

# Castle Point Strategic Flood Risk Assessment

Developer Contributions Technical Note

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Prepared by	Checked by	Verified by	Approved by
David Carlisle Associate Director	Stephanie Brewer Associate Director	Matthew Pell Director	Richard Moore Associate

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### Prepared for:

Castle Point Borough Council

### Prepared by:

AECOM Limited  
Sunley House  
4 Bedford Park, Surrey  
Croydon CRO 2AP  
United Kingdom

T: +44 (0)20 8639 3500  
aecom.com

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## 1. Introduction

- 1.1.1 This section considers the existing approach to collecting developer contributions and concludes with recommendations and an illustrative model for a future process for securing developer contributions, and for identifying, prioritising and implementing infrastructure interventions, to address flood risk in Castle Point. In addition, this section summarises the principal national and local policy changes that will have a bearing on how infrastructure is funded and delivered in the future.
- 1.1.2 The Strategic Flood Risk Assessment (SFRA) is part of the evidence base for the Local Plan and shall support plan making activities such as: the site identification process, the Strategic Environmental Assessment (to inform the spatial strategy) and development management policies. Producing an SFRA for the Local Plan should not be seen as an end in itself. It can also inform: supplementary planning guidance on flood risk management; water cycle strategies; emergency plans; growth and infrastructure plans; and infrastructure strategies.
- 1.1.3 The SFRA also helps to ensure flood risk management is considered when determining planning applications. At the development management stage, the Local Planning Authority (LPA) and Lead Local Flood Authority (LLFA) can determine how infrastructure spending approaches are applied at the application stage, to mitigate the impacts of development. In addition to local plans and neighbourhood plans, the SFRA findings can support other strategies and plans, particularly those that include green and blue infrastructure policies/delivery, such as: Infrastructure Delivery Plans (IDPs), Flood Risk Management Strategies (FRMS) and other public sector capital strategies. Flood management interventions cannot be expected to be funded and delivered by planning obligations alone and there will often be a funding gap for long term projects that are strategic in nature e.g. catchment wide schemes.
- 1.1.4 In terms of infrastructure for flood risk mitigation required for the sustainable implementation of a Local Plan, what is needed, how much of it, where, when, and why should be set out in an Infrastructure Delivery Plan, including a schedule of all required projects and a consideration of all investment (including but not limited to developer contributions) secured and required to fund said requirements. This should be a live document that is updated as circumstances change. Additionally, an Infrastructure Funding Statement (IFS) is required annually, to demonstrate the collaborative working on and successful delivery of projects identified as required, as well as to provide transparency over what developer contributions have been collected and what they are likely to be spent on in the future. A Whole Plan Viability Study or Assessment balances all the different requirements of the Plan (for contributions and provisions), including those in the IDP, against locally appropriate viability considerations.
- 1.1.5 In the absence of a fully updated IDP, IFS, and Whole Plan Viability Study, an SFRA alone cannot specify the level of developer contributions which are required and / or viable to seek as planning obligations or how the Community Infrastructure Levy (CIL) is apportioned when funding local infrastructure for flood risk. However, the SFRA shall be instructive in understanding the level of reinforcements likely to be required, act as a key input into new policy formulation in the emerging Local Plan, and provide inputs to other Local Plan evidence including any future IDP, IFS, and Viability Study.

## 1.2 Context

- 1.2.1 LPAs have two ways to secure contributions from developers to mitigate the impact of new development:
- LPAs can negotiate section 106 agreements with developers, requiring them to deliver certain 'planning obligations'. Alternatively, a developer can commit to make certain contributions or provisions through a Unilateral Undertaking (UU). The specifics of a section 106 agreement or UU, and the obligations set out within it, are negotiable until signed.
  - LPAs can also choose to (but are not required to) impose a CIL on development in their area. Developers must pay the CIL in those areas where it is in force (subject to exemptions). A Charging Schedule sets out what types of development are liable for the levy and the relevant rates for different types of development per square metre.

- 1.2.2 A section 106 agreement is a legally enforceable agreement made under section 106 of the Town and Country Planning Act 1990. An LPA can negotiate a section 106 agreement with a developer to secure the delivery of affordable housing or to mitigate concerns that it may have about the impact of a proposed development on local infrastructure – including flood and drainage infrastructure.
- 1.2.3 A section 106 agreement requires a developer to deliver certain ‘planning obligations’ if they are granted planning permission for their development. Which planning obligations a developer has to deliver will be set out in the section 106 agreement.
- 1.2.4 The Castle Point CIL Charging Schedule was published on 23 March 2023 and came into effect on 1 May 2023. The principal change made by the CIL examiner was to introduce a lower levy rate for brownfield land on Canvey Island, recognising the challenges to viability in that location.
- 1.2.5 Obligations must meet three tests set out in regulation 122 of the CIL Regulations 2010 (see below). The government’s Planning Portal sets out the three main purposes for which planning obligations are used in practice:
- to prescribe the nature of development (for example, requiring a certain proportion of housing to be affordable).
  - to compensate for loss or damage created by a development (for example, loss of open space).
  - to mitigate a development’s impact (for example, through increased public transport provision).
- 1.2.6 Planning obligations can take the form of financial payments, which the LPA can use to fund compensatory measures to mitigate the impact of a proposed development. Alternatively, a developer may agree to deliver the compensatory measures themselves. For example, a developer may agree to deliver affordable homes onsite; provide land for flood mitigation/green infrastructure; and/or agree to build a new road for a housing estate.
- 1.2.7 Government guidance on planning obligations states that they are intended to “assist in mitigating the impact of unacceptable development to make it acceptable in planning terms”. They can therefore only be used for certain purposes and in certain circumstances. Regulation 122 of the CIL Regulations 2010 sets out which three tests that planning obligations must meet. Planning obligations must be:
- necessary to make the development acceptable in planning terms.
  - directly related to the development.
  - fairly and reasonably related in scale and kind to the development.
- 1.2.8 For mainland areas that would not benefit from full Environment Agency (EA) funding support, it is challenging to deliver new flood defences or provide maintenance for defences and existing Sustainable Urban Drainage Systems (SuDS). Whilst there is a body of guidance that helps to advise developers on the process for collecting CIL and section 106, the Castle Point IDP will require an update in light of the publication of this SFRA and other new and evolving evidence informing the new Local Plan. To a large extent, this SFRA and the identification of higher risk areas and possible mitigation options should be used to itemise and establish the flood section of a project list (forming part of an up-to-date live IDP, as explained above) necessary to mitigate future development impacts and enable future growth.
- 1.2.9 At the County/Regional level there is a limited number of schemes or projects for flood risk mitigation beyond existing plans for Canvey Island and Essex County Council (ECC) developed Surface Water Management Plans (SWMP) and Flood Risk Management Strategies (FRMS). This can often be frustrating for local residents who wish to see infrastructure front-loaded, prior to further new development taking place. Additionally, there is no set formula locally for how flood mitigation and the proportion of section 106 and CIL shall be used for flood risk issues and off-site reinforcements akin to how open space assessments and green infrastructure standards provide the required provision and estimated costs.

## 1.3 Limitations of planning obligations and CIL

- 1.3.1 A research briefing prepared by Newcastle University<sup>1</sup> summarises the principle ways in which LPAs currently utilise section 106 and CIL nationally to deliver flood risk mitigation schemes, including:
- Requiring the developer to provide or pay for the provision of compensatory flood water storage areas where the development will reduce the capacity of the development site to hold or drain flood water;
  - Requiring the developer to pay for or contribute to the costs of the provision of any off-site flood risk management infrastructure needed to either mitigate the effect of the development on flood risk elsewhere or to protect the development from flooding; and/or
  - Requiring the developer to contribute to the provision of flood risk management infrastructure in other local authority areas i.e. adjoining the site or where LPAs are within the same catchment area.
- 1.3.2 The level of developer contributions and other requirements sought by a Local Plan, particularly in a two tier area such as Castle Point, needs to be cognisant of viability factors. ECC have requirements to collect a portion of CIL to pay for flood mitigation. ECC also have a detailed SuDS guidance that developers should build into their build cost assumptions<sup>2</sup>. A balance needs to be struck between the requirements placed on developers regarding the provision of flood risk management services, other infrastructure and policy priorities (e.g. affordable housing) and the need for development to be deliverable.
- 1.3.3 The CIL regime gives LPAs the ability to determine what flood risk management infrastructure is needed in the area and fund it through CIL revenue. An advantage of CIL is that neighbouring LPAs can work together in the preparation of their flood risk management infrastructure plans and use the CIL to contribute to infrastructure in each other's areas. However, CIL does have its limitations and there will be infrastructure funding gaps requiring local authorities to make funding bids to relevant central Government funding pots.
- 1.3.4 The viability balance is particularly difficult to get right in areas with low house values. The CIL charging rate and planning obligations should thus be set/negotiated at a level high enough to make development acceptable and sustainable, while also generating sufficient returns to the developer and land price to incentivise a reasonable landowner to release their land, and a developer to develop the land. LPAs will also need to evidence and justify spending of section 106 and CIL monies on flood risk projects rather than other social/green/physical infrastructure that the public and elected Councillors may view as more important. A live, well-consulted IDP and annual IFS is an important part of this, and of ensuring that prioritisation is undertaken in a transparent way.
- 1.3.5 Whilst there are limitations to the role of planning obligations and CIL to fund flood risk schemes, they can be combined with other sources of funding, through a co-ordinated approach to spatial planning, flood risk management and green infrastructure delivery, and through the cooperation of neighbouring authorities. Whilst it is acknowledged that viability is a challenge to be considered both at plan making and development management stages, LPAs need to take a long-term view of the development and infrastructure needs of the area and consider the short-term cost considerations for the developer (delivering homes and commercial) and local authority (delivering infrastructure) and the longer term costs of not addressing needs.

<sup>1</sup> Using Legal Planning Tools to Manage Flood Risk: A Guide for Local Authorities (Dr Anna McClean, Newcastle Law School - Newcastle University, 2024). Accessed at: <https://www.ncl.ac.uk/mediav8/law/files/research-briefings-pdf/UsingLegalPlanningToolstoManageFloodRiskGuideforLAs.pdf>

<sup>2</sup> The Sustainable Drainage Systems Design Guide. Accessed at: <https://www.essexdesignguide.co.uk/suds/>

## 2. National policy and guidance

### 2.1 National Planning Policy Framework (MHCLG, 12 December 2024)

- 2.1.1 There have been changes made to Green Belt policy in the 2024 National Planning Policy Framework (NPPF), including paragraph 154 removing the 'openness' test for previously developed land in the Green Belt and the introduction of a new 'grey belt' policy which could allow additional development to come forward, as compared to the previous NPPF.
- 2.1.2 Changes to Green Belt policy will have implications for affordable housing delivery and deliverability more generally (with respect to viability testing). Castle Point's future policies for affordable housing and mixed tenures will need to be subject to viability testing, alongside other policies and requirements including flood mitigation.
- 2.1.3 The 2024 NPPF strengthens policy support for the development of brownfield land within settlements. At NPPF paragraph 125 (c) it states that planning policies and decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused (emphasis added), and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land". Brownfield land brings its own flood risk challenges and are often sites that require the most remediation (additional costs) as part of site preparations, including flood mitigation (e.g. raised floor levels, reinforcements to flood water storage and attenuation, including provision of SuDS).
- 2.1.4 In addition to NPPF paragraph 125 the Government has consulted on Brownfield Passports. The updated approach is likely to lead to measures that further support windfall, compared to previous NPPFs. At this time it is unclear if Local Development Orders or Permission in Principle will be utilised and whether or not LPAs will be able to collect planning obligations under a prior approval process. Should more development come forward via the prior approval process, it becomes harder to collect planning obligations unless positively worded conditions are associated with the permission in principle route.
- 2.1.5 Castle Point includes significant areas of Green Belt and the forthcoming housing pipeline includes brownfield land in areas at risk from flooding. Castle Point also has challenges related to viability. In recent years Registered Providers (RPs) of affordable housing have not taken up section 106 affordable housing at the levels prior to the last recession (this is when affordable housing elements of sites agreed through section 106 remain undelivered due to no RPs taking them on, typically due to financial reasons or RPs that take the view that the units would be too risky e.g. because of anticipated futureproofing etc.) In response to the acknowledged lack of bids from RPs for affordable housing sites via the section 106 approach, the Government is taking action and introducing a new section 106 "clearing service". In his Written Ministerial Statement on 12<sup>th</sup> December Matthew Pennycook (Minister of State for Housing, Communities and Local Government) stated:
- "Homes England is today launching a new clearing service to help unblock the delivery of section 106 affordable housing. This follows reports in recent months of developers experiencing greater difficulty in selling section 106 affordable homes for which they have planning permission. This new service will help improve the functioning of the market for affordable housing, by supporting buyers and sellers to find each other more effectively – with developers able to share details of unsold section 106 affordable homes for registered providers and local authorities to search. The service aims to facilitate dialogue and partnerships that allow homes to be delivered in line with the originally agreed tenure mix set out in section 106 agreements. It will also provide new data and insight into the section 106 market. The Government is calling on all developers with uncontracted section 106 affordable homes, including small and medium builders, to proactively and pragmatically engage with the new clearing service, and on registered providers and local planning authorities to engage positively as providers and enablers of affordable housing."*
- 2.1.6 Viability appraisals and costs for SuDS and flood defences, need to be considered carefully in this new policy context and where sites in Castle Point go through the section 106 clearing service.

## 2.2 Planning Practice Guidance Viability Section - Golden Rules for Green Belt development (MHCLG, 12 December 2024)

- 2.2.1 Castle Point includes large areas of Green Belt. New guidance in the PPG supports collection of planning obligations and CIL to fund necessary infrastructure that supports development in the area for development that comes forward on Green Belt and grey belt land, including flood mitigation schemes(Paragraph: 029 Reference ID: 10-029-20241212):

*"Where development takes place on land situated in, or released from, the Green Belt and is subject to the 'Golden Rules' set out in paragraph 156 of the National Planning Policy Framework, site specific viability assessment should not be undertaken or taken into account for the purpose of reducing developer contributions, including affordable housing. The government intends to review this Viability Guidance and will be considering whether there are circumstances in which site-specific viability assessment may be taken into account, for example, on large sites and Previously Developed Land.*

*...Government guidance on planning obligations states that LPAs should set out policies in their local plans detailing when they will seek planning obligations and how they will use developer contributions. It states that "policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability".*

*In addition to using section 106 agreements to mitigate the impact of new developments on local infrastructure, LPAs can also choose to charge the community infrastructure levy (CIL) on new developments in their area.*

*...In areas where the CIL is in force, developers must pay the charge (subject to certain exemptions). LPAs can use the CIL to fund infrastructure that supports development in their area, but not to fund affordable housing."*

## 2.3 English Devolution White Paper (MHCLG, 16 December 2024)

- 2.3.1 The consultation on the Government's Devolution White Paper highlights that all areas, with or without a Strategic Authority, will have to produce a Spatial Development Strategy (SDS), which will be adopted with support from a majority of constituent members. This policy change aims to ensure more homes will get built. Mayors will also be given new development management powers, similar to those exercised by the Mayor of London. Mayors will be able to charge developers a Mayoral Levy to ensure that new developments come with the necessary associated infrastructure. A similar Mayoral CIL was already introduced in Greater London in 2012 to help finance the Elizabeth Line.
- 2.3.2 The Government are seeking to ensure that Mayors have the funding they need to deliver on their housing ambitions, with control of grant funding for regeneration and housing delivery. Established Mayoral Strategic Authorities will also have the ability to set the strategic direction of any future affordable housing programme and expand the Strategic Authorities' role in leading Local Nature Recovery Strategies. In February 2025, the UK government launched the Greater Essex devolution consultation. The consultation seeks views on a proposal to form a Mayoral Combined County Authority for the local government areas in Essex, Southend-on-Sea and Thurrock.
- 2.3.3 The Government has been clear that it will implement a universal system of strategic planning (see Box A in the White Paper) within the next five years. The model that is proposed is the SDS, which is well established in London, the London Plan having been produced and continually reviewed over 20 years. Government sees the SDS as a means to enable areas to grow and, crucially, *"identify the infrastructure that is needed and strategic locations for development."*
- 2.3.4 The content of SDSs will be kept deliberately high level with the dual purpose of preserving detailed policy and site allocations for local planning authorities through their local plans, and for enabling strategic plans to be produced quickly, with the intention of achieving national coverage by the end of this Parliament. The White Paper explicitly notes the following: *"Future opportunities for devolution and partnership working will be explored with Strategic Authorities. These could include issues like water management, the circular economy, pollution, or flood resilience."*
- 2.3.5 With the SFRA, Castle Point are well positioned to set out their requirements for flood mitigation funding requirements which can be used to lever in Government funding to be used alongside planning obligations, CIL, County collected planning obligations (and potentially, a future Mayoral CIL). It is not possible to predict what form devolution could take in Essex at this time, as such this can only



be considered as a longer term option for securing infrastructure contributions and is not something available to Castle Point in the short term.

## 2.4 Flood and coastal erosion risk management

- 2.4.1 The majority of the funding for flood and coastal erosion management (FCERM) is through grants from Defra to the EA. The EA maintains existing infrastructure relating to "main rivers" and tidal defences, invests in new and improved risk management infrastructure and administers a linked capital grant allocations procedure.
- 2.4.2 As a risk management authority (RMA), Castle Point may be eligible for grant-in-aid (GIA) funding for locally identified FCERM projects (if the project can evidence a robust business case and satisfy the appraisal criteria). FCERM funding is guided by several pieces of Government published guidance<sup>3</sup> which is not covered in detail here. However, it is worth highlighting that section 106 planning obligations and monies collected through Castle Point's CIL (and any future Mayoral CIL to fund strategic infrastructure once a SDS is in place) can in theory be used to contribute towards projects that may benefit from GIA funding, for example, where section 106 and CIL funding would be insufficient on their own but help contribute to a catchment-wide scheme.
- 2.4.3 The Local Government Association<sup>4</sup> note on their website that:
- "In recent years, large numbers of applications for this funding led to an increase in the priority for eligibility, so that only high-priority investments were likely to be successful. However, recent changes in the allocation of Defra funds mean that any worthwhile project is eligible for at least some funding based on the benefits being delivered in each case. This is known as Flood and Coastal Resilience Partnership Funding. The EA also invests in reducing the consequences of flooding through better risk mapping, strategic planning, flood forecasting and warnings, and development control."*
- 2.4.4 The FCERM Technical Guidance (EA, August 2024)<sup>5</sup> suggests ways to identify and work with third-party contributors. This is also explained in the partnership funding (PF) guidance<sup>6</sup> and supported through accompanying *Partnership funding calculator 2020 for FCERM grant-in-aid (GIA)*<sup>7</sup> which provides due consideration to special FCERM income sources, including section 106 and CIL. The aim of the partnership funding is to allow FCERM projects to share the costs using national and local sources of funding.
- 2.4.5 Any project where the benefits are greater than the costs can qualify for a contribution from FCERM GIA funding. The amount of FCERM GIA funding an RMA like Castle Point or the Essex LLFA may be eligible for depends on the benefits and the outcomes of the project(s) in question. If the eligible GIA funding does not cover all costs, the applicant may need to raise extra money from partners through contributions. Anyone who benefits from an FCERM project can be a partner, including: local communities; businesses; developers; and local councils.
- 2.4.6 Other forms of local funding mechanisms could be used in combination with planning obligations and CIL, including: local authority prudential borrowing and wellbeing powers, the business improvement district (BID) model, increases in council tax precepts, tariffs (such as those deployed for Milton Keynes expansion areas), business rate supplements and Mayoral CIL.

<sup>3</sup> Accessed at: [Flood and coastal erosion risk management projects and funding - GOV.UK](https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-projects-and-funding)

<sup>4</sup> Accessed at: <https://www.local.gov.uk/topics/severe-weather/flooding/paying-flood-and-coastal-erosion-risk/funding-arrangements>

<sup>5</sup> Accessed at: [https://assets.publishing.service.gov.uk/media/66e15d1101d9bfa14e79ac03/fcerm-appraisal-technical-guidance\\_SEP.pdf](https://assets.publishing.service.gov.uk/media/66e15d1101d9bfa14e79ac03/fcerm-appraisal-technical-guidance_SEP.pdf)

<sup>6</sup> Accessed at: <https://www.gov.uk/guidance/partnership-funding-for-fcerm-projects>

<sup>7</sup> Accessed at: <https://www.gov.uk/government/publications/partnership-funding-calculator-2020-for-fcerm-grant-in-aid-gia>

### 3. Local policy and guidance

- 3.1.1 Bearing in mind the proposed changes to a universal system of strategic planning (discussed in the Devolution White Paper). There is clearly an opportunity in South Essex to build on the existing body of guidance and strategy found at the County and LPA level (see extracts below).

#### 3.2 The Essex County Council Developers' Guide to Infrastructure Contributions (Essex County Council, Revised 2024)

- 3.2.1 Section 5A (Contributions Reference Table) includes 'Table 2: Developer Contributions Reference Table for Section 5 of this guide'. The table notes that the trigger for planning obligations for flood and water management is for any 'major sites'. The County will require the following: *"Ensure provision of SuDS on major sites. Commuted sums for maintenance of SuDS as required, based on the development."* Major applications (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) are typically residential development of 10 or more residential units on a site of 0.5 hectares or more; Non-residential development change of use of a site of at least 1 hectare; and 1,000 square meters or more of gross floor space (new development or change of use).

- 3.2.2 Section 5.11 Flood and Water Management and Sustainable Drainage Systems states:

*"As the Lead Local Flood Authority. ECC is a statutory consultee to be consulted by local planning authorities in relation to surface water and SuDS proposals put forward in relation to major planning applications as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

*In addition to the requirement for major planning applications to provide on-site SuDS, there is an overriding need to ensure that there is a viable option for their maintenance and to ensure that SuDS can be implemented and do not fall into disrepair which may result in flooding. SuDS are holistic systems that often cater for private and highway water within the same features however, ECC's position is to adopt SuDS only in exceptional circumstances. There is further information on the County Council's SuDS adoption policy on the ECC website. Adoption of SuDS will be subject to features being designed and built to the required standard with the long-term maintenance cost being addressed through an up-front commuted sum payment. SuDS design should accord with the ECC SuDS Design Guide. Agreement to adopt will be on a voluntary basis for the developer and ECC. Some of the LPAs have reflected the SuDS Design Guide in their own Supplementary Planning Document adoption statements...*

*...ECC will require a minimum 30 year commuted sum maintenance payment, to include the replacement cost of SuDS infrastructure.*

*Where this exception SuDS adoption policy does not apply, local planning authorities will work with the developers to identify an alternative SuDS adoption body which could include a Water Authority or private management company. The Local Planning Authority will work with the developer to secure the long-term maintenance of SuDS through a combination of planning obligation, planning condition and commuted sum payment guaranteeing their long-term maintenance. Whichever SuDS maintenance option is chosen by the developer, early engagement with the relevant adoption organisation and the Local Planning Authority is essential to achieving a successful outcome."*

### 3.3 Essex Local Viability Protocol Providing greater clarity and guidance on the application of planning policy (Essex Planning Officers Association, June 2018)

3.3.1 Paragraph 4.2 of this non-statutory guidance document essentially reaffirms standing PPG advice that viability appraisals should include information on any site specific abnormal costs. However, in Castle Point flood resilient design is a known additional cost to development and so this should not be used to double count development costs in appraisals submitted alongside applications for new development.

3.3.2 Paragraph 4.4 states that:

*“The likely Section 106 planning obligations and Section 278 Highway Agreement should be included as a development cost and be determined in accordance with the relevant Local Planning Authorities’ policies and guidance. The Community Infrastructure Levy (CIL) (or similar) charges should also be included as a development cost and be calculated in accordance with the Local Planning Authorities’ Charging Schedules and the CIL Regulations. Any locally adopted CIL instalment policies, and phased payments under the CIL Regulations, which aid developer cash flow, should also be reflected in the assumed timing of payments.”*

### 3.4 South Essex Strategic Green and Blue Infrastructure Study - Resilient By Nature; and The South Essex SEEPARK vision

3.4.1 The South Essex Councils (SEC) have previously discussed preparations of a Joint Strategic Plan. The Government’s recently released consultation on devolution propounds the preparation of an SDS.

3.4.2 The South Essex *Strategic Green and Blue Infrastructure Study - Resilient By Nature*, highlights the potential to establish a regional SEEPARK vision and concept. This aims to link and nurture five varied large-scale landscapes covering 24,000 hectares of South Essex – including woodland, parkland, wetland and marshland –bringing the benefits of ecological diversity and carbon capture as well as opportunities for leisure, tourism and business (and flood storage/mitigation). The project aims to create:

- 200km of enhanced waterfront paths and 550km of cycleways to be enjoyed by residents and visitors.
- 125km<sup>2</sup> of new flood management to protect homes and businesses.
- a network of natural landscapes totalling 24,000 hectares, including 2,500 hectares of new parks and gardens, 4,500 hectares of enhanced woodlands and 7,500 hectares of restored marshlands to tackle ecological degradation, reduce carbon in the atmosphere and improve our air quality.

3.4.3 The GI Strategy cites specific projects for Castle Point, including (but not limited to): The Green Loops, the Southend Strategic Park and regeneration of Canvey Seafront and Hadleigh Town Centre. The emerging Local Plan commits to delivering the SEE Park proposals.

### 3.5 Castle Point Borough Council Developers Contributions Guidance Supplementary Planning Document (SPD) March 2023

3.5.1 In Castle Point, section 106 agreements will usually be used to secure developer contributions for residential developments of 10 units or more and other major development. Therefore CIL will be the primary means by which the Council will seek contributions from developments below that threshold towards meeting the infrastructure demands of new growth. It should be noted that ECC implements its own thresholds for planning obligations (as detailed above).

3.5.2 Paragraph 2.2.9 of the SPD notes that a developer could demonstrate that the wider sustainability benefits to the community outweigh delivery on a site with existing flood risk via the *“delivery of an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.”*

3.5.3 Appendix 1 (Indicative Split on Developers Contributions Spending between section 106 and CIL Contributions) specifies how the LPA will treat the delivery and/or maintenance of flood defences. Section 106 shall be used to deliver on-site SuDS and other measures to deliver site level drainage strategy, whereas CIL monies shall be used to deliver infrastructure identified in the following:

- South Essex Surface Water Management Plan Projects in Castle Point;
- Infrastructure projects in the Canvey Six Point Plan; and
- Infrastructure projects within the Thames Estuary 2100 Plan.

## 4. Recommendations and next steps

- 4.1.1 Castle Point LPA estimate that 5,100 homes are in the future housing pipeline, solely within the existing urban areas. The LPA are also narrowing down what may be developable in the Green Belt (in accordance with relevant national policy and guidance). There is a significant body of evidence developed for the Local Plan which helps to identify opportunities for additional storage capacity of surface water in South Benfleet. In addition, the Canvey Island 6-Point Plan has identified priority areas for future funding for the Island. In addition, the Level 2 SFRA highlights site-specific measures for those new sites being progressed through the emerging Local Plan.
- 4.1.2 The Castle Point SFRA, ECC SWMP, ECC FRMS and all other relevant regional and local studies (e.g. South Essex Strategic Green and Blue Infrastructure Study) should be used to build up a list of potential flood schemes and projects.
- 4.1.3 The LPA will continue to work with their partners and local stakeholders to translate this evidence into a long list of projects for inclusion in the live IDP, identifying those projects that may be essential for unlocking growth in the Local Plan and those that would be desirable and aligned with local objectives. Once a long list of projects is prepared it will be possible, through the use of cost specialists/surveyors, to estimate a scale of cost for different items. In the absence of specific cost management advice, officers can utilise Price Books such as SPON's to provide proxy estimates in advance of site-specific further investigations. Project timeframes/phasing will be included within the IDP and will, in part, be determined by the Local Plan's spatial strategy, information collected from developers and the outcomes of related work on the Local Plan's housing site trajectory.
- 4.1.4 In time it will be possible to estimate and identify the infrastructure funding gap by analysing the estimated costs of the IDP flood items and the typical CIL levy and section 106 monies collected for such schemes (evidenced through the IFS of Castle Point Borough Council (CPBC) and ECC and monitoring reports). Understanding the funding gap will be crucial to allocating resources moving forwards, formulating strategies, informing development management planning obligation negotiations and establishing capital funding bids. Conducting this work may also necessitate updates to extant CPBC and ECC guidance on planning obligations to enable a coordinated approach between the LPA and LLFA. Figure 1 summarises this proposed model process (below).

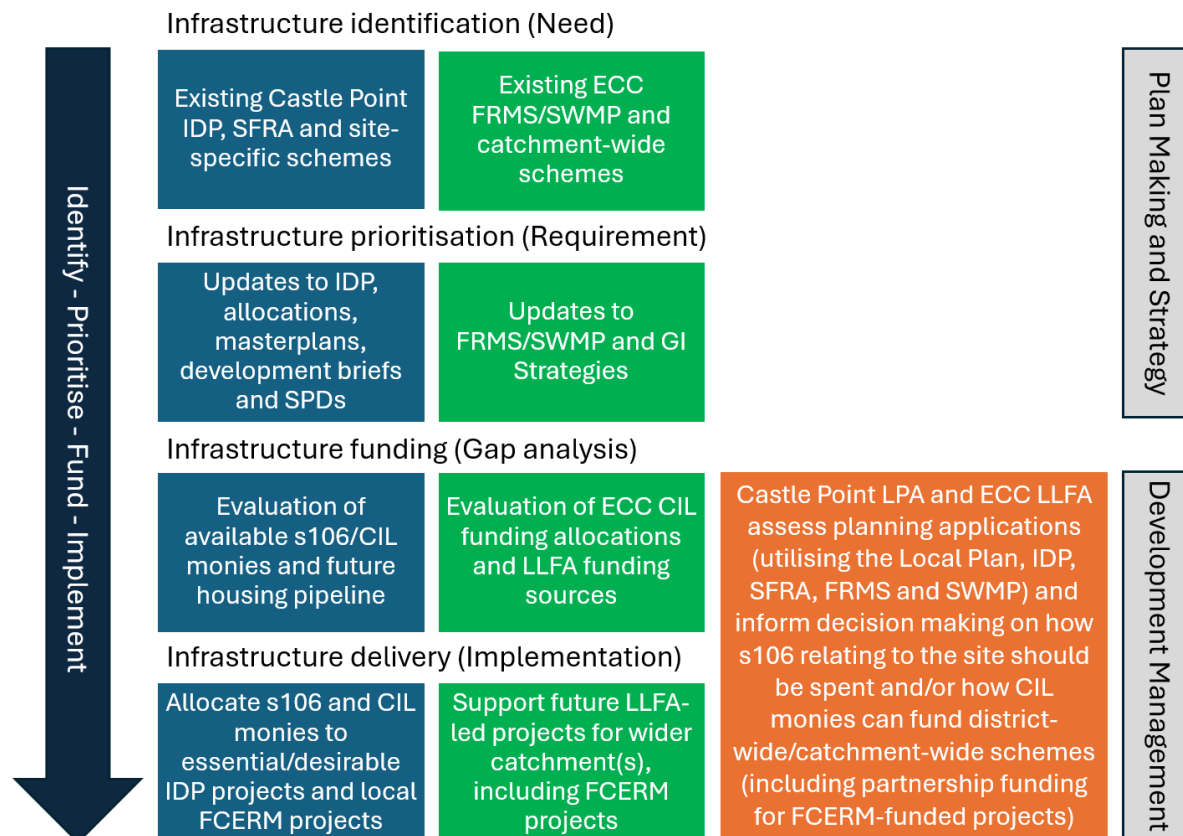


Figure 1: Planning obligation, CIL and infrastructure delivery model process

- 4.1.5 As noted, CPBC and ECC benefit from a large body of evidence and guidance when it comes to flood risk. What is lacking is the identification of specific projects and schemes. Preparation of a Local Plan provides an opportunity to link updates to the IDP and supporting planning obligations guidance (CPBC and ECC) with the emerging priorities, spatial strategy and new allocations in the emerging Local Plan. A detailed and itemised IDP will support CPBC and ECC in section 106 negotiations, viability discussions and when apportioning district-wide CIL monies. Where it is not possible to wholly fund flood mitigation through development management and CIL funding, the LPA should begin to formulate a series of projects that would be capable of bringing in FCERM funding and FCERM partnership funding.
- 4.1.6 A future whole plan viability study is likely to deploy typology-based appraisals. CPBC and the development industry can use viability testing to inform what level of section 106/CIL may be possible based on local values and overriding viability in a locality and therefore how much funding may be available for flood mitigation once ECC obligations and other local CPBC costs/requirements (e.g. affordable housing) have been factored in.
- 4.1.7 In order to establish what level of funding is required to deliver flood storage areas, aspects of the Canvey Island 6-Point Plan and site specific interventions it is necessary to investigate the current costs.
- 4.1.8 The Canvey Island 6-Point Plan (November 2015)<sup>8</sup> is almost ten years old and previously identified a £24.5m funding shortfall in order to deliver the following:
1. Property level flood protection for ~15,000 homes - £500,000
  2. Dredge, re-profile and maintain Canvey Lake - £2,000,000
  3. Increased drainage infrastructure capacity - £16,000,000
  4. Canvey Resilient Communities Programme - £2,000,000
  5. Development of new innovative technologies - £2,000,000
  6. Investment in 'Green Infrastructure' - £2,000,000
- 4.1.9 The 6-Point Plan is referenced in the main SFRA in connection with Surface Water options available for consideration (and including the earlier modelling focused on South Benfleet). However, the earlier identified costs will need to be updated.
- 4.1.10 Within the SFRA there are recommendations for safeguarding land for the South Benfleet Flood Storage Area (FSA), and for other potential new FSAs. The Castle Point Surface Water Modelling Technical Note includes high level options for increasing flood water storage capacity in South Benfleet with indicative costs ranging between £500,000 - £1,300,000<sup>9</sup>.
- Option 1: Extension to existing aboveground Flood Storage Area at Brook Road
  - Option 2: Extension to existing aboveground Flood Storage Area near Saxon Way
- 4.1.11 These are significant costs, but this work can be used to evidence the rationale for collecting planning obligations from nearby development sites where it can be demonstrated that the obligations 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.
- 4.1.12 The Level 2 SFRA assesses specific sites under consideration for allocation (provided by CPBC). Whilst the Level 2 SFRA does not suggest new flood infrastructure works, there are recommendations included for each site. Recommendations include suggested (raised) finished floor levels; access/egress requirements; Emergency Planning requirements and the utilisation of SuDS.

<sup>8</sup> Accessed at: <https://www.castlepoint.gov.uk/download.cfm?doc=docm93ijm4n5686.pdf&ver=9316>

<sup>9</sup> It should be noted that these indicative capital costs exclude items such as VAT, Landfill Tax or other taxes, maintenance fees, legal fees that might be incurred or similar. In addition, it is important to note that these are high-level costs to aid with option selection. The actual costs could both increase and decrease when the designs are finalised.

- 4.1.13 To provide an indication of the costs we have reviewed the In Spon's Architects' and Builders' Price Book 2025 (AECOM, November 2024)<sup>10</sup>. Page 191 includes a general allowance for drainage (Figure 2 below):-

<b>8.6 EXTERNAL DRAINAGE</b>			
<b>8.6.1 Surface Water and Foul Water Drainage</b>			
<b>Overall £/m<sup>2</sup> of drained area allowances</b>			
Site drainage (per m <sup>2</sup> of paved area)	m <sup>2</sup>	35.00 to	44.00
Building storm water drainage (per m <sup>2</sup> of gross internal floor area)	m <sup>2</sup>	29.00 to	36.00

Figure 2: External Drainage Cost Estimate (Source: Spon's 2025)

- 4.1.14 The typical site drainage costs above covers both foul and surface water drainage and therefore to account for the additional provision of SuDS AECOM cost management specialists would allow 50% of the above cost as an additional cost for sites in areas at risk from flooding. As such, based on a mid-point cost and allowing additions for main contractor's preliminaries (15%) and overheads and profit (5%) this would give approximately £24/m<sup>2</sup> of site area.
- 4.1.15 There are no specific costs identified in Spon's for higher finished floor levels in areas at risk from flooding. However, page 150 in Spon's suggests an uplift based on the Ground Floor area of between £40/m<sup>2</sup> and £50/m<sup>2</sup> for an increase of 500mm depth of foundations (Figure 3 below).

<b>1.1 SUBSTRUCTURE</b>			
<b>1.1.1 Standard Foundations</b>			
<b>Foundations and floor slab composite</b>			
Strip or trenchfill foundations with masonry up to 150 mm above floor level only; blinded hardcore bed; slab insulation; reinforced ground bearing slab 200 mm thick. To suit residential and small commercial developments with good ground bearing capacity			
shallow foundations up to 1.00 m deep	m <sup>2</sup>	275.00 to	330.00
shallow foundations up to 1.50 m deep	m <sup>2</sup>	315.00 to	385.00

Figure 3: Foundations Cost Estimates (Source: Spon's 2025)

- 4.1.16 There are no additional cost estimate details for access / egress requirements for sites at risk from flooding these areas, this would have to be considered on a case by case basis at the application stage. Whereas the drainage and foundation estimates could feed into future viability testing and any future updated planning obligations guidance. There is an opportunity for CPBC and ECC to coordinate updates to their respective guidance documents (CPBC Developers Contributions Guidance Supplementary Planning Document SPD and the ECC Developers' Guide to Infrastructure Contributions). There would be benefits to incorporating the projects and interventions highlighted in the SFRA (FSA and Level 2 SFRA site-specific measures) and Canvey Island 6-Point Plan into an updated IDP and new planning obligations guidance documents. In order to enable such updates, the IDP would ideally benefit from updating before and after the preparation of the Local Plan's viability study in order to guide what headroom is available in the various locations within the Borough and what level of obligations/CIL would be effective.

<sup>10</sup> [https://www.ribabooks.com/spons-architects-and-builders-price-book-2025\\_9781032822792](https://www.ribabooks.com/spons-architects-and-builders-price-book-2025_9781032822792)

