1. What is the latest position regarding your existing strategic development plan and the preparation of any post National Planning Policy Framework replacement local plan?

1.1 The Council has an adopted local development plan which consists of seven development plan documents, including a Core Strategy (2011), Allocations Plan (2014), Development Management Plan (2014) and four Area Action Plans covering three town centres and one covering London Southend Airport and its environs. These development plan documents were prepared and adopted by the Council between 2006 and 2015. The adopted local development plan covers the period to 2025.

1.2 An early review of the adopted local development plan has commenced. A number of technical evidence base documents have been prepared, including an Employment Land Study (2014), Environmental Capacity Study (2016), South Essex Strategic Housing Market Assessment (2016) and Retail and Leisure Study (2014). A Call for Sites has been undertaken between June 2015 and March 2016, which will inform the Council’s latest land availability assessment. Other more strategic technical evidence base documents are also underway including a South Essex Retail Study, South Essex Economic Development Needs Assessment and Essex-wide Gypsy and Traveller Accommodation Assessment (excluding Basildon Borough). These documents are expected to be completed in late 2016/early 2017. An update of the 2016 SHMA is also being prepared to take account of more recently published demographic projections.

1.3 The Council’s 2007 Statement of Community Involvement was updated in early 2016, and was consulted on between March and May 2016. The 2016 version was adopted by the Council in July 2016. Early engagement workshops at the parish level were undertaken between May and October 2016 to inform the Issues and Options Document. These community workshops were supplemented by a survey. The Local Development Scheme for the Council’s new Local Plan has been revised, and it is anticipated that the Issues and Options Document will be published in Spring 2017.

2. The Council refers to various planning constraints affecting the New Local Plan. Is your authority affected by similar or other constraints and, if so, what are they?

1.4 Metropolitan Green Belt is a key planning constraint in the district, as per Castle Point Borough and other areas in South Essex. There are few brownfield sites within the existing settlements, which are all surrounded by Green Belt. The district is situated within a peninsula between the Rivers Thames and Crouch, and is bounded to the east by the North Sea. The River Roach also runs through the district.

1.5 There are three Sites of Special Scientific Interest (SSSIs) in the district, namely the Foulness, Crouch and Roach estuaries, and Hockley Woods, which cover 12,986 hectares. There are Special Areas of Conservation (SAC), Special Protection Areas (SACs) and Ramsar Sites designated in the district. There are also four Local Nature Reserves; Hockley Woods, Hullbridge Foreshore, Marylands and Magnolia Fields, and a number of Ancient Woodlands, areas of public open space, Scheduled Ancient
Monuments and special landscapes. Almost 400 hectares of land within the district has been allocated as Local Wildlife Sites, the largest allocation being Wallasea Managed Retreat at 90.31 hectares. Over 7,000 hectares of the district, primarily to the east, is designated as at risk of tidal / fluvial flooding. Surface water flooding is also a concern.

1.6 In terms of the built environment there are ten Conservation Areas, 332 Listed Buildings and many locally identified heritage assets. More detailed information on the constraints affecting the district, including a spatial representation of many of the constraints can be found in the Council’s Environmental Capacity Study (2015)\(^1\).

1.7 Other constraints relate to infrastructure provision, which are discussed in more detail below.

3. Are there development requirements that your authority is likely to be unable to meet within your own area or infrastructure that is unlikely to be provided without assistance from other authorities? If that is the case, what are they? Are there any other significant cross boundary issues affecting your plan making that you are aware of?

1.8 The Council’s housing target in the adopted local development plan is 250 homes per year to be delivered up to 2025. The most recent South Essex Strategic Housing Market Assessment (SHMA) identified an objectively assessed (unconstrained) need for the district of between 312 and 392 homes per year. As mentioned above, however this is currently being updated. The Council is at the early stages of preparing its new Local Plan to consider how many homes could be delivered sustainability over the next 20 years, and within the environmental capacity of the district. There are, however, significant constraints in the district, as detailed above, and limited opportunities within the existing residential area to accommodate further growth, particularly the level of unconstrained need identified in the SHMA.

1.9 Infrastructure provision is another significant constraint which may affect the district’s ability to sustainably deliver housing need at the SHMA level. The Council is a second tier authority, which is reliant on Essex County Council as the education and highway authority. Such key infrastructure, which requires co-operation from other authorities, includes:

- Education – there is a complex inter-relationship between Rochford District, Castle Point Borough and Southend Borough in terms of the flows of pupils attending secondary schools / grammar schools across administrative boundaries

- Healthcare – specifically ensuring appropriate capacity within Southend University Hospital and Basildon University Hospital, and providing non-emergency facilities in local communities

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• Highways – the district is accessible from the strategic road network; A127 to the south which runs west to east across South Essex, and A130 and A1245 to the east running north to south from Chelmsford City. The district is constrained by the strategic road network as well as the local road network too, and is reliant on Essex County Council and Southend Borough Council, as well as other neighbouring authorities to deliver any improvements

4. Section 4 of the Duty to Cooperate Report (CO/05/019) lists the matters the Council considers to be of strategic importance in south Essex. Do you agree?

1.10 The South Essex authorities have been working together for a number of years. The themes identified in section 4 reflect the cross-boundary issues that have been agreed by the Council, and other authorities across South Essex, through this joint working arrangement.

5. Do you have any observations to make on factual matters contained in the Council’s letter of 14 October regarding events and/or actions that have taken place?

1.11 The Council has a number of observations to make on the matters contained in Castle Point Borough Council’s (CPBC) letter of 14 October. The questions asked by the Inspector and the response received are considered in turn below.

1.12 Q1. The Council initially raised concerns about the Duty to Co-operate procedure and how CPBC had determined its unconstrained housing need when it published its 2014 draft plan. The Council did not support the approach taken at that time, as the objectively assessed need for Castle Point had been determined independently, and had not been considered in light of the wider housing market area in South Essex i.e. within a SHMA. The Council also raised concerns about the rationale for under-providing on this independently assessed need, and the purpose of safeguarding land. It was however expected that under the Duty to Co-operate there would continue to be a level of engagement across South Essex to address this important cross-boundary issue.

1.13 It should be borne in mind that in 2014 CPBC consulted on a draft plan proposing that the area could accommodate at least 200 homes per year – around half of the assessed need in the independent report. It so happens that the CPBC’s independent assessment broadly aligns with the latest South Essex SHMA 2016 findings. In its response to the Inspector’s questions CPBC contend that they considered all the evidence and determined that they could not meet their need. Rochford District Council accept that this position was not wholly unexpected. However, in March 2016 CPBC then determined that, contrary to their own evidence and studies, which supported the 2014 draft plan, the Borough could only accommodate 100 homes per year – less than a third of their actual need (considering the lower end of the range in the SHMA). It is from this point in particular that CPBC failed its legal requirement in relation to the Duty to Co-operate.

2 CPBC’s response to the Inspector’s Duty to Co-operate questions are available at: https://www.castlepoint.gov.uk/download.cfm?doc=docm93jijm4n2784.pdf&ver=4366
1.14 Although officer level meetings have taken place for a number of years, housing need and distribution of need across South Essex are matters that have not yet been fully deliberated with all Councils at all levels. Indeed, in our response to CPBC’s 2016 draft plan, it is highlighted that decisions reached are not supported by the evidence and that “This has further been hindered by a lack of constructive, on-going dialogue and engagement between the authorities at all levels in line with the Duty to Co-operate on this matter.”

1.15 Q5. Discussions are on-going at the South Essex level about potential opportunities and options to deliver a strategic planning framework for the area.

1.16 Q6. CPBC contend that “strategic planning issues have been clearly and thoroughly examined and evidenced” which may be the case at the South Essex and Greater Essex levels. However the 2016 draft plan in its current form is not supported by robust evidence, and is not based on effective discussions with neighbouring Councils on if, and how, unmet housing need could be delivered elsewhere in South Essex.

1.17 Q7. Whilst a number of technical evidence base documents have been produced jointly across South Essex, the 2016 draft plan in its current form is not considered to have a “clear link to empirical evidence” and a key cross-boundary issue – that of meeting housing need – has not been effectively discussed prior to the publication of the 2016 draft plan.

1.18 Q10. There has been a clear failure in the Duty to Co-operate from CPBC since the decision was taken in March 2016 to pursue the current content of the 2016 draft plan. CPBC have not taken adequate steps to consider whether neighbouring authorities in the housing market area are able to accommodate their own need, aside from a portion of the Borough’s unmet need (although the realistic level of unmet need in the Borough is contested by Rochford District Council). This is contrary to CPBC’s assertion that they have “taken every opportunity to explore with its partners and neighbours any opportunities to assist with unmet housing need”. Neither has CPBC – as they are the first local planning authority in South Essex to bring a draft plan forward and contend that they cannot meet their housing need – sought to put in place a formal and effective mechanism to discuss such issues at the earliest opportunity. Responding to other Councils draft local plan consultations is not considered to be an adequate and effective approach to tackling this important issue.

1.19 Although there has been regular engagement between the five South Essex authorities and Essex County Council, the level of discussion in relation to housing needs and meeting any unmet need within a particular area – in this case Castle Point – is not considered to meet the requirements of the Duty to Co-operate. As noted in CPBC’s response, the aforementioned strategic planning framework which is being explored will seek to address such issues. It is important to point out, however, that this failure on CPBC’s part does not fundamentally undermine the historic joint working arrangements across the South Essex authorities (and Essex County Council) and this approach will continue to be progressed and refined in the future.

1.20 Although the Council is sympathetic to CPBC’s position in that it has failed to deliver and adopt a robust and sustainable strategy to meet the housing and employment
land needs within the Borough, the 2016 draft plan is not considered to meet the legal and soundness tests.

1.21 **Q11.** The constraints in the Borough have not altered between 2014, when the Council considered it could deliver at least 200 homes per year, and 2016, when it took the decision that it could only accommodate 100 homes per year, without any change in the evidence. Rochford District is in a similar situation to Castle Point; we have Green Belt, as well as a number of physical and environmental constraints which will influence the potential to sustainably deliver additional housing beyond the current plan period. CPBC has however had little regard to its plethora of evidence and determined that it values certain parcels of Green Belt land over providing for its own housing need in accordance with national policy. In addition, this clearly indicates that CPBC considers its own Green Belt to be more valuable and, in turn, meet the principles of being designated as Green Belt more than in neighbouring areas, including Rochford District. This is without any due regard or consideration as to whether Rochford District can meet its own needs, let alone CPBC’s unmet need (although, again this level of unmet need is contested).

1.22 **Q12.** Key paragraphs in CPBC’s Council Agenda and Minutes (ref: CP/25/016) indicate that the approach taken is not robust, evidenced or sustainable:

Paragraph 7.5 states “Any attempt to remove sites that is not supported by evidence will result in the Council’s approach to meeting its housing needs being found unsustainable.”

Paragraph 7.9 states “With a Local Plan in place, the evidence having been tested at public examination the Council can rely on the target figure of 200 per annum because of the application of constraints. There is also the risk that at Appeal developers will argue that the OAN figure of 400 per annum referred to above should be much higher (as occurred in the Jotmans Appeal).”

1.23 The level of unmet need is a significant issue and, as previously highlighted, is not considered to be supported by appropriate evidence. It is unclear why the level of provision considered to be deliverable in 2014, is no longer deliverable in 2016. Although neighbouring authorities may have been made aware of CPBC’s failure to meet its own need, no formal, constructive and on-going meetings between relevant authorities to discuss this important issue – including a clear and evidenced explanation for reducing the level of provision further, whether neighbouring authorities can meet their own need, and whether any areas could meet any unmet need – have taken place to date.

1.24 **Q13.** In addition to the lack of effective and constructive meetings about CPBC’s level of proposed need to be delivered within the Borough, there have been no open discussions on whether CPBC could accommodate need from other areas. This may be due to the fact that a number of authorities in South Essex are not as far advanced in plan-making, although we have sought in our current local development plan to meet our own needs, where possible.
6. In the light of the information provided by the Council do you now consider that theDtC has been met? If not, please briefly confirm why and draw attention to any particular strategic matters that lead you to this view.

1.25 The Council continues to uphold its position that the Duty to Co-operate has not been met by CPBC in relation to meeting its own housing need. In brief the Council’s concerns relate to:

- A lack of justification for a further reduction in the delivery of housing against evidenced need, that is based on appropriate and available evidence;

- A failure on CPBC’s part to set up an effective mechanism for openly discussing the reasons for this reduction at the earliest opportunity with relevant officers and Members;

- A failure on CPBC’s part to explore the issues and opportunities with neighbouring authorities that would be inadvertently affected by this further, baseless under provision of need.

1.26 As above, however, failure on CPBC’s part on this strategic issue is not considered to fundamentally undermine the historic joint working arrangements across South Essex authorities (and Essex County Council). The Council is committed to working with neighbouring authorities on strategic, cross-boundary issues in the future.