted in the Officer Report.

The Minutes of the meeting (see **Appendix 11**) note that:

"... Members felt that the application ... constituted inappropriate development in the Green Belt."

It is assumed by the Appellant that Officers drafting the Decision Notice have made the leap from Members refusing the Application on the grounds that it constituted inappropriate development in the Green Belt, to the Application being refused because VSCs had not been demonstrated.

There is no note in the Minutes of the meeting that Members considered the wider planning context (e.g. failure of the HDT, lack of 5YHLS, etc), the harm resulting from the Proposed Development, the benefits that it would deliver, or balanced these to determine the existence (or not) of VSCs. Members thus appear to have resolved to refuse the application, on a point of principle – that it represented inappropriate development in the Green Belt (which is agreed) without a proper consideration of the key matters.

This is despite the Planning Officer having clearly, both in their Report and in person at the Committee meeting, considered and explained these matters (the following is from the Minutes):

"It was the view of Officers that very special circumstances, sufficient to outweigh the harm to the Green Belt, can be identified in this case as follows:

- (i) Castle Point has a significant unmet need for housing which analysis has confirmed cannot be fully met from within the urban area and must therefore, in part, be satisfied in areas beyond the urban edge;*

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- (ii) *The site is allocated for residential purposes in the New Local Plan within Policy HO20. The Local Plan allocation is based on a detailed assessment of the strategic value of the site to the Green Belt and the requirement to identify sufficient land to meet identified housing needs;*
 - (iii) *Detailed analysis of the wider HO20 site, within the context of the preparation of the Local Plan, identified that release of HO20 would give rise to limited harm to the objectives of the strategic Green Belt;*
 - (iv) *This assessment has been found sound by the Inspector appointed to determine the soundness of the Local Plan;*
 - (v) *The proposal meets the Master Plan requirements of HO20 of the New Local Plan and would not prejudice the development of the remainder of the allocation in accordance with the policy;*
 - (vi) *The proposal seeks to provide 100% affordable housing for which there is a significant unmet need in the Borough; and*
 - (vii) *The proposal will result in a significant increase in the biodiversity value of the site.*
- The weight that may be attached to those circumstances was considered to outweigh the harm to the Green Belt at the location. Whilst it was acknowledged that the Council had resolved not to adopt the Plan the evidence underpinning the Plan remained valid. No objection was therefore raised to the proposal on the basis of Green Belt policy. The proposal also satisfied all relevant policies within the adopted and New Local Plans and satisfied all relevant Residential Design Guidance."*

However, despite this, Members resolved simply that:

"... the application be refused ... because it constitutes inappropriate development in the Green Belt ..."

It is also notable that the Committee resolution concludes (our emphasis):

"... because it constitutes inappropriate development in the Green Belt contrary to the 1998 Local Plan."

However, as stated on the Decision Notice, the first reason for refusal does not reference any saved policies from the 1998 Local Plan. Hence the reason for refusal as eventually stated only references Government 'advice' in the NPPF, presumably that contained at paragraphs 147-150. In short, this national policy, a material consideration, may be the sole reason for which the Proposed Development was refused planning permission.

As such, the Council and Appellant appear to agree that the Proposed Development is not contrary to any policies in the Development Plan. The Appellant will seek confirmation through the Statement of Common Ground.

10.1.1. Impacts

Green Belt

There is no definition as to what might constitute VSCs, either individually or collectively. The NPPF simply states (para. 147):

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“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

and (para. 148):

“... ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations [i.e. benefits that the Proposed Development would deliver].”

As set out in Section 8 of this Statement it is accepted that there would be harm resulting from the inappropriateness of the Proposed Development and that this should be afforded **substantial weight**.

It is further accepted that there would be harm to the openness of the Green Belt, but given the conclusions of the GBA, it is considered that this should be afforded **no more than moderate weight**.

Landscape & Visual Impact

As set out in Section 8 of this Statement, it is considered that the effect of the Proposed Development on the landscape can be characterised as ‘limited’, and that this harm should be afforded **limited weight**.

Other Harm

As set out in Section 8, it is considered that the Proposed Development would not result in any other harm.

10.1.2. Benefits

As discussed in Section 9 of this Statement, the Proposed Development would deliver a number of very significant benefits:

- v) The provision of much-needed affordable housing, targeted to meet identified local needs, represents a very significant benefit of the Proposed Development, that should be afforded **very substantial weight**.
- vi) The increase in ‘Biodiversity Net Gain’ (‘BNG’) and effective doubling of hedgerow habitat is clearly a significant benefit of the Proposed Development that is considered should be afforded **at least moderate weight**.
- vii) Significant aspects of the proposed housing specification, especially the Net Zero Carbon Emissions measures, represent a benefit of the Proposed Development that should be afforded **at least significant weight**.
- viii) Collectively, the many additional residual positive economic, social and environmental impacts represent a further significant and substantial public benefit, which should be afforded **at least moderate weight**.

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10.1.3. Summary

Excepting the harm to the Green Belt, and limited harm to the landscape, the Proposed Development would not result in any other harm; in contrast, the Appellant considers that the benefits that the Proposed Development would deliver a number of very significant benefits.

In summary, the Appellant considers that the benefits that the Proposed Development would deliver would collectively, clearly, outweigh the harm to the Green Belt, by reason of inappropriateness and to openness, and all other harm, and thus that VSCs do exist that justify the granting of planning permission for the Proposed Development on the Appeal Site:

10.2. Reason 2

As noted, the Application was refused, for two reasons, the second of which it is understood from verbal discussions with Planning Officers CPBC is likely to withdraw.

The reason states:

“The proposed development is premature in that it seeks to secure the development of land in the face of unresolved objections to Policy HO20 of the unadopted Castle Point Local Plan (2018 - 2033).”

However, whilst applicable at the time of the Committee Meeting (14/06/22), by the time the Decision Notice was issued (21/06/22), CPBC had withdrawn the peLP (on 15/06/22). As such, as of the date the Decision Notice there was no Policy HO20, nor any objections to it, and it is understood from verbal discussions with Planning Officers that CPBC will likely withdraw this reason. The Appellant is seeking to confirm this with CPBC through the SoCG.

As such, the Appellant has not sought to comment further on the second Reason, or the matter of prematurity, in this Statement, but reserves the right to do so should CPBC not confirm that the second reason is withdrawn.

That being said, it is worthwhile noting that the Local Plan Inspector had identified no unresolved objections to Policy HO20, so it is unclear what Members were referring to in the resolution; the Minutes of the Meeting simply state:

“... some Members felt there were unresolved objections to the [allocation].”

The Appellant has confirmed by listening to the Meeting that Members were referring to unresolved objections to the ‘allocation’, not to the ‘application’ as the Minutes state. However there were no such unresolved objections since the Local Plan Inspector’s views were made clear in his examination Report.

10.3. Summary

The main reason for refusal appears to assert that the Appellant has not demonstrated VSCs. The Appellant considers the benefits that the Proposed Development would deliver would clearly outweigh the harm to the Green Belt and all other harm, and thus that VSCs exist to justify the granting of planning permission.

11. Planning Assessment

11.1. The Presumption in Favour of Sustainable Development

11.1.1. The Normal Planning Balance

As noted in Section 5 (para. 5.1) of this Statement, planning law requires that applications for planning permission be determined in accordance with the Development Plan, read as a whole, unless material considerations indicate otherwise. The decision-taker thus needs to take into account all relevant matters in arriving at a decision that weighs up the pros and cons (there are usually both) stemming from the proposed development. This is colloquially known as the ‘normal planning balance’, to which para. 11(c) of the NPPF relates. In this case there is more than one reason why the tilted balance is engaged to which we now turn.

11.1.2. The Tilted Planning Balance

One of the material considerations that needs to be considered is the NPPF, which explains at paragraph 11(d) that, in certain circumstances (emphasis added):

“... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ...”

a ‘tilted planning balance’ is engaged whereby planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

11.1.3. Implications of the Lack of a Five Year Housing Land Supply

In addition, footnote 8 to para. 11 explains that the policies that are most important for determining the application are to be considered to be ‘out-of-date’ when:

“... for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...”

As CPBC cannot demonstrate a 5YHLS (see Section 6 of this Statement), the policies that are most important for determining the application are out-of-date, and should be afforded less weight in determining whether or not to grant planning permission.

Again, as a consequence, the tilted planning balance set out in para. 11(d) is engaged.

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11.1.4. Implications of Housing Delivery Test Measurement

Further, footnote 8 explains that the policies that are most important for determining the application are also be considered to be 'out-of-date' when:

"... the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

Again, as the HDT measurement for Castle Point is below 75% (indeed it is significantly below 75% - see Section 6 of this Statement), the policies that are most important for determining the application are out-of-date, and should be afforded less weight in determining whether or not to grant planning permission.

Again, as a consequence, the tilted planning balance set out in para. 11(d) is engaged.

As is discussed in Section 5 of this Statement, whilst it is not the Appellant's contention that there are 'no relevant development plan policies', the Appellant's notes that what would usually be the 'most important' policies are housing and Green Belt policies at Local Plan level do not exist thanks to the Council's woeful and unwarranted decision to withdraw the otherwise sound peLP.

11.1.5. Implications of Continued Green Belt Designation & Withdrawal of the Previously-examined Local Plan

The decision by CPBC to withdraw the peLP rather than to adopt it as per the examining Inspector's recommendations, means that the Appeal Site remains in the Green Belt, CPBC cannot demonstrate a 5YHLS, and there is no prospect of boosting the supply of affordable housing in the short to medium term.

However, the Appellant considers that, for the reasons set out in Section 10 of this Statement, VSCs do exist to justify the granting of planning permission. As such, there are no *"... policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ..."*, part (i) of para. 11(d) does not come into effect, and as such the tilted balance remains engaged.

11.1.6. Summary

In summary, the Appellant considers that VSCs exist, and thus that the tilted balance is engaged.

11.2. **Policy Compliance**

11.2.1. Compliance with the Development Plan

As per the analysis in both the Planning Statement and the Officer Report, it is considered that there would not be any conflict with any policies in the Development Plan.

11.2.2. Compliance with National Planning Policy

As set out in Section 10 of this Statement, it is considered that there are VSCs to justify the granting of planning permission for the Proposed Development. In addition, it is considered that there would not be any conflict with any other part of national planning policy as set out in the NPPF.

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11.3. Environmental Impact Assessment

The Appeal Site and Proposed Development are below the thresholds set out in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and thus no screening for Environmental Impact Assessment is required.

11.4. Community Infrastructure Levy, Planning Obligations & Conditions

11.4.1. Community Infrastructure Levy

CPDC is not currently a CIL charging authority.

11.4.2. Conditions

The Officer Report sets out a total of 38 proposed planning conditions. The Appellant is seeking to agree the conditions with CPBC via the Statement of Common Ground.

11.4.3. Planning Obligations

The Officer Report sets out a series of proposed financial contributions to be secured via a planning obligations, that would be addressed through a S106 Planning Obligations Agreement. Subject to CPBC demonstrating that the proposed obligations comply with CIL Regulation 123, the Appellant is agreeable to them in principle. The Appellant's solicitor is in contact with the Council's solicitor with a view to progressing the Agreement. The Appellant is seeking to agree the conditions with CPBC via the Statement of Common Ground. In the meantime, draft Heads of Terms are included at **Appendix 12** to this Statement.

11.5. Overall Planning Balance Assessment

On the basis of the above, it is considered unequivocally evident that the Proposed Development represents sustainable development.

As noted above:

- What would usually be the 'most important' policies in the Development Plan for determining the application are absent;
- The Proposed Development is inappropriate development in the Green Belt, but excepting the harm to the Green Belt by reason of inappropriateness, reduction in openness, and limited harm to the landscape, it would not result in any other harm but would in contrast deliver a number of very significant benefits.
- The harm to the Green Belt, and all other harm, would very clearly be outweighed by the collective benefits of the Proposed Development, and thus VSCs exist;
- The tilted balance is engaged for multiple reasons;

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- There would not be any conflict with any policies in the Development Plan;
- There would not be any conflict with any other part of national planning policy as set out in the NPPF; and
- There are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

11.6. Summary

Overall, it is considered that the identified benefits, and in particular the provision of much-needed affordable housing in the context of a pitiful recent delivery and abysmal projected supply, clearly outweigh the harm to the Green Belt, and all other harm, and VSCs exist. It is considered unequivocally evident that the Proposed Development represents sustainable development. The tilted balance is engaged on three grounds, and the adverse impacts of granting planning permission comes nowhere near significantly and demonstrably outweighing the benefits.

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Appendices (bound separately)

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Appendix 1: Landscape & Visual Appraisal

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Appendix 2: Green Belt Appraisal

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Appendix 3: Housing Delivery & Land Supply Analysis

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Appendix 4: Affordable Housing Analysis

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Appendix 5: Officer Report (Application)

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Appendix 6: Previously-examined Local Plan

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Appendix 7: Officer Report (Full Council 15/06/22)

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Appendix 8: Relevant Appeal Decisions

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Appendix 9: Adopted Local Plan Saving Direction

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Appendix 10: Adopted Local Plan Proposals Map

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Appendix 11: Minutes of Application Committee Meeting

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Appendix 12: Draft S106 Heads of Terms

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Appendix 13: peLP Inspector's Report

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Appendix 14: Government Intervention Letters

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Appendix 15: Net Zero Carbon Strategy

[REDACTED]

[REDACTED]