



castlepoint

benfleet | canvey | hadleigh | thundersley

Local Development Scheme

Local Development Scheme

January 2014

Contents

Introduction	2
Elements of the Local Development Plan	3
Overall Programme for the Local Development Plan	5
Programme for the Local Plan	7
Programme for the Community Infrastructure Levy	11
Programme for the Statement of Community Involvement	14
Programme for Residential Design Guidance	16
Programme for Developer Contributions Guidance	18
Programme for Town Centre Masterplans	21
Implementation	25
Resources	30
Programme Delivery Risks	31
Monitoring and Review	32

Introduction

This document – the Local Development Scheme (LDS) – sets out the programme for preparing planning policy documents in Castle Point. This document replaces all earlier versions of the LDS, including that issued in January 2012.

The change of Government in 2010, the Localism Act receiving Royal Assent on the 15th November 2011 and the publication of the National Planning Policy Framework in 2011 have brought about considerable changes to the planning system. Castle Point Borough Council seeks to prepare a new Local Plan based on meeting local needs rather than responding to regional targets. The LDS sets out the Council's programme for achieving this.

In addition to setting out the programme for preparing a new Local Plan, the LDS also sets out a programme for preparing a Community Infrastructure Levy. This will ensure that all new development contributes appropriately towards sustainable development in the area in which it occurs.

The Local Plan and Community Infrastructure Levy will be strategic documents. There will be the need to provide detailed interpretation of the policies contained within these documents in some instances. Therefore the LDS also sets out a programme for preparing some supplementary planning documents.

In order to ensure that the planning policy documents that are prepared by Castle Point Borough Council are robust, and do not come under criticism at examination or appeal, the Council will be seeking to ensure that its evidence base is complete and that all work has been carried out in accordance with the relevant legislation and guidance. This includes ensuring that consultation has been effective, and also ensuring that opportunities to work with our neighbouring Council's and other service providers have been fully considered and integrated into the plan where appropriate, consistent with the Duty to Cooperate. The programme set out in this LDS provides opportunities for this engagement to take place.

Elements of the Local Development Plan

The Local Development Plan for Castle Point will comprise of a new Local Plan, and a series of Supplementary Planning Documents.

The New Local Plan

Council's are required to put a plan in place that sets out an overall vision for their borough and puts in place a strategy for delivering growth and regeneration that meets the needs of local people. The New Local Plan for Castle Point will comprise of the following elements:

- Spatial Strategy
- Allocations and Designations
- Development Management Policies
- Policies Map

This document must be subject to independent examination by an Inspector appointed by the Secretary of State before it can be adopted.

Supplementary Planning Documents

Detailed guidance on policy matters is normally set out in supplementary planning documents (SPDs). The requirement for additional guidance on a topic determines the need for such documents to be prepared. To date, the Council has adopted the following SPDs:

- Essex Design Guide Urban Place Supplement
- Essex Vehicle Parking Standards
- Developer Contributions Guidance
- Canvey Town Centre Masterplan
- Residential Design Guidance

It is expected that the following supplementary planning documents will be prepared over the next three years:

- Developer Contributions Guidance (revised)
- Open Space Design and Delivery Guidance
- Non-residential Design Guidance

SPDs do not have to be subject to an independent examination by an Inspector. They must however be in conformity with the Local Plan.

Statement of Community Involvement

The Council is required by section 18 of the Planning and Compulsory Purchase Act 2004, as amended, to prepare a Statement of Community Involvement, setting out

how it intends to engage with residents, businesses and all other stakeholders during the process of preparing planning policy documents, and also when considering planning applications and enforcement actions.

The Council adopted a Statement of Community Involvement in 2006. However, as a result of experiences with work on the Core Strategy, and also due to the introduction of the Duty to Co-operate through the Localism Act, it is considered appropriate to review the Statement of Community Involvement at this time.

Community Infrastructure Levy

Under a different set of regulations, Council's are able to prepare a Community Infrastructure Levy (CIL). A CIL comprises of a Charging Schedule setting out the rate/s different types of development are expected to pay towards community infrastructure in the area local to a development, and an infrastructure schedule setting out what the levy will be spent on.

Whilst the regulations are different to those for plan making, there are similar requirements for consultation and examination. Additionally, the infrastructure schedule for the CIL is likely to fall out of work on the Local Plan. There are therefore benefits to considering the preparation of the CIL alongside the Local Plan despite there being no statutory requirement to do so.

Structure of the Castle Point Local Development Plan



Overall Programme for the Local Development Plan

The programme set out in this LDS is individual to Castle Point, and reflects the Council's priority to get in place a new Local Plan that delivers sustainable patterns of growth and development in Castle Point.

The programme has been prepared to ensure that the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 have been fully taken into account. For the Statement of Community Involvement meanwhile, the aim is to ensure that the requirements of section 18 of the Planning and Compulsory Purchase Act 2004, as amended, are met. In respect of the CIL consideration has been given to the requirements of the Community Infrastructure Levy Regulations 2010 as amended. The table below sets out the key for the programme:

Stage	Local Plan	SPD	SCI	CIL
Commencement	Reg 18	Good Practice	Good Practice	N/A
Formal Consultation	Good Practice	Reg 12	Good Practice	Reg 15
Pre-submission consultation	Reg 19	N/A	N/A	Reg 16
Submission	Reg 22	N/A	N/A	Reg 19
Examination	Reg 24	N/A	N/A	Reg 20
Inspectors Report	Reg 25	N/A	N/A	Reg 23
Adoption	Reg 26	Reg 14	Section 18	Reg 25

Overall Programme for the Local Development Plan

	2014												2015											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
New Local Plan																								
Community Infrastructure Levy Charging Schedule																								
Revised Statement of Community Involvement																								
Revised Developer Contributions Guidance																								
Open Space Design and Delivery Guidance																								
Non-residential Design Guidance																								

Programme for the Local Plan

Document Title	New Local Plan								
Status	Development Plan Document subject to independent examination by the Secretary of State.								
Coverage	Borough wide								
Lead Officer	Head of Regeneration and Neighbourhoods								
Lead Member	Leader of the Council								
Management Arrangements	Cabinet approval required for consultations Full Council approval required for submission and adoption								
Rationale	To provide a spatial strategy, allocations and designations policies, development management policies and a proposals map that form a Local Plan for Castle Point that meets the needs of local residents and delivers sustainable development. The Local Plan will provide protection from development to those parts of the environment that are valued.								
Expected Outcomes	<ul style="list-style-type: none"> • One of the first new style Local Plans in England; • A plan that is found sound when subject to independent examination; • A plan that responds to the development needs of local residents and businesses; • A plan that protects biodiversity, the landscape and historic assets from inappropriate development; • A plan that protects the strategic functions of the Green Belt; • A plan that promotes more sustainable patterns and forms of development. 								
Approach	<ul style="list-style-type: none"> • Technical work undertaken in-house by planning policy officers, except where specialist skills are required; • Consultation an integral part of the process; • Sustainability Appraisal an integral part of the process; and • Members leading on the identification of issues and on selecting the preferred options. 								
Timescales	<p>Key milestones are as follows:</p> <table> <tr> <td>Issues Consultation (Reg 18)</td> <td>Jan-Mar 2012</td> </tr> <tr> <td>Draft Consultation</td> <td>Jan-Mar 2014</td> </tr> <tr> <td>Submission Consultation</td> <td>Jul-Aug 2014</td> </tr> <tr> <td>Submission</td> <td>Sep 2014</td> </tr> </table>	Issues Consultation (Reg 18)	Jan-Mar 2012	Draft Consultation	Jan-Mar 2014	Submission Consultation	Jul-Aug 2014	Submission	Sep 2014
Issues Consultation (Reg 18)	Jan-Mar 2012								
Draft Consultation	Jan-Mar 2014								
Submission Consultation	Jul-Aug 2014								
Submission	Sep 2014								

	Examination	Dec 2014	
	Inspectors Report	Feb 2015	
	Adoption	Mar 2015	
Evidence Requirements	<p>In addition to undertaking consultation, it is necessary to collect data on a variety of matters to ensure that policies are based on robust evidence. The table below shows the evidence required.</p> <p>Where there is an evidence gap that has not been addressed, the row is shown in red.</p> <p>Where work is underway to address an evidence gap already, the row is shown in orange.</p> <p>Where a developer promoting a site will be required to overcome a deficit in information, the row is shown in yellow.</p>		
	Evidence Required	Constraint or Development Need	Position
	Population and household forecasts	Development Need	Up to date
	Housing Need	Development Need	SHMA Review Complete 2013 Housing Growth Topic Paper Complete 2013
	Traveller Accommodation Needs Assessment	Development Need	Consultants appointed for an Essex-wide study. Final Report awaited.
	Retail Need	Development Need	Retail Needs Assessment Complete 2012
	Employment Land	Development Need	Employment Land Review Complete 2012
	Community Infrastructure	Development Needs	Working Draft Complete 2013
	Open Space	Development Needs and Constraint	Review Complete 2012
	Playing Pitch	Development Needs and Constraint	Assessment Complete 2012
	Whole Plan Viability Assessment	Constraint	Phase 1 Complete 2013
	Housing Land Supply	Constraint	Up to date – will need updating annually
	Transport Impact Assessment	Development Need and Constraint	Transport Assessment Complete 2013

	Green Belt Functions Assessment	Constraint	Up to date
	Green Belt Landscape Character Assessment	Constraint	Up to date
	Strategic Flood Risk Assessment	Constraint	Up to date
	Surface Water Management Plan	Constraint	Up to date
	Watercycle Study	Constraint	Up to date
	SSSI/SPA Site Conditions Surveys	Constraint	Up to date – updated annually
	Local Wildlife Sites	Constraint	LoWS Review Complete 2012
	Conservation Areas	Constraint	Up to date
	Listed Buildings	Constraint	Up to date
	Locally Listed Buildings	Constraint	Up date required
	Deprivation Data	Constraint	Up to date
	Health Data	Constraint	Up to date
	Environmental Baseline	Constraint	Up to date
Assessment Requirements	<p>In order to ensure that the Local Plan is not challenged on the grounds of failing to comply with legislation, it is necessary for the Council to assess the policies it develops in the Local Plan in terms of:</p> <ul style="list-style-type: none"> • Equality Impact Assessment • Sustainability / Strategic Environmental Assessment • Habitat Regulation Assessment <p>Additionally, the NPPF expects consideration to be given the impact of policy proposals on the viability of development. Once the Development Viability Assessment has been undertaken it will be possible to undertake all these assessments in-house.</p>		
Resource Requirements	<p>In order to deliver this programme the following human resources are required:</p> <ul style="list-style-type: none"> • 2 Planning Policy Officers • Support from Democratic Services and Legal Services • 1 Programme Officer (from July 2014) <p>In order to deliver this programme from January 2014 onwards, the following financial resources are required:</p>		

	<ul style="list-style-type: none"> • Duty to Cooperate A130 Work - £5,000 • Phases 2 and 3 of Whole Plan Viability Assessment - £16,200 • Consultation - £29,200 • Examination - £78,000
<p>Key Stakeholders</p>	<p><u>Statutory consultees</u> as listed in the regulations – consulted at all stages and engaged as appropriate on specific topic matters. The Duty to Cooperate applies to these organisations, and therefore the Council must be able to demonstrate ongoing engagement with regard to strategic matters;</p> <p><u>Non-statutory consultees</u> (interest groups e.g. RSPB) – consulted at all stages and engaged as appropriate on specific topic matters;</p> <p><u>Local service and infrastructure providers</u> – consulted at all stages and engaged as appropriate on specific topic matters. The Duty to Cooperate applies to some of these organisations and therefore the Council must be able to demonstrate ongoing engagement with regard to strategic matters;</p> <p><u>Local residents and business people</u> – consulted at all stages;</p> <p><u>Neighbours to proposed development sites</u> – consulted on specific proposals;</p> <p><u>Developers / Landowners</u> – consulted at all stages and engaged with regard to sites in which they have an interest.</p>
<p>Risks</p>	<ol style="list-style-type: none"> 1) Failure to reach agreement on a growth scenario and distribution supported by the evidence base will undermine the process and result in a Local Plan being found unsound. 2) Failure to engage neighbouring authorities on strategic matters for inclusion in the New Local Plan will result in it being found to be procedurally unsound against the Duty to Cooperate. 3) Slow progress will see the Council without an up to date local plan. The Council may not be successful at defending development proposals for Green Belt sites on appeal. This has implications for the distribution of future development.

Programme for the Community Infrastructure Levy

Document Title	Community Infrastructure Levy														
Status	Non-Development Plan Document subject to independent examination by the Secretary of State.														
Coverage	Borough wide														
Lead Officer	Head of Regeneration and Neighbourhoods														
Lead Member	Leader of the Council														
Management Arrangements	Cabinet approval required for consultations Full Council approval required for submission														
Rationale	To help ensure that the infrastructure required to make new development sustainable is delivered. A set fee will be charged per square metre of development subject to the viability of the type of development proposed. This provides clarity to the landowner/developer as to what is expected of them.														
Expected Outcomes	<ul style="list-style-type: none"> • A CIL Charging Schedule found sound upon independent examination; • An Infrastructure Schedule that identifies how the CIL will be used to meet local needs, as identified in the Local Plan. 														
Approach	<ul style="list-style-type: none"> • Technical work undertaken in-house by planning policy officers, except where specialist skills are required; • Consultation an integral part of the process; • Economic Appraisal an integral part of the process; and • Members leading on the identification of spending priorities within the Infrastructure Schedule. 														
Timescales	<p>Key milestones are as follows:</p> <table> <tr> <td>Preliminary Charging Schedule Consultation</td> <td>Jan-Mar 2014</td> </tr> <tr> <td>Publication Charging Schedule Consultation</td> <td>Jul-Aug 2014</td> </tr> <tr> <td>Submission</td> <td>Sep 2014</td> </tr> <tr> <td>Examination</td> <td>Dec 2014</td> </tr> <tr> <td>Examiners Recommendations</td> <td>Feb 2015</td> </tr> <tr> <td>Adoption</td> <td>Mar 2015</td> </tr> <tr> <td>Implementation</td> <td>Jun 2015</td> </tr> </table>	Preliminary Charging Schedule Consultation	Jan-Mar 2014	Publication Charging Schedule Consultation	Jul-Aug 2014	Submission	Sep 2014	Examination	Dec 2014	Examiners Recommendations	Feb 2015	Adoption	Mar 2015	Implementation	Jun 2015
Preliminary Charging Schedule Consultation	Jan-Mar 2014														
Publication Charging Schedule Consultation	Jul-Aug 2014														
Submission	Sep 2014														
Examination	Dec 2014														
Examiners Recommendations	Feb 2015														
Adoption	Mar 2015														
Implementation	Jun 2015														
Evidence Requirements	Consultation with service/infrastructure providers and residents will be very important in determining the needs and priorities for infrastructure; however evidence is also an important element of														

	<p>the work that is required for the CIL. The evidence gathered for the Local Plan will inform the development of the CIL. There are no additional evidence base requirements emerging from the CIL.</p>
Assessment Requirements	<p>An economic viability assessment will be required in order to determine the level of CIL that can be charged on different development types within different locations in Castle Point. The costs of this have been included within the Development Viability Assessment set out above.</p> <p>An equality impact assessment will be required also to ensure that the requirements of the Equality Act 2010 are discharged.</p>
Resource Requirements	<p>In order to deliver this programme the following human resources are required:</p> <ul style="list-style-type: none"> • 2 Planning Policy Officers • Support from Democratic Services • Support from Legal Services • 1 Programme Officer (from Jul 2014) <p>No additional financial resources are required to deliver this document, because the following actions are proposed within the LDS programme:</p> <ul style="list-style-type: none"> • Evidence base is shared; • Consultations are aligned; • Examination is aligned with Local Plan examination.
Key Stakeholders	<p><u>Statutory consultees</u> as listed in the regulations – consulted at all stages and engaged as appropriate on specific topic matters;</p> <p><u>Non-statutory consultees</u> (interest groups e.g. RSPB) – consulted to ensure that all relevant infrastructure needs are captured;</p> <p><u>Local service and infrastructure providers</u> – engaged in order to ensure that all relevant infrastructure needs are captured and costed appropriately;</p> <p><u>Local residents and business people</u> – consulted on the need for infrastructure and their priorities;</p> <p><u>Neighbourhoods/Parish Council</u> – consulted on specific proposals for local infrastructure projects;</p> <p><u>Developers / Landowners</u> – consulted at all stages.</p>
Risks	<ol style="list-style-type: none"> 1) Failure to apply the evidence base when establishing the CIL Charging Schedule may result in it being found unsound; 2) Failure to put a Local Plan in place prevents the Council from putting a CIL Charging Schedule in place; 3) Slow progress on a Local Plan would potentially result in developments being granted consent on appeal without having to pay CIL.

Programme for the Statement of Community Involvement

Document Title	Statement of Community Involvement							
Status	Statement of Community Involvement							
Coverage	All consultees							
Lead Officer	Head of Regeneration and Neighbourhoods							
Lead Member	Leader of the Council							
Management Arrangements	Cabinet approval required for consultations Cabinet approval required for adoption							
Rationale	<p>The original Statement of Community Involvement was adopted in 2006. Since this time, the Council has undertaken a number of consultations on planning policy issues and learnt about how local residents like to be engaged in such matters. Additionally, the Localism Act has introduced some new requirements for community engagement around planning policy that need to be incorporated.</p> <p>The Statement of Community Involvement also covers engagement with regard to planning applications and planning enforcement matters. There have been changes to legislation since 2006, most recently the Localism Act, which require the Statement of Community Involvement to be reviewed and updated.</p>							
Expected Outcomes	<p>A revised Statement of Community Involvement that builds on the Council's experience regarding consultation on planning matters, and also incorporates the requirements of the most recent legislation.</p> <p>At a community level, this work should ensure better access to, and engagement with residents on planning matters.</p>							
Approach	<ul style="list-style-type: none"> Information on preferences collected alongside the issues consultation for the Local Plan and used to develop a revised Statement of Community Involvement that is trialled alongside the options consultation. Review any guidance on the Duty to Co-operate 							
Timescales	<p>Key milestones are as follows:</p> <table> <tr> <td>Consultation on consultation preferences</td> <td>Jan-Mar 2012</td> </tr> <tr> <td>Consultation on draft and trial application</td> <td>Jan- Mar 2014</td> </tr> <tr> <td>Adoption (Section 18)</td> <td>Jun 2014</td> </tr> </table>		Consultation on consultation preferences	Jan-Mar 2012	Consultation on draft and trial application	Jan- Mar 2014	Adoption (Section 18)	Jun 2014
Consultation on consultation preferences	Jan-Mar 2012							
Consultation on draft and trial application	Jan- Mar 2014							
Adoption (Section 18)	Jun 2014							

<p>Evidence Requirements</p>	<p>In-house</p> <ul style="list-style-type: none"> • Review of legislative requirements; • Review of historic consultation events; • Questions on consultation approach during Local Plan issues consultation; • Questions on consultation approach during Local Plan preferred options consultation; and • Demographic profile of the borough.
<p>Assessment Requirements</p>	<p>An equality impact assessment will be required to ensure that the Statement of Community Involvement enables all residents, regardless of their equality characteristics, to take part in consultations on planning matters.</p>
<p>Resource Requirements</p>	<p>In order to deliver this programme the following human resources are required:</p> <ul style="list-style-type: none"> • 1 Planning Policy Officer • Support from Democratic Services <p>No additional financial resources are required to deliver the programme of work for the SCI because consultation on this document is programmed to align with consultation on the New Local Plan.</p>
<p>Key Stakeholders</p>	<p><u>Statutory consultees</u> as listed in regulations – consulted at all stages. This will ensure that they respond to consultations and that the Council's decisions are based on all available advice.</p> <p><u>Non-statutory consultees</u> (interest groups) – consulted at all stages. This will ensure that they respond to consultations and that the Council's decisions are based on all available advice;</p> <p><u>Local residents and business people</u> – consulted as part of events to identify strengths and weaknesses in the consultation methods used. This will ensure that appropriate consultation methods are identified to maximise participation and satisfaction with consultation;</p> <p><u>Neighbourhoods/Parish Council</u> – consulted at all stages with the aim of identifying an approach in the SCI that improves engagement;</p> <p><u>Developers / Landowners</u> – consulted at all stages.</p>
<p>Risks</p>	<p>Failure to adopt an appropriately revised Statement of Community Involvement may impact on the level of engagement achieved in preparing planning policy document in particular. Failure to comply with the Duty to Co-operate will result in the Local Plan being found unsound.</p>

Programme for Developer Contributions Guidance

Document Title	Developer Contributions Guidance					
Status	Supplementary Planning Document					
Coverage	Borough wide					
Lead Officer	Head of Regeneration and Neighbourhoods					
Lead Member	Leader of the Council					
Management Arrangements	Cabinet approval required for consultations Cabinet approval required for adoption					
Rationale	<p>The introduction of the Community Infrastructure Levy Regulations has changed the way the Council can go about seeking developer contributions for infrastructure. Once the transitional arrangements in relation to these regulations end in 2015, the Council will be unable to seek developer contributions for community infrastructure. As a result, the existing developer contribution guidance needs amending.</p> <p>There is also a need to amend the developer contribution guidance to better deal with development viability issues. When prepared in 2007/08 the housing market was buoyant. The recession has shown that some of the assumptions in the existing guidance were not flexible enough to deal with the changes in the economy that have occurred.</p>					
Expected Outcomes	<ul style="list-style-type: none"> • A revised Developer Contributions Guidance Document that will ensure that developers deliver on-site infrastructure and other measures directly related to the impacts of development, whilst ensuring that the viability of the development proposal has been given due consideration. 					
Approach	<ul style="list-style-type: none"> • Technical work undertaken in-house by planning policy officers; • Consultation undertaken with residents, statutory consultees, developers/agents and those interest groups and service providers with an interest in developer contributions; and • Members involved in identifying priorities for instances where development viability may limit the scope of developer contributions. 					
Timescales	<p>Key milestones are as follows:</p> <table> <tr> <td>Consultation on draft Document</td> <td>Jan-Mar 2014</td> </tr> <tr> <td>Adoption</td> <td>Mar 2015</td> </tr> </table>		Consultation on draft Document	Jan-Mar 2014	Adoption	Mar 2015
Consultation on draft Document	Jan-Mar 2014					
Adoption	Mar 2015					

	Implementation Jun 2015 (Aligned with adoption and implementation of CIL)
Evidence Requirements	The evidence gathered for the Local Plan will inform the development of the Developer Contributions Guidance. There are no additional evidence base requirements emerging from this document.
Assessment Requirements	An economic viability assessment will be required in order to determine the impact developer contributions will have on development viability. The costs of this have been included within the Development Viability Assessment set out above.
Resource Requirements	In order to deliver this programme the following human resources are required: <ul style="list-style-type: none"> • 1 Planning Policy Officer • Support from Democratic Services • Support from Legal Services • Support from Housing Services <p>No additional financial resources are required to deliver this revised guidance as the consultation work is aligned with the consultation for the New Local Plan.</p>
Key Stakeholders	<p><u>Statutory consultees</u> as listed in the regulations – consulted at all stages and engaged as appropriate on specific topic matters;</p> <p><u>Non-statutory consultees</u> (interest groups) – consulted to ensure that all relevant issues have been addressed;</p> <p><u>Local residents and business people</u> – consulted on priorities and needs in terms of infrastructure and managing development impacts;</p> <p><u>Neighbourhoods/Parish Council</u> – consulted on needs and priorities;</p> <p><u>Developers / Landowners</u> – consulted at all stages.</p>
Risks	<p>1) Existing guidance will become out of date in 2015. Application of that guidance after that time will put the Council at risk of planning appeals and or judicial review. This carries both a financial and reputational risk.</p> <p>2) Failure to put in place up-to-date guidance will mean that developers cannot clearly identify upfront what will be expected of them through S106 Agreements. A lack of clarity can result in the viability of development proposals being affected, reducing community benefits such as the provision of affordable housing.</p>

Programme for Open Space Design and Delivery Guidance

Document Title	Open Space Design and Delivery Guidance
Status	Supplementary Planning Document
Coverage	Borough wide – proposals where open space provision is required
Lead Officer	Head of Regeneration and Neighbourhoods
Lead Member	Leader of the Council
Management Arrangements	Cabinet approval required for consultations Cabinet approval required for adoption
Rationale	<p>The NPPF is clear that good design is a key aspect of sustainable development and that local authorities should plan positively for the achievement of high quality and inclusive design in all development, including amongst other this public spaces.</p> <p>It is expected that local authorities should set out the quality of development that will be expected in an area having regard to functionality, the location and sense of place, local character and history, the need to create safe and accessible environments and visual attractiveness.</p> <p>In terms of open spaces specifically, the NPPF expects that these will contribute towards the health and wellbeing of communities.</p> <p>The NPPF also highlights the role green infrastructure, which includes open spaces, has in delivering multi-functional benefits including flood risk management and nature conservation benefits.</p> <p>In order to ensure that these aims of the NPPF in relation to open spaces, it is proposed that specific guidance on the design and delivery of open space provision is prepared for Castle Point which directs developers to deliver high quality open spaces as part of development proposals.</p>
Expected Outcomes	<ul style="list-style-type: none"> • Design and delivery guidance for the creation and provision of high quality open spaces within developments.
Approach	<ul style="list-style-type: none"> • Technical work undertaken in-house by planning policy officers; • Consultation undertaken with residents, statutory consultees, developers/agents and other groups with an interest in open space design; and • Members to review proposed standards and consultation responses and to advise the Cabinet accordingly.
Timescales	Key milestones are as follows:

Programme for Non-residential Design Guidance

Document Title	Non-residential Design Guidance
Status	Supplementary Planning Document
Coverage	Non-residential development Borough wide
Lead Officer	Head of Regeneration and Neighbourhoods
Lead Member	Leader of the Council
Management Arrangements	Cabinet approval required for consultations Cabinet approval required for adoption
Rationale	<p>The NPPF is clear that good design is a key aspect of sustainable development, ensuring that new development integrates with and complements the natural, built and historic environment, and ensures that connections between people and places are clear. The NPPF encourages the development of local policies that set out the quality of development expected in an area.</p> <p>Residential Design Guidance was prepared in 2012, and adopted by the Council on the 1st January 2013. This sets out the design requirements for residential developments, including requirements related to incorporating sustainability within development. This guidance does not however cover non-residential development proposals.</p> <p>Non-residential buildings have very different use and locational requirements to residential buildings that require a different approach to design. This does not mean that good design should not be pursued. It does however mean that a different set of standards should be applied when considering the design of non-residential buildings. It is therefore proposed that separate guidance setting out the standards, including sustainability standards, for non-residential development is prepared.</p>
Expected Outcomes	<ul style="list-style-type: none"> • Non-residential design guidance that sets out design guidance, including sustainability standards, for non-residential development proposals.
Approach	<ul style="list-style-type: none"> • Technical work undertaken in-house by planning policy officers; • Consultation undertaken with residents, statutory consultees, developers/agents and other groups with an interest in design standards; and • Members to review proposed standards and consultation responses and to advise the Cabinet accordingly.

Timescales	<p>Key milestones are as follows:</p> <table border="0"> <tr> <td>Consultation on draft Document</td> <td>Jul-Aug 2015</td> </tr> <tr> <td>Adoption</td> <td>Oct 2015</td> </tr> </table>	Consultation on draft Document	Jul-Aug 2015	Adoption	Oct 2015
Consultation on draft Document	Jul-Aug 2015				
Adoption	Oct 2015				
Evidence Requirements	<p>The evidence gathered for the Local Plan will inform the development of the Non-residential Design Guidance. There are no additional evidence base requirements emerging from this document.</p>				
Assessment Requirements	<p>This guidance would potentially affect the way land is used to provide non-residential development. Therefore, a Strategic Environmental Assessment must be undertaken to meet the requirements of EU legislation.</p>				
Resource Requirements	<p>In order to deliver this programme the following human resources are required:</p> <ul style="list-style-type: none"> • 1 Planning Policy Officer • Support from Democratic Services • Support from the Regeneration Team <p>As consultation on this document is aligned with consultation on the Open Space Design and Delivery Guidance, there are no additional costs associated with producing this document.</p>				
Key Stakeholders	<p><u>Statutory consultees</u> as listed in the regulations – consulted on draft guidance and engaged as appropriate on specific topic matters;</p> <p><u>Non-statutory consultees</u> (interest groups) – consulted on draft guidance;</p> <p><u>Local residents and business people</u> – consulted on draft guidance;</p> <p><u>Developers / Agents</u> – consulted on draft guidance and engaged specifically on implementation considerations.</p>				
Risks	<p>Good design is a fundamental element of sustainable development. Poor design can undermine the success of an area. This is a particularly an issue for development that needs to attract investment such as employment development and retail development.</p>				

Implementation

In order to implement the programme set out in this Local Development Scheme, it is important to recognise those factors that are key to its implementation.

For the Local Plan and CIL to be found sound by the independent inspector, and for supplementary planning documents to withstand independent scrutiny at appeals, the Council needs to ensure that each document is:

- Subject to community engagement;
- Positively prepared;
- Based on a robust evidence base;
- Consistent with national policy;
- Able to deliver the aspirations of key stakeholders;
- Subject to Strategic Environmental Assessment and Sustainability Appraisal, as appropriate;
- Subject to Habitat Regulation Assessment, as appropriate;
- Subject to Equality Impact Assessment, as appropriate;
- Subject to Economic Viability Assessment, as appropriate.

Community Engagement

Every planning policy document will need to be the subject of consultation in accordance with the Town and Country Planning (Local Planning)(England) Regulations 2012.

In practice, before each consultation, a consultation plan is prepared by the Council detailing how the Council will:

- Promote the consultation;
- Make information available;
- Engage with residents; and
- Manage consultation data.

It is the aim of the Council in all cases to engage as widely as possible with local residents and businesses on plans and proposals that may affect them.

Before the Local Plan and CIL are submitted to the Secretary of State for examination, and before adoption of all SPDs, a Consultation Statement will be published setting out the results of consultation, and how these were used to inform the document.

In order to make the consultation process more effective, the Council employs an electronic consultation system. This system enables consultees to respond online quickly and easily. It also acts as a depository for all other consultation responses received by email or in writing, enabling ease of reporting and analysis.

A Robust Evidence Base

The Local Plan must be based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area and takes account of relevant market and economic signals to inform judgements about demand. Having an up to date Local Plan reduces the risk that the presumption contained in the draft NPPF to grant permission where the Local Plan is absent, silent, indeterminate or out of date.

Not everyone within the local community engages with planning consultations regardless of the amount of effort taken by the Council. As a result, it is also necessary to use empirical evidence to ensure that the needs of everyone represented by the Council are fully considered.

The independent inspector will be seeking to ensure that amongst other things policies are justified. The evidence will play an important role in ensuring that this is the case and the Local Plan and CIL are sound.

The evidence base requirements for each of the documents in the Local Development Scheme are set out in the detailed programmes. Once a piece of evidence is completed, it is published on the Council's website and is available for residents, businesses and stakeholders to view.

Members will be briefed on each new piece of evidence base work as appropriate in order to ensure they can engage effectively with residents about them, and also so they are well informed when it comes to the decision making process.

Key Stakeholders

The Local Development Plan will play an important role in delivering the spatial aspirations of other stakeholders. These stakeholders include organisations such as the Environment Agency who have prepared the Thames Estuary 2100 Plan affecting Castle Point, as well as local service providers such as the County Council and GP's, and also local voluntary groups who may wish to expand their services.

It will be necessary to engage with these organisations throughout the preparation of planning policy documents, and where necessary integrate elements of their plans into the document being prepared. However, given that the plans of these other organisations are prepared at different types and reviewed with varying regularity, it is necessary to ensure that any reference is sufficiently flexible to enable plans to change and adapt to circumstances as they arise.

The Council must be able to demonstrate that this engagement has occurred and has been effective in informing the development of plans. The Duty to Cooperate is a legal duty and failure to comply will result in planning policy documents being found unsound.

Strategic Environmental Assessment and Sustainability Appraisal

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, all Local Development Plan Documents that are subject to examination by an independent inspector must be subject to the sustainability appraisal process. The sustainability appraisal process comprises:

- Scoping the likely sustainability issues that affect the local area, and are likely to be impacted on by the plan;
- Assessing the relative sustainability of different policy options, proposals and allocations (reasonable alternatives);
- Assessing the sustainability of the proposed submission document and setting out how sustainability impacts can be adequately mitigated; and
- Setting out a framework for the future monitoring of the sustainability impacts of the plan.

This process should be fully integrated into the preparation of the plan, informing the consideration of options and decision making in terms of the preferred policy options, proposals and allocations to be included in the proposed submission document. The detailed programme indicates how the sustainability appraisal process has been integrated into the programme for the preparation of the Local Plan.

Supplementary Planning Documents are not required by the fore-mentioned regulations to be the subject of a Sustainability Appraisal, where the document to which they provide detail has been the subject of one. However, where an SPD affects the use of land, it is likely that it will still require a Strategic Environmental Assessment.

Strategic Environmental Assessments are a requirement of European legislation that has been transposed into UK Law. A similar process is required to that of a sustainability appraisal; however the focus of a Strategic Environmental Assessment is solely on the environmental impacts.

Again, the requirements of Strategic Environmental Assessment should be integrated into the programme of document preparation in order that decision makers are properly informed of the likely environmental impacts of the policy document that they are considering.

Officers have been trained in the preparation of Sustainability Appraisal and Strategic Environmental Assessment. These will therefore be carried out in-house. Regular engagement with the Environment Agency, Natural England, Essex County Council, the RSPB and Essex Wildlife Trust will be undertaken to ensure that all necessary issues have been identified and addressed to the satisfaction of these specialist stakeholders.

Habitat Regulations Assessment

The Habitat Regulations seek to ensure that plans and programmes that may have an adverse impact on European designated sites of nature conservation are assessed and modified at an early stage in order to prevent or reduce the effects that they may have. There are eight European designated sites within 15km of Castle Point that may be affected by development proposals in Castle Point. Therefore, a Habitat Regulation Assessment will be required for the preparation of the Local Plan.

Again, an officer has been trained in the preparation of Habitat Regulations Assessment. This will therefore also be carried out in-house. Regular engagement with the above mentioned specialist stakeholders will again be undertaken to ensure that they are satisfied with the work undertaken.

If detailed ecological assessment are required, and information is not available from Natural England, then this work will need to be out-sourced to external ecological consultants. This is not expected to be an issue, but is a potential cost risk.

Equality Impact Assessment

The Equality Act 2010 provides a statutory duty on the Council to have “due regard” as part of any decision making process and before reaching a decision to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act and to advance equality of opportunity between people who share a relevant protected characteristic and those who don’t and to foster good relations between people who share a relevant protected characteristic and those who don’t. Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation.

To this end, the Local Plan and other plans that affect how people access services such as the town centre masterplans will be subject to an Equality Impact Assessment. As with the other assessments mentioned above, early scoping and consideration of issues is important, because this will prevent the plan being developed too far with a significant equality implication included.

Officers have been trained to prepare Equality Impact Assessments in-house. There is a network of officers within the Council that can provide scrutiny of such work in order to ensure that the assessment is robust and picks up all of the necessary issues.

Economic Viability Assessment

The NPPF expects Local Planning Authorities to consider economic viability when preparing local planning policies. Meanwhile, the CIL Regulations also expect

consideration to be given to economic viability when establishing the CIL Charging Schedule.

As part of the evidence base, it is expected that a Whole Plan Viability Assessment will be prepared testing the impacts of various policy options such as affordable housing provision, the code for sustainable homes, developer contribution requirements and CIL on the viability of development proposals. This will be used to ensure that economic viability has been considered when preparing the Local Plan, the CIL and the Developer Contributions Guidance. Separate work on economic viability has been undertaken on the masterplans.

The Council does not employ a development economist and therefore this work will need to be carried out by external consultants. This is included within the evidence base already.

Resources

In order to deliver the programme set out in this LDS in an effective and timely manner it is necessary for the right resources to be put in place.

At present the following resources are available:

- Head of Regeneration and Neighbourhoods (25%)
- Senior Planning Policy Officer (100%)
- Senior Planning Officer (50%)
- Support from Democratic Services
- Support from Legal Services
- Support from Housing Services
- Support from the Regeneration Team

The following financial resources will be required to deliver the Local Development Scheme in the period January 2014 to December 2015.

	2014				2015			
	Jan - Mar	Apr - Jun	July - Sep	Oct - Dec	Jan - Mar	Apr - Jun	July - Sep	Oct - Dec
Duty to Cooperate A130 Work	£2,500	£2,500						
Whole Plan Viability Assessment Phases 2 & 3		£11,200	£5,000					
Consultation (New Local Plan)	£16,200	£5,000	£8,000					
Programme Officer			£6,000	£10,000	£2,000			
Examination					£59,580			
Consultation (Guidance Documents)							£1,000	
Quarter Total	£18,700	£18,700	£19,000	£10,000	£61,580	-	£1,000	-
TOTAL	£128,980							

At this time it is unknown as to whether there will be any additional calls on financial resources. This will depend on the nature of the comments that arise through the consultation process. Additional calls on financial resources may arise if the Council requires any of the following:

- a) Additional evidence base work undertaken to address concerns raised by consultees;
- b) Assistance from expert witnesses in the run up to and/or during the examination in public; and/or
- c) The assistance of Counsel in the run up to and/or during the examination in public.

Programme Delivery Risks

The table below sets out a risk log of the potential risks associated with delivering the programme set out in this LDS in an effective and timely manner.

No.	Description of Risk	Potential Impact	Likelihood	Impact	Risk rating	Mitigation	Contingency
1	Resources required, as set out in the LDS are not provided.	Unable to complete the work to the timescales indicated.	L	H	3	No mitigation possible	Timescales extended to accommodate lack of resources.
		Lack of skills in-house to complete some tasks. Creates additional risks related to robust evidence.	L	H	3	Training of officers - would need to be extensive.	No contingency
2	Unable to agree a plan that is supported by the evidence	Programme slippage, delaying the adoption of related documents.	H	H	9	Continuous member involvement through plan preparation. Engagement with key stakeholders to address potential conflicts.	No contingency
3	Capacity of Planning Inspectorate to carry out examination as programmed.	Programme slippage, delaying the adoption of related documents.	L	L	1	Engage with the Planning Inspectorate 6 months before submission due.	No contingency
4	Local Plan found unsound	Resources wasted and adoption of related documents delayed considerably.	L	H	3	Robust consultation. Robust evidence. Evidence based plan.	No contingency
5	Legal challenge – an individual or organisation challenge the examination process.	Resources wasted and adoption of related documents delayed considerably.	L	H	3	Robust consultation. Robust evidence. Evidence based plan.	No contingency
		Legal Costs associated with a legal challenge					

Monitoring and Review

The Local Development Scheme is subject to monitoring on annual bases as part of the Annual Monitoring Report (AMR). The AMR sets out the Council's progress against the milestones in the Local Development Scheme, and is required to provide an explanation where slippages have occurred.

No.	Indicator
PP1a	% LDS Milestones achieved within 1 month of stated date.
PP1b	% LDS Milestones achieved within 3 months of stated date.
PP1c	% LDS Milestones achieved within 6 months of stated date.
PP1d	% LDS Milestones not achieved within 6 months of stated date.