

Castle Point Adopted Local Plan 1998 – NPPF Consistency Check

Paragraph 215 of the NPPF states that from 27th March 2013, due weight should be given to policies within existing Local Plans according to their degree of consistency with the NPPF. The closer the policies in the Local Plan accord with the policies in the NPPF, the greater the weight that can be attached to them.

The following table compares each of the saved policies in the Castle Point Adopted Local Plan 1998 with the NPPF, and indicates the degree of consistency between the two documents. Where necessary it indicates where additional consideration should be given to policies in the NPPF in order to ensure that decisions reflect the Government's planning objectives and presumption in favour of sustainable development.

Adopted Local Plan Policy	Consistency with NPPF
GB2	Policy GB2 is consistent with para 90 of the NPPF which is clear that the re-use of permanent and substantially constructed buildings in the Green Belt is appropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
GB3	<p>Policy GB3 is inconsistent with para 89 bullet 6 of the NPPF. This exceptionally permits the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, 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. Therefore, if it can be demonstrated that the redevelopment or replacement of an existing industrial or agricultural building with a residential proposal would have no greater impact, it should be permitted.</p> <p>Policy GB3 should not be applied and regard should be had to para 89 bullet 6 when considering the redevelopment or replacement of industrial development in the Green Belt.</p>
GB4	<p>With the exception of bullet (i) of policy GB4, policy GB4 is consistent with the NPPF.</p> <p>Bullet (i) of policy GB4 is not consistent with the NPPF because it requires the residential use of the dwelling to be rebuilt not to have been abandoned. Para 89 bullet 6 of the NPPF states that the redevelopment of previously developed sites, whether redundant or in continuing use... is exceptionally permitted. It is not therefore considered appropriate to apply bullet (i) of policy GB4, or tests (a) to (d) listed later in the policy.</p>
GB5	Policy GB5 is consistent with para 89 bullet 3 of the NPPF.

Adopted Local Plan Policy	Consistency with NPPF
GB6	<p>The opening paragraph, bullet (i) and the closing paragraph of policy GB6 is generally consistent with paras 79, 81, 87 and 88 of the NPPF, in so far as the extension of gardens into the Green Belt reduces the openness of the Green Belt and impacts on its character. It also impacts on the opportunity to bring Green Belt land into positive use.</p> <p>Bullet (ii) of policy GB6 is generally consistent with para 112 of the NPPF, although additional consideration to the quality of land should be given consistent with para 112.</p> <p>Bullet (iii) of policy GB6 is not consistent with the NPPF. Consideration should be given to the hierarchical approach to biodiversity set out in para 118.</p>
GB7	<p>Policy GB7 refers to non-saved policies relating to the principle of development in the Green Belt. Therefore, consideration should be given to para 79, 80, 83, 87 and 88 of the NPPF when considering the approach to development in the Green Belt generally.</p> <p>Policy GB7 seeks to identify when agricultural dwellings will be permitted in the Green Belt. Dwellings would normally be inappropriate development, however para 89 of the NPPF exceptionally permits buildings for agriculture and forestry. This policy therefore sets out criteria to identify when a dwelling is a building for agriculture.</p> <p>The approach and criteria related to agricultural dwellings in policy GB7 appears consistent with para 87, 88 and 89 of the NPPF.</p>
EC2	Policy EC2 is consistent with paras 56 to 58 of the NPPF. It is however recommended that additional consideration is given to the aims set out in para 58.
EC3	Policy EC3 is generally consistent with paras 120 to 125 of the NPPF. However, these paragraphs contain a number of qualifications that should be considered when determining an application.
EC4	Policy EC4 is generally consistent with paras 120 to 125 of the NPPF. However, these paragraphs contain a number of qualifications that should be considered when determining an application.
EC5	Policy EC5 is consistent with para 58 bullet point 5 of the NPPF.
EC7	Policy EC7 is generally consistent with para 74 of the NPPF. However, consideration should be given to those exceptions listed in para 74 when consideration applications for development on open spaces.
EC8	Policy EC8 is generally consistent with section 11 of the NPPF, which seeks to protect areas of wildlife importance, create green networks and ensure that health and residential amenity are not adversely affected by pollution risk.

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EC9	Policy EC9 does not appear to be consistent with para 112 of the NPPF. Applications regarding the development of agricultural land should therefore be considered against para 112 instead of policy EC9.
EC10	Policy EC10 does not appear to be consistent with para 112 of the NPPF. Applications regarding the development of agricultural land should therefore be considered against para 112 instead of policy EC10.
EC13	Policy EC13 is inconsistent with the hierarchical approach set out in para 118 of the NPPF. Applications affecting biodiversity should therefore be considered against paras 118 and 119 of the NPPF.
EC14	Policy EC14 is consistent with para 109 bullet 3 and para 118 bullets 4 and 5 of the NPPF.
EC15	Policy EC15 is generally consistent with para 118 of the NPPF, although consideration should be given to the hierarchical approach in that paragraph when determining the appropriateness of using an Article 4 direction for the purpose of protecting biodiversity from permitted development.
EC16	<p>Policy EC16 is inconsistent with paras 109 and 114 to 116 of the NPPF because it is applicable to all landscapes regardless of their value. Para 109 is clear that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes. It is therefore necessary to limit the applicability of policy EC16 to those areas of the local landscape considered to be valueable.</p> <p>Otherwise, policy EC16 is consistent with the NPPF because it is criteria based policy for the landscape as required by para 113.</p>
EC17	Policy EC17 is consistent with para 109 of the NPPF in so far as it identifies a locally valued landscape. It sets out criteria to be applied when considering applications in this landscape, consistent with para 113 of the NPPF.
EC18	Policy EC18 is consistent with para 109 of the NPPF in so far as it seeks to protect a locally valued landscape.
EC19	<p>Policy EC19 is consistent with para 109 of the NPPF in so far as it identified locally valued landscape areas.</p> <p>It is however inconsistent with the para 113 because it does not provide any criteria for assessing the suitability of proposals in these areas, and due to its negative wording is also inconsistent with the presumption in favour of sustainable development.</p> <p>It is recommended that consideration is given to para 116, and the criteria associated with that paragraph when considering applications for development within the ancient landscape.</p>
EC20	Policy EC20 is consistent with para 109 bullet 1 of the NPPF.
EC21	Policy EC21 is consistent with paras 117 and 118 bullets 4, 5 and 6 of the NPPF.

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EC22	Policy EC22 is consistent with para 58 of the NPPF in terms of landscaping for development and also broadly consistent with para 118. However, additional consideration should be given to bullet 6 of para 118 of the NPPF where a development proposal effects ancient woodland or veteran trees.
EC23	Policy EC23 is consistent with paras 58 and 118 of the NPPF.
EC25	Policy EC25 is consistent with paras 137 and 138 of the NPPF.
EC26	Policy EC26 is consistent with paras 58, 60, 61 and 137 of the NPPF.
EC27	Policy EC27 will enable the LPA to ensure consistency with paras 131 and 137 of the NPPF, and should therefore be encouraged. However, the refusal of an application on the grounds of policy EC27 would be inconsistent with the presumption in favour of sustainable development.
EC28	Policy EC28 is generally consistent with para 126 of the NPPF. However, when seeking to apply an Article 4 direction consideration should be given to: a) Significance of the historic asset (paras 128, 132, 138) b) Level of harm (paras 133, 134, 135, 138)
EC29	Policy EC29 is consistent with para 138 of the NPPF.
EC30	Policy EC30 is consistent with para 58 of the NPPF.
EC31	Policy EC31 is consistent with para 67 of the NPPF.
EC32	Policy EC32 is generally consistent with paras 132, 133 and 136 of the NPPF. However, para 133 does identify additional criteria to those listed in policy EC32 which should also be considered when determining an application requiring the demolition or loss of a Listed Building.
EC33	Policy EC33 is generally consistent with paras 131 to 134 of the NPPF. However, these paragraphs provide a greater degree of detail about what is, and is not acceptable in relation to alterations to Listed Buildings and therefore it is recommended that these paragraphs are considered alongside policy EC33.
EC34	Policy EC34 is generally consistent with paras 131 to 134 of the NPPF. However, these paragraphs provide a greater degree of detail about what is, and is not acceptable in relation to development affecting the setting of a listed building, and therefore it is recommended that these paragraphs are considered alongside policy EC34.
EC35	Policy EC35 is consistent with para 126 bullet 1 of the NPPF.
EC36	Policy EC36 is inconsistent with para 182 bullet 3 of the NPPF. Due to the reductions in local authority funding, it is unlikely that this policy can be delivered and is not therefore effective.
EC37	Policy EC37 does not allow for the balanced judgement in relation to non-designated assets to occur, as required by para 135 of the NPPF. Therefore, policy EC37 is inconsistent with the NPPF, and consideration should be given to para 135 of the NPPF when assessing applications affecting a locally listed building.

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EC38	Policy EC38 is consistent with section 12 of the NPPF.
EC39	Policy EC39 is consistent with para 70 of the NPPF, at least as far as ground floor uses is concerned. Para 70 promotes an integrated approach to the location of housing, economic uses and community facilities and services which is not well reflected in the wording of policy EC39, and should be considered when assessing applications for mixed use developments within the seafront entertainment area.
H2	Policy H2 is consistent with the NPPF in so far as it supports the attainment of paras 47, 48, 49, 50 and 51.
H3	Policy H3 is consistent with paras 47 and 51 of the NPPF.
H4	Policy H4 is inconsistent with the NPPF because the Local Plan period has expired and a review has not been completed. The fate of these sites cannot therefore be determined by the Local Plan. Para 47 requires the Council to identify a five year housing land supply of specific deliverable sites. Where this cannot be demonstrated para 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development set out at para 14 of the NPPF (including footnotes 9 and 10).
H5	<p>Most of this site now has planning consent for the development of housing. However, a small area towards the east of the site does not benefit from consent and therefore there is the potential that this policy will still be required.</p> <p>Policy H5 is inconsistent with the NPPF because the Local Plan period has expired and a review has not been completed. The fate of these sites cannot therefore be determined by the Local Plan. Para 47 requires the Council to identify a five year housing land supply of specific deliverable sites. Where this cannot be demonstrated para 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development set out at para 14 of the NPPF (including footnotes 9 and 10).</p>
H6	Policy H6 is inconsistent with the NPPF because the Local Plan period has expired and a review has not been completed. The fate of these sites cannot therefore be determined by the Local Plan. Para 47 requires the Council to identify a five year housing land supply of specific deliverable sites. Where this cannot be demonstrated para 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development set out at para 14 of the NPPF (including footnotes 9 and 10).
H7	Policy H7 is consistent with paras 50 and 173 of the NPPF. However, regard should be had to the most up to date local evidence to support the implementation of this policy.

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H9	Policy H9 is broadly consistent with para 58 bullet point 3, although it is recommended that consideration is given to the element of this paragraph referring to the support of local facilities and transport networks also.
H10	Policy H10 is vague and inconsistent with the requirement of para 50 of the NPPF. Regard should be had to para 50 and the most up to date local evidence to determine the mix of development to be delivered within residential development proposals.
H11	Policy H11 is generally consistent with para 50 of the NPPF, however to improve consistency regard should be had to the most up to date local evidence to determine the proportion of homes to which the policy should apply.
H12	Policy H12 is consistent with the NPPF because it supports the delivery of the core planning principles set out in para 17 including bullet points 1, 3, 6, 8 and 11
H13	Policy H13 is generally consistent with paras 29 to 41, 58, 109 and 120 of the NPPF. However, additional consideration should be had to paras 47, 49 and 50 in terms of the need for this type of accommodation and the ability of the Council to demonstrate a five year housing land supply. Additionally, further consideration should be given to the design elements of the proposal, consistent with para 58 of the NPPF.
H14	Policy H14 is consistent with the presumption in favour of sustainable development and para 23 bullet point 9 of the NPPF.
H16	Policy H16 is generally consistent with para 58 of the NPPF.
H17	Policy H17 is consistent with the NPPF because the residential design guidance to which it links has been prepared in accordance with section 7 of the NPPF.
ED1	Vision in Local Plan out of date. However, evidence in Employment and Retail Needs Assessment supports the ongoing allocation of land to meet additional employment needs. Policies ED1, ED2 are consistent with the NPPF in terms of delivering economic growth.
ED2	
ED3	Policy ED3 is consistent with the NPPF because evidence in the Employment and Retail Needs Assessment indicates existing employment areas are well occupied with very low vacancy rates (1% only). Although regard should be had to para 21 bullet 3 in terms of flexibility.
ED5	Policy ED5 is consistent with the NPPF because it supports the delivery of the core planning principles set out in para 17 including bullet points 1, 3, 6, 8 and 11

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ED6	Policy ED6 sets out a requirement for employment developments to make provision for car parking in accordance with the Council's adopted vehicle parking standards. This is consistent with para 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.
ED7	Policy ED7 is consistent with para 21 of the NPPF.
ED9	Policy ED9 is negatively worded and therefore inconsistent with the presumption in favour of sustainable development. Regard should therefore be had to paras 21, 109, 120, 121 and 172 of the NPPF.
S1	Policy S1 is consistent with para 23 of the NPPF, although regard should be had to paras 24, 26 and 27 when determining if out of centre retail proposals may exceptionally be permitted.
S2	Policy S2 is consistent with para 23 of the NPPF, although regard should be had to paras 24, 26 and 27 of when determining the impact of proposals on the vitality and viability of existing town centres.
S3	Policy S3 is consistent with para 23 of the NPPF.
S4	Policy S4 is consistent with para 23 of the NPPF.
S5	Policy S5 sets out a requirement for retail developments to make provision for car parking in accordance with the Council's adopted vehicle parking standards. This is consistent with para 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.
S7	Policy S7 is consistent with para 23 of the NPPF, in particular the final bullet point.
S9	Policy S9 is consistent with para 70 of the NPPF in terms of the provision and safeguarding of local services the community needs including local shops.
S10	Policy S10 is consistent with the core planning principles set out in para 17 of the NPPF and also para 23, although regard should be had to paras 24, 26 and 27 also when determining applications for supermarkets and retail warehouse development.
S12	Policy S12 is consistent with para 67 of the NPPF.
S13	Policy S13 is particularly negatively worded and is therefore inconsistent with the presumption in favour of sustainable development. Regard should therefore be had to policy S12 of the Local Plan and para 67 of the NPPF.
S14	Policy S14 is consistent with para 67 of the NPPF.
S15	Policy S15 is consistent with para 67 of the NPPF.
T1	Policy T1 is inconsistent with the NPPF because it places the Council in a subservient position in relation to transport planning. Para 31 is clear that the planning authority and the transport providers should work together to develop strategies for the provision of viable infrastructure necessary to support sustainable development. Regard should therefore be had to para 31 of the NPPF rather than policy T1.

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T2	Policy T2 is broadly consistent with para 32 of the NPPF, although additional consideration should be had to bullet points 1 and 3 of this paragraph when considering development proposals.
T5	Policy T5 has been delivered and is no longer applicable
T6	Policy T6 has been achieved and is no longer applicable
T7	The matter addressed by policy T7 is not addressed in the NPPF. Consideration to para 35 of the NPPF should be had alongside the application of this policy.
T8	Policy T8 sets out a requirement for developments to make provision for car parking in accordance with the Council's adopted vehicle parking standards. This is consistent with para 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.
T10	Policy T10 is consistent with the transport policies set out in paras 29 to 41 of the NPPF. However, additional consideration should be given to paras 32, 34 and 35 when considering development proposals to ensure that appropriate consideration has been given to ensuring opportunities for sustainable transport modes have been taken up.
T11	Policy T11 is consistent with the transport policies set out in paras 29 to 41 of the NPPF.
T12	Policy T12 is consistent with the transport policies set out in paras 29 to 41 of the NPPF. However, additional consideration should be given to paras 32, 34 and 35 when considering development proposals to ensure that appropriate consideration has been given to ensuring opportunities for sustainable transport modes have been taken up.
T15	Policy T15 is generally consistent with paras 21, 32, 109 and 120 of the NPPF. However, additional consideration should be given to paras 172, and bullet points 1 and 3 of para 32 when determining any applications related to water borne freight or port facilities.
RE2	Policy RE2 is generally consistent with sections 8, 11 and 12 of the NPPF. It is also consistent with para 81.
RE4	Policy RE4 is consistent with para 70 of the NPPF. However, regard should be had to paras 173 and 203 to 206 when applying this policy to ensure that the development proposed is not made unnecessarily unviable as a consequence.
RE5	Policy RE5 is consistent with para 73 of the NPPF, because the most up to date open space appraisal demonstrates that open space provision in Castle Point should be retained and enhanced.
RE6	Policy RE6 is consistent with para 74 of the NPPF. However, if an application was submitted for the redevelopment of an allotment site, it would be necessary to consider the exceptional circumstances listed in para 74.

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RE7	Policy RE7 is consistent with para 73 of the NPPF, because the most up to date open space appraisal demonstrates that allotment gardens in Castle Point, including those at Romsey Road, are well used.
RE8	Policy RE8 is generally consistent with para 81 of the NPPF. However, it should be read in conjunction with section 11 of the NPPF, particularly the biodiversity elements, due to the proximity of this allocation to the Benfleet and Southend Marshes SPA and Ramsar site.
RE9	Policy RE9 is generally consistent with para 81 and section 11 of the NPPF.
RE10	Policy RE10 is generally consistent with sections 8 and 11 of the NPPF.
RE12	Policy RE12 is consistent with para 75 of the NPPF.
RE14	Policy RE14 is consistent with the Core Planning Principles set out at para 17 of the NPPF. However, regard should be had to paras 173 and 203 to 206 when applying this policy to ensure that the development proposed is not made unnecessarily unviable as a consequence.
CF1	Policy CF1 is consistent with the Core Planning Principles set out at para 17 of the NPPF. However, regard should be had to paras 173 and 203 to 206 when applying this policy to ensure that the development proposed is not made unnecessarily unviable as a consequence.
CF2	Policy CF2 is a positively worded policy that is consistent with para 70 and 72 of the NPPF. It sets out criteria which broadly reflect policies EC3, T2 and T8 of the Local Plan (which are generally in consistency with the NPPF – see separate assessments for details) address the matters of residential amenity, intensification of access use and parking. The criteria set out in CF2 are therefore generally in conformity with the NPPF, subject to those matters raised in relation to these separate policies.
CF4	Policy CF5 is consistent with para 70 of the NPPF. However, it is important that consideration is given to paras 173 and 203 to 206 when applying this policy to ensure that the development proposed is not made unnecessarily unviable as a consequence.
CF6	Policy CF6 is consistent with para 70 of the NPPF.
CF7	Policy CF7 is consistent with para 70 of the NPPF.

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CF8	<p>Policy CF8 is a criteria based policy that will permit the provision of healthcare facilities if a list of detailed criteria can be fulfilled. This policy approach appears inconsistent with para 70 which seeks local planning authorities to plan positively for community facilities, and not put barriers to provision in place. It is recommended that consideration is given to paras 69 and 70 of the NPPF when considering applications related to non residential healthcare facilities.</p> <p>It should be noted that policies EC3, T2 and T8 of the Local Plan (which are generally in consistency with the NPPF – see separate assessments for details) address the matters of residential amenity, intensification of access use and parking. The criteria set out in CF8 are therefore covered in more general policy.</p>
CF9	Policy CF9 is consistent with para 69 of the NPPF.
CF12	Policy CF12 is consistent with sections 11 and 12 of the NPPF, in so far as it limits the impacts of powerlines and cables on the landscape and areas of heritage importance. However, it is important that consideration is given to paras 173 and 203 to 206 when applying this policy to ensure that the development proposed is not made unnecessarily unviable as a consequence.
CF13	Policy CF13 is consistent with para 17 of the NPPF which sets out the Core Planning Principles. In particular, this requires the active management of patterns of growth to make the best use of transport infrastructure and ensuring sufficient community and cultural facilities are delivered to meet local needs.
CF14	<p>Policy CF14 is inconsistent with the NPPF because it requires increased surface water run-off to be accommodated through improvements to water-course capacity. This is a particular means of surface water management which may not always be appropriate, and may increase the risk of flooding elsewhere (getting to the watercourse, or along the watercourse).</p> <p>Therefore in preference to policy CF14, consideration should be had to paras 100 to 104 of the NPPF for all sources of flooding including surface water flood risk. Evidence related to the risk of surface water flooding in Castle Point can be found in the South Essex Surface Water Management Plan.</p>

Adopted Local Plan Policy	Consistency with NPPF
CF15	<p>Policy CF15 is inconsistent with the NPPF because it is loosely worded and does not set out how the Council will work with its partners in the water industry to deliver the provision of water supply infrastructure. It is inconsistent with para 156 of the NPPF, and is not based on evidence as required by para 162.</p> <p>Regard should be had to para 156 of the NPPF when considering water supply infrastructure. Additionally, regard should be had to the South Essex Water Cycle Study which sets out the proportionate evidence related to water supply required by para 162.</p>
CF16	<p>Policy CF16 is generally consistent with para 43-46 of the NPPF. However, the element of the policy which states that masts and antennae will be refused within the conservation area, special landscape area, ancient landscapes and landscape improvement area is inconsistent with para 44 of the NPPF which states that local planning authorities should not impose a ban on new telecommunications equipment in certain areas... This element of policy CF16 should not therefore be applied.</p>
CF17	<p>Policy CF17 is consistent with para 70 of the NPPF.</p>