

ORDINARY COUNCIL

22nd October 2019

Subject: New Castle Point Local Plan

Report of the: Chief Executive – David Marchant

1. Purpose of Report

1.1 This report seeks the Council's formal agreement to the new Castle Point Local Plan and its associated documents and seeks the Council's consent to proceed to consultation on that plan and thereafter submission to the Secretary of State for examination.

2. Links to Council's Priorities and Objectives

**Environment
Housing and Regeneration
A Commercial and Democratically Accountable Council**

3. Recommendations

3.1 Pursuant to Section 20 of the Planning & Compulsory Purchase Order Act 2004, and Regulations 19 and 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, Council to approve the publication of the Castle Point Local Plan for further consultation and then submission to the Secretary of State, subject to 3.2 below;

3.2 Following consultation with the Leader and Deputy Leader of the Council, to authorise both the Chief Executive and the Head of Place and Policy to undertake any of the following actions:

- a. To make any minor amendments to the Plan required prior to publication under Regulation 19.**
- b. To continue with on-going engagement and additional work as necessary to fulfil the duty to co-operate.**
- c. To seek appropriate legal and technical advice on any new evidence or guidance which emerges, and effect any consequential changes as required to the new Castle Point Local Plan before consultation or submission;**
- d. To seek appropriate legal and technical advice on any consultation responses to the Castle Point Local Plan, and effect any consequential changes as required to the New Local Plan before examination;**
- e. To make available for public examination the evidence base and supporting documents prepared to inform and accompany the new Castle Point Local Plan;**

- 3.3 To appoint a Master Plan Working Group to prepare a master plan or planning brief for each site identified for master planning or planning briefs to be reported to Cabinet and formally agreed by the Council in accordance with the policies set out in the new Castle Point Local Plan; membership to include Ward Councillors (as required for each identified site), to work with officers, other service providers, the local community and developers.**
 - 3.4 To approve a new Local Development Scheme.**
 - 3.5 To note the intention to introduce the Community Infrastructure Levy.**
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4. Background

Need for a new Local Plan

- 4.1 The Council has a statutory responsibility to prepare development plan documents for the Borough. This responsibility is set out in the Town and Country Planning Acts. It also has a responsibility to ensure that development plans are kept up to date, and since January 2018, that any local plans are reviewed within 5 years of their adoption.
- 4.2 Local Plans should be prepared in consultation and engagement with the local communities and key stakeholders and in accordance with the Planning Acts and Local Planning regulations. The Town and Country Planning (Local Plans) regulations 2012 (as amended) set out the process for the preparation of plans.
- 4.3 The current Development Plan for Castle Point is the Castle Point Local Plan which was adopted in 1998. That plan ran to the 2001 and was prepared prior to the Planning and Compulsory Purchase Act 2004, which established the 'new style' local plan based on a local development framework.
- 4.4 The 2004 Act did allow for local planning authorities with recently adopted 'old-style' local plans to Save Policies, which met the objectives of national policy at that time. In 2007 the Council Saved Policies in the Local Plan as the development plan for the Borough.
- 4.5 Since the 1998 policies were saved in 2007, the national framework for the preparation of local plans has further changed with the introduction of the National Planning Policy Framework (NPPF) in 2012, and the Town and Country Planning (Local Plans) Regulations also in 2012.
- 4.6 The NPPF replaced Planning Policy Guidance and a range of Planning Circular's and is now the main instrument which sets out national planning policy. It is supported by a range of Planning Policy Practice Notes.
- 4.7 The Council is currently in a position of not having an up to date local plan in place. Accordingly, it is not providing a clear framework for development; setting out how infrastructure can be secured; running the risk of speculative development and planning by appeal; and not providing certainty for residents and businesses. Furthermore, the NPPF is clear that in the absence of an up

to date local plan the paragraph 11 of the NPPF will apply and there would be a presumption in favour of sustainable development. However, this does not apply where *'the application of policies in this [National Planning Policy] Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'* A footnote to paragraph 11 defines the protected areas to include Green Belt.

- 4.8 Although this protection has tempered speculative development in the Borough, it does not mean that the Council should not fulfil its responsibilities and prepare a plan. The Council has a leadership role on behalf of the community to meet local needs for housing, jobs and infrastructure.
- 4.9 This can only be achieved through a local plan and only through the acceptance that growth is needed. Without growth the Council is denying people homes, young people, in particular, who cannot enter the housing market or elderly people in need of care or seeking to downsize. No growth also means that productivity and employment levels remain static without the land, the workforce and infrastructure to support local businesses and public services.
- 4.10 Critically, growth also brings investment in health, education and community infrastructure. A key component of local plans is to plan for, coordinate and manage development and infrastructure to ensure that there remains enough capacity and where possible investment is improved and expanded facilities. The perception that the health clinics and schools cannot cope with growth is unfounded as growth generates the investment into the capacity much of which is funded by development.

Progress on a new Local Plan

- 4.11 On 7th January 2014, Council agreed to publish a draft new Local Plan for consultation. It proposed the release of a number of Green Belt sites in order to deliver approximately 200 homes per year. Over 3,000 responses were received which mainly focused on this issue and made clear objections to the use of Green Belt land for housing.
- 4.12 The Council's Task & Finish Group considered the responses to the plan over a period of 16 months and eventually referred the matter of housing sites and Green Belt loss to Council.
- 4.13 On 15th March 2016, Council resolved to remove most of the Green Belt housing sites, leaving a delivery rate of approximately 100 homes per annum, and submit a New Local Plan 2016 for examination in that form.
- 4.14 The Planning Inspector appointed to examine the plan expressed concern at the way in which changes were made to the plan without consultation with neighbouring authorities and found that this did not meet the duty to co-operate. He also observed that there appeared to be no effective mechanism in South Essex to deal with the matter of unmet housing need.
- 4.15 At its meeting on 29th March 2017, the Council agreed to withdraw the New Local Plan 2016 following this criticism from the Planning Inspector.

- 4.16 It was also resolved to continue with work on creating a strategic planning framework for South Essex in consultation and co-operation with neighbouring and nearby authorities.
- 4.17 Throughout the summer and autumn of 2017, the leadership of South Essex councils embarked upon a programme of work which would lead to a shared 'place ambition' and greater collaboration on strategic priorities to support long term growth. This was initiated in response to the recognition that there was a need to work more effectively on strategic planning matters across South Essex and maximise the potentially significant opportunities which strategic collaboration could bring to the area, including much needed improved infrastructure to support potential growth. The Association of South Essex Local Authorities (ASELA) was established.
- 4.18 On 16th November 2017, the Secretary of State wrote to the Council expressing concern regarding delays in plan-making. The Council responded on 31st January 2018 pointing out that it had been working to address the Planning Inspector's concerns regarding the duty to co-operate with neighbouring and nearby authorities in South Essex, as well as seeking to improve housing delivery through other means, by for example the publication of its Brownfield Land Register.
- 4.19 The Secretary of State responded on 23rd March 2018 by expressing concern at the further delay in preparing a local plan and continued his intervention. The Government's Chief Planner and a team of consultants then reviewed the Council's previous local plan work, and its capability to prepare a new local plan, with a view to putting in place direct intervention if evidence of rapid progress in plan making, with a focus on housing delivery, could not be achieved.
- 4.20 As a consequence of these interventions, and following discussions with the Government's Chief Planner officials, the Council at its meeting on 6th June 2018 resolved to start work forthwith on a Local Plan. It also resolved to publish its Local Development Scheme 2018, committing the Council to an accelerated programme of plan preparation, commencing with consultation under Regulation 18 in July and August 2018. This was with the view to considering a New Local Plan in November 2018, for consultation under Regulation 19 in January 2019 ready for submission in April 2019. These arrangements were prepared in consultation with the Chief Planner and officials at the Ministry.
- 4.21 Members of the Council were engaged in the development of the New Local Plan through a series of six Member Briefings commencing in July 2018 through to November 2018. The Briefings covered: Local Plan Preparation and Site Assessment Methodology; Update on Evidence; Call for Sites and Work on the SHLAA (Strategic Housing Land Availability Assessment); Policies and Allocations; Duty to Co-operate and Master Planning; Report to Council.
- 4.22 The subsequent draft Pre-publication Local Plan was presented to a Special Council meeting on 28 November 2018. That Plan was not approved.
- 4.23 Following that meeting the Chief Executive wrote to the Government's Chief Planner seeking advice on the next steps and whether the Government would

intervene. That letter stressed that the Council wished to remain in control of the plan and decision making.

- 4.24 Despite that letter and meetings between the MHCLG and Council officers, and most recently the Leader and Deputy Leader of the Council, no further letter of intervention has been received. However, the Government's Chief Planner has advised that the Government are monitoring very closely the position in Castle Point and that there remains a strong likelihood of intervention if this plan is not approved for public consultation.
- 4.25 In April 2019, the Local Government Association supported by the Planning Advisory Service undertook a peer review of the Council's Development Control Committee. Their report together with the Improvement Plan is in the Forward Plan for consideration by Cabinet in November 2019. The Peer Review team were unanimous that a key priority for the Council must be to prepare a new Local Plan to provide a clear policy framework for decision making.
- 4.26 In response to the Peer Review and the on-going discussions with the Government's Chief Planner and his Local Plan Interventions Team, progress was restarted on the preparation of the Plan. The message from Government was that its expected Castle Point Borough Council to prepare and approve a local plan for consultation and examination. The alternative to not doing so could be risk of the Government preparing the plan. Such a move would mean that the Council would have little control over the plans contents or influence its outcomes.
- 4.27 In addition, such intervention could trigger intervention in the decision making on planning applications, and in the interim, increased speculative development, including on sites proposed for development in this draft plan, without the Council (Members and officers) full involvement in the preparation of master plans, phasing, infrastructure delivery and community engagement.
- 4.28 By progressing the local plan to Regulation 19 the Council will avoid intervention. The Government is clear that it expects local authorities to prepare plans for their areas and the importance of consultation and engagement in doing so. Accordingly, it is vital that the Council ensures that it controls as far as it can the plan making process and the decision-making process.
- 4.29 Since November 2018 work on the plan has not ceased. As set out below a key piece of work has been the preparation of a Infrastructure Delivery Plan; where appropriate evidence has been updated; and the plan has been reviewed to take into consideration an independent review of the November 2018 plan; comments from partners, in particular Essex County Council; engagement with members; maintaining compliance with the NPPF (February 2019); and as a result of new evidence, national guidance and best practice. Crucially some changes have been made in response to concerns raised by residents affected by development to Members and to address as far as possible their concerns.
- 4.30 The draft Pre-Submission Castle Point Local Plan is set out in **Appendix One**.

5. Policy Context

- 5.1 The National Planning Policy Framework July 2018 (NPPF) sets out the Government's policies with regard to plan-making. It expects local plans to plan positively to meet the objectively assessed need for development (housing, employment, retail etc.) within the area, in a sustainable way and supported by any necessary provision of infrastructure, unless policies in the NPPF protecting areas of particular importance provide a strong reason for not doing so, or that adverse effects demonstrably outweigh the benefits.
- 5.2 It also makes clear that, in order to support the Government's objective of boosting the supply of homes, sufficient land for housing should be identified. The introduction of the Housing Delivery Test is to ensure that delivery of housing meets local planning authorities housing requirements.
- 5.3 The NPPF also explains that local planning authorities are under a duty to co-operate with each other to work jointly on strategic matters that cross administrative boundaries. It expects authorities to collaborate with other bodies to identify strategic matters to be addressed in individual local plans.
- 5.4 Effective and on-going joint working between strategic plan-making authorities and others is integral to the production of a positively prepared and justified strategy. In order to demonstrate this, statements of common ground should be prepared and maintained documenting the cross-boundary matters being addressed.
- 5.5 Local plans are subject to independent examination by a planning inspector before they can be adopted. The examination process checks that the proposed local plan has been prepared in accordance with legal and procedural requirements, and is sound. Objectors to the Plan at Regulation 19 stage will have their representation considered by the inspector, and may be invited to participate in the Examination. The NPPF sets out four tests of soundness that must be met. These tests are:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed needs, and is informed by agreements with other authorities so that unmet requirements from neighbouring authorities can be accommodated where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be based on an appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, as evidenced by the statement(s) of common ground; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
- 5.6 Government also publishes and maintains its National Planning Practice Guidance (NPPG) in web-based format. This provides practice guidance on a range of matters relevant to plan-making including matters such as objectively assessing development need, identifying the capacity to accommodate

development, and undertaking work on the duty to co-operate in instances where there is an insufficient supply of land for development. Weight will need to be given to this guidance where plans are submitted for examination.

6. The South Essex Plan

- 6.1 Significant work has been carried out across South Essex by all local planning authorities and Essex County Council on a range of matters. In January 2018, agreement was reached to form the Association of South Essex Local Authorities (ASELA). Its ambition is to develop a long-term place-based growth ambition. A joint strategic approach will enable the South Essex sub-region to collectively support economic growth and respond to external pressures such as the Thames Estuary 2050 Commission and the London Plan.
- 6.2 Part of the South Essex growth ambition will be realised through the preparation and adoption of a Joint Strategic Plan (JSP) – The South Essex Plan. The JSP will be a high level planning framework covering the whole South Essex area. It will set out the overarching spatial strategy, housing target and distribution, strategic employment areas, key transport and other infrastructure priorities and strategic development opportunity areas. It is set to deliver a minimum of 90,000 new homes and 52,000 new jobs by 2038 and the broad framework for development beyond that period to 2050. Along with housing and employment the vision aims to deliver large scale infrastructure that will permit long term growth for the region.
- 6.3 In accordance with NPPF, a statement of common ground has been prepared to support the preparation of the JSP, to ensure that there is not only a proactive and positive approach to strategic planning matters across housing market areas, but that there is a clear (and agreed) approach to how these will be delivered in all relevant local plans.
- 6.4 A significant body of planning evidence is already available concerning strategic planning matters in South Essex – such as the South Essex Strategic Housing Market Assessment – and new evidence is now being commissioned to underpin work on the JSP. The JSP will be a planning document with a high-level strategic focus, describing the South Essex 2050 Vision in spatial terms, and will contain strategic covering matters such as areas of strategic opportunity, economic and productivity growth, infrastructure, environment and the green economy and housing provision and distribution. The JSP will sit alongside existing and emerging local plans but also provide the framework for local plans beyond the current local plan periods.

7. The Evidence Base

- 7.1 In order for the new Castle Point Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on evidence. Since October 2012, a number of pieces of evidence base work have been undertaken, and regularly updated. These include the Strategic Housing Land Availability Assessment (SHLAA) and the Annual Monitoring Report (AMR).
- 7.2 The evidence prepared and assessed for the draft New Local Plan 2014, and the New Local Plan 2016 has been used in order to inform preparation of the

Local Plan. Additional studies have been undertaken in order to ensure that the emerging policies in the Local Plan can be sufficiently evidenced. In order to ensure that key partners such as the local highway authority, the local education authority and neighbouring districts can support the new Castle Point Local Plan, and the proposals contained within it, the Council has worked with these organisations, as appropriate, on the preparation of the evidence base. This has meant that these organisations have a shared understanding of the issues that affect Castle Point, and have been able to provide specialist advice on how issues can be addressed. Early involvement of these organisations in the preparation of the new Castle Point Local Plan will avoid the need for them to raise objections to proposals that are based on the evidence, and will enable the organisations, as appropriate, to plan for the delivery of infrastructure required to support development proposals.

- 7.3 This remaining paragraphs of this section describe the key additional work that has been undertaken, or new evidence which has come forward.

Housing Needs

- 7.4 The Strategic Housing Market Assessment (SHMA) is a fundamental piece of evidence in the preparation of local plans. The SHMA plays the important role in demonstrating that the appropriate housing market area has been identified and housing needs have been objectively assessed and fully appraised. Since the preparation of the 2014 and 2016 plans, the Addendum to the South Essex SHMA 2017 indicated that the objectively assessed need for housing in Castle Point over the period 2014 to 2037 was 311 homes per annum.
- 7.5 However, notwithstanding this evidence, the Government, through the NPPF 2018, has now introduced a standard method for the calculation of housing need to be applied across the country. For Castle Point the application of the standard method results in a housing need of 342 dwellings per annum (as set out by the Government in 2017). It is this figure on which the new Castle Point Local Plan 2018 is based. This annual target equates to 5,130 units during the 15-year plan period running from 2018 to 2033. Unlike the November 2018 version of the Plan, this draft Plan does not extend that target beyond the 15-year period.

Housing Strategy

- 7.6 The Council issued a “Call for Sites” in May 2018, in order to inform the 2018 Strategic Housing Land Availability Assessment. In all a total of 150 site responses to the call were received which lead to the draft SHLAA 2018 having a total of 477 sites for consideration.
- 7.7 The NPPG makes clear that sites should be suitable, available and achievable (including viability). In identifying proposed site allocations, a sequential approach has been taken. This have involved considering (1) completions since 1 April 2018; (2) sites with extant planning permissions; (3) sites on the Council’s Brownfield register approved in December 2018; (4) Sites identified by land owners as being available and set out in the SHLAA as policy compliant; (5) an allowance for windfall sites; and (6) strategic allocations on brownfield

sites. This provides an assessment of known available and deliverable urban and brownfield sites. Collectively, as set out in the table below, these have a capacity of 2,565 new homes, which equates to just over 48% of the borough total.

- 7.8 This leaves a total of requirement of 2,775 homes to be found elsewhere. In the absence of any local planning authorities being prepared to meet the borough's unmet need in their local plans, the Council has had to look at locations outside the urban areas, into land which in the 1998 plan is defined as Green Belt.

Table 1.

Source	Total	Percentage
Completions (2018/19)	200	3.74%
Extant permissions (31.3.2019)	605	11.32%
Brownfield Register	203	3.8%
Policy Compliant SHLAA	293	5.48%
Windfall	200	3.74%
Strategic Allocations on Brownfield sites	1,064	19.92%
<i>Total urban or brownfield</i>	<i>2,565</i>	<i>48.03%</i>
Strategic allocations outside urban areas	2,775	51.96%
<i>Gross total</i>	<i>5,340</i>	<i>100%</i>
Existing dwellings within allocated sites	- 45	
Net Total Supply	5,295	

- 7.9 The use of Green Belt is a last resort. National Green Belt policy has been clear that it is only through local plans that Green Belt boundaries can be defined. Paragraph 136 of the NPPF states that '*once [the general extent of the Green Belt has been] established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of [local] plans.*'
- 7.10 In the absence of sufficient capacity within the urban areas, which is evidenced through the approach as set out in paragraph 7.7 and in the absence of another authority meeting the Borough's unmet need, the re-designation of land currently within the Green Belt must be considered. The inability to meet all of the housing need within urban areas, provides the exceptional circumstances for altering the green belt boundaries.
- 7.11 As set out in Table 1 the net supply identified in this Plan is 5,295. This is above the target of 5,130 and equates to 353 dwellings per annum. This provides a buffer and ensures that the Council can demonstrate it can meet need which is a key consideration in the examination of the Plan. Failure to not meet the need, and in the absence of any alternative or evidence to suggest why the Council should not meet needs, the plan will in all likelihood be found unsound.

Housing trajectory and infrastructure investment

- 7.12 Since November 2018 a key workstream has been to identify a housing trajectory and corresponding Infrastructure Delivery Plan. These are two crucial documents:

The Housing Trajectory provides an indication of how and when development will be undertaken throughout the 15-year plan period. **It is not going to be the case that from day one all these sites will come forward for development at once.** A number of factors determine the trajectory: (1) the process to bring forward sites through, possibly, a master plan, and the planning application process; (2) the ability of the housing market to sustain an annual number of new homes; (3) the build rates of the housebuilders; the timing of infrastructure and any restrictions that places on development; and other factors such as the application of the flood zone sequential test. The Housing Trajectory is a live document, and will continue to be updated through engagement with the developers and housebuilders up to examination. It can be tested at examination. It will be monitored annually and inform the annual Five-Year Housing Land Statements and the annual Housing Delivery Test.

The **infrastructure delivery plan** is aligned to the housing trajectory and sets out the infrastructure requirements to enable the new development to take place. This includes health facilities, new school and education, transport and highways, open spaces, sports facilities and community facilities. The majority cost for the delivery of this infrastructure is borne by the development and secured through a Section 106 agreement. In this regard the local plan is quite clear that where infrastructure requirements are identified they must be provided through the development. These costs are indexed linked to the start of plan period to ensure that over time there is no reduction of value of the requirements.

The Infrastructure Delivery Plan has been prepared through engagement with Essex County Council, the health bodies and other infrastructure providers. Like the Housing trajectory, it is a live document and will be subject to an annual report.

- 7.13 However, to further boost the delivery of Infrastructure the Council will introduce a Community Infrastructure Levy (CIL). This is a method of raising additional funding for infrastructure and was introduced in the Localism Act 2011 towards infrastructure. Although approval of CIL is not part of this report, a report will be made to Cabinet on CIL later this year and the process for its introduction will run along side the local plan process. CIL enables the Council to charge development which is not normally subject to a Section 106 agreement, but which cumulatively, has a significant impact on infrastructure.
- 7.14 CIL is a charge per square metre on, usually, new residential development (although other uses can also be charged). It is only charged on development which creates 100 sqm or more of new floorspace and is reflected as a tariff of £X per square metre. It is collected by the Council on commencement of a development or at agreed intervals during a development. Because CIL deals with infrastructure required to deliver foreseen growth, a local plan and the infrastructure delivery plan are required to ensure it is sound. CIL can also be subject to examination.

- 7.15 The Infrastructure Delivery Plan and housing trajectory also informs the whole plan viability assessment. This assessment concludes that the Plan is viable. This means that the Council can secure the necessary infrastructure and affordable housing. This provides greater certainty for local communities, for developers, infrastructure partners and decision makers that the new investment will be made and without delay.

Draft Transport Evidence for the New Local Plan

- 7.16 This work has been commissioned in conjunction with Essex County Council as Highway Authority, from the appointment of consultants and the provision of data for this project. Essex County Council has agreed, from a technical perspective, the modelling approach used in this work, and the outcomes of the assessment.
- 7.17 The work establishes a baseline for traffic movements, as well as identifying 17 key junctions across Castle Point; scenarios are then modelled, using standard assumptions regarding background traffic growth, and the development of the sites identified in the Local Plan. The assessment also considers the quantitative capacity of the 17 key junctions.
- 7.18 From briefings so far, it appears that there are likely to be capacity issues at some key junctions in Castle Point, with the Woodman's Arms junction and the Tarpots junction most affected. Improvements to the capacity of the highways network along with improvements to public transport provision are likely to be recommended. Potential development sites within proximity of public transport corridors are likely to be favoured. The highway authority, Essex County Council have been partners in the preparation of the transport elements of the infrastructure delivery plan, and work will continue up to and beyond the examination.

Joint South Essex Strategic Flood Risk Assessment (Level 1) and Draft Castle Point Strategic Flood Risk Assessment for Housing Site Options (Level 2)

- 7.19 A Joint Strategic Flood Risk Assessment (SFRA) (Level1) was commissioned by South Essex authorities, including Castle Point, in order to update the work previously carried out in 2010. The SFRA identifies that the South Essex Authority areas are at risk of tidal flooding from a combination of estuaries and the North Sea and at risk of fluvial flooding from a number of watercourses flowing through the authority areas. Whilst each of these sources pose a potential risk of flooding to properties within the study area, formal flood defences provide a significant level of protection for much of the property and land uses.
- 7.20 Residual risk from breaches of the defences exists and this has been defined within the SFRA using the outputs of hydraulic modelling. The potential risk of flooding from other sources exists throughout the study area, including significant areas of surface water flooding as a result of heavy rainfall and limited capacity of drainage infrastructure; this is particularly the case on Canvey Island. Critical Drainage Areas, as defined through Surface Water Management Plans (SWMP) undertaken across the study area, are present in

all of the South Essex authority areas. Groundwater flood risk across the study is generally low, however there are areas of risk associated with superficial geology, particularly where groundwater levels are hydraulically connected to tidal water levels. Generally, flood risk from artificial sources is low across the study area.

- 7.21 Using the strategic flood risk information presented within the Level 1 SFRA, a Sequential Test was undertaken to steer future development towards areas of lowest flood risk. Where it was not possible to accommodate potential development sites outside those areas identified to be at risk of flooding, the Exception Test may be required. The Castle Point Draft Level 2 SFRA Report will provide information to support the application of the Exception Test for future development sites located within areas identified to be at risk of flooding.
- 7.22 The Council will continue to work with the Environment Agency on the investment identified in the Thames Estuary 2100 plan to ensure that tidal flood defences are maintained to the highest standard. The Plan has identified a safeguarding zone along the Canvey Island seawall to ensure no development encroachment that would impact on that investment. This ensure the highest level for protection for the island.

Draft Green Belt Review (Parts 1 & 2) and Draft Green Belt Topic Paper

- 7.23 Considerable work was undertaken for the 2014 and 2016 plans regarding Green Belt matters. For example, the Green Belt Boundary Review drew on evidence arising from the Green Belt Functions Assessment, the Green Belt Landscape Assessment, appeal decisions and other commentary regarding the Green Belt in Castle Point. The work examines the Green Belt in Castle Point to determine whether various parcels still perform a Green Belt function. Using that work, it then assesses whether, and if so to what extent, harm would be caused if and where the Green Belt boundaries in Castle Point were to be amended to accommodate proposed locations for development. The draft Green Belt Topic Paper draws together the conclusions of the draft Review and sets out the justification for amendment to Green Belt boundaries.

Draft Housing Sites Options Topic Paper

- 7.24 This topic paper will summarise the assessment of sites that has been provided in briefings from individual studies (drafts of the Sustainability Appraisal, Transport Evidence, Viability Assessment, and the Level 2 SFRA), and presents a guide to decision makers on the positive and negative attributes of each of the sites under consideration for inclusion in the plan.

Draft Sustainability Appraisal

- 7.25 A sustainability appraisal of all policies and proposed development sites has been commissioned. Briefings for this report show that the policies in the new Castle Point Local Plan can be considered to promote sustainable development, having regard to reasonable alternatives, and the proposed site allocations are also in locations which are sustainable again having regard to reasonable alternatives.

- 7.26 The evidence set out in paragraphs 7.1 to 7.25 is not an exhaustive list and further evidence can be found on the Council's website. All of the evidence will be published for scrutiny and examination.
- 7.27 All evidence is live and will be kept under review. In response to representations received during the Regulation 19 consultation, further work may be required, including commissioning new evidence if it is felt that the existing evidence does not address relevant issues raised. At Examination, the Inspector will expect the Council to be able to support all the plan's proposals through up to date evidence and may request further work during or post examination.

8. The Local Plan

- 8.1 The Local Plan has been prepared based on the evidence as set out above.
- 8.2 Each chapter includes strategic and or local policies setting out the Council's overall approach to the issue under consideration. The strategic policies set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision housing, employment, retail, leisure, infrastructure, and other developments. They provide a borough-wide approach for guiding development to designated parts of the borough, and for putting in place mechanisms for delivering infrastructure and protecting and enhancing the built and natural environment.
- 8.3 The local policies identify the specific location where development and change will occur within the borough
- 8.4 A Policies Map also forms part of the new Local Plan. This sets out on an Ordnance Survey map of the borough the areas where particular policy designations apply.
- 8.5 The following sections of this report highlight the main policy requirements in each chapter. It is however recommended that the Local Plan is read and considered as a whole, in the same way as the NPPF.

Introduction and Strategic priorities

- 8.6 The introduction to the Plan sets out the strategic priorities on what the plan does and its preparation:

This plan has been prepared in a positive manner with the aim of supporting sustainable economic growth.

This plan supports sustainable development in the Borough aimed at meeting the needs of current and future residents and businesses. It has however been prepared in a way that reflects the Borough's environmental capacity, taking into account the need to protect and enhance areas of nature conservation and the unique landscape of the Borough It also has regard to the environmental limits the Thames Estuary places on the Borough.

The Strategic Priorities for the Plan are:

- *Maximising the use of available and deliverable urban land for new development.*
- *New development is supported by the provision of infrastructure improvements including transport, education and services and facilities that communities need for their wellbeing.*
- *Promote sustainable development through the effective use of land and ensuring appropriate infrastructure supports development.*
- *Provide high quality mix of suitable and affordable homes to meet the needs of all residents.*
- *Provide attractive employment spaces and create additional employment opportunities for local residents.*
- *Seek to ensure vitality of town centres, by improving the retail offer and supporting a diverse mix of uses and keeping them vibrant attractive places to visit.*
- *Protect, enhance and encourage healthy, active and safe communities, by supporting community resilience and inclusion and opportunities for people to flourish through maximising the quality and provision of open spaces.*
- *Promote sustainable travel and reduce travel times by enhancing existing transport infrastructure and facilities.*
- *Promoting improvements in digital communications and connectivity for residents, businesses and public services.*
- *Ensure attractive design that accentuates the positive features in the natural, built and historic environment.*
- *Prioritising the use of brownfield land for future development but recognising that it is a finite resource and therefore managing the release of Green Belt land for development in a way that prevents urban sprawl, prevents towns merging together and safeguards the most valued countryside.*
- *Promote resilience to flooding and climate change through sustainable development and design; creation of new green infrastructure; and the encouragement of renewable energy production.*
- *Protect and enhance the environment to ensure that there is a net environmental gain.*
- *Conserve and where possible improve important heritage assets.*

Vision

8.7 The first five chapters of the draft New Local Plan set out the context in which the draft New Local Plan has been prepared. This includes the policy context, the spatial context and key drivers of change. The key drivers for change in Castle Point are identified as being:

- The economic growth agenda;
- Demographic change and population growth;
- Improvements to the quality of life sought by residents;

- Protection of the environment;
- Climate change and flood risk; and
- Significant growth and regeneration projects elsewhere in South Essex.

8.8 Having regard to this context and the drivers of change, the following vision for Castle Point is set out in the Local Plan:

By 2033, Castle Point will play a pivotal role in the South Essex sub-region by providing communities where people want to live, and a high-quality environment, supporting economic growth opportunities in both Castle Point and neighbouring districts.

Communities will have been improved through appropriate, high quality development that provides a good mix of homes to support citizens throughout the different stages of their lives. These communities will have good access to services and facilities that respond to the needs of all generations, and local town centres and local shopping parades will provide a range of shopping facilities that local people want to visit.

The environment for business within Castle Point will have been improved through appropriate investment in education and training, the public realm, and new and improved business premises. Employment opportunities within Castle Point will be more competitive and support a good quality of life for those residents that need or prefer to work close to home.

In order to improve the quality of life within the communities in Castle Point, the public transport network will have been enhanced to provide links for all the borough's residents to education, employment, shopping and leisure opportunities within Castle Point and in neighbouring districts, so that public transport is a realistic alternative to the private car. It will also be possible to make more local journeys by foot or bicycle through enhancements to the network of footpaths and cycle ways.

Castle Point will benefit from an enhanced network of formal open spaces, accessible natural green spaces and open land. Where appropriate, having regard to nature conservation concerns, access to green and open spaces will have been increased so that the local communities, communities in neighbouring districts and visitors can further enjoy the diverse landscape of Castle Point and the Thames Estuary waterfront.

Important features in the natural and historic environment including wildlife, habitats, landscape features, historic buildings and archaeology will have been protected and where possible enhanced. Opportunities to improve the quality of land, air and water will have been realised in order to ensure that the environment is healthy and more resilient to the risks of climate change.

The design and location of new development will have ensured that additional pressures on the natural environment are minimised, and that the threats posed

to communities by climate change, and all types of flood risk and man-made hazards are suitably managed and reduced.

Objectives

- 8.9 In order to deliver this vision, the Local Plan seeks to achieve eight clear objectives. These were derived as a consequence of the consultation undertaken with residents, businesses and other stakeholders;

Objective 1: *To protect and enhance the range of services that support healthy and active communities within Castle Point.*

Objective 2: *To provide high quality homes in sustainable locations that meet the needs of local people through an appropriate mix of housing sizes, types and tenures.*

Objective 3: *To make the town centres in Castle Point places where local people want to visit and access community and local facilities.*

Objective 4: *To create an environment that supports business growth and creates local job opportunities.*

Objective 5: *To promote more sustainable travel patterns within Castle Point through the location of development, and the provision of public transport and cycling infrastructure to complement the existing highway network.*

Objective 6: *To protect and enhance the network of high quality, accessible green and open space throughout Castle Point.*

Objective 7: *To protect and enhance the quality of the natural, built and historic environment within Castle Point, having regard to features of ecological, landscape and heritage importance.*

Objective 8: *To promote high levels of sustainability and resilience to natural and man-made risks through the location and design of development, having regard to the implications of climate change, including flood risk from all sources.*

Presumption in Favour of Achieving Sustainable Development and Effective Use of Land

- 8.10 This chapter responds to the advice in the NPPF to ensure that sustainable development with the three interdependent and overarching objectives – economic, social and environmental – is delivered through the policies set out in the plan.
- 8.11 Two policies set out how the Council will make the best use of land and how developers' contributions will be secured to invest in infrastructure to support growth. The latter includes reference to the Council's intention to introduce a community infrastructure levy.

Delivering a Sufficient Supply of Homes

8.12 Paragraphs 7.6 to 7.11 above set out how the Council is meeting its housing need, which is set out in more detail in this chapter.

8.13 As well as identifying strategic housing sites, this chapter of the plan sets out:

- the overall housing strategy;
- the use of master planning to involve the local community in the planning of proposed allocations;
- a policy to control the type and size of housing (housing mix) to best meet local need;
- affordable housing for local residents and that nomination rights vest with the Council;
- preventing the loss of homes;
- caravans and mobile homes;
- gypsy and travellers;
- residential annexes.

Strategic Sites

8.14 This chapter sets out the policies for the Strategic Housing Allocations, and includes the following sites:

Site	Proposed Capacity
Land west of Benfleet (known as Jotman's Farm)	850
Land between Felstead Road and Catherine Road, Benfleet	89
Land off Glyders, Benfleet	30
Site of the former WRVS Hall, Richmond Avenue, Benfleet	39
Land east of Rayleigh Road, Hadleigh	455
Land at Brook Farm, Hadleigh	173
Land south of Scrub Lane, Hadleigh	55
Land at Oak Tree Farm, Hadleigh	65
Hadleigh Island, Hadleigh	52
Land at Glebelands, Thundersley	155
The Chase, Thundersley	350
Land fronting Rayleigh Road, Thundersley	60
Land at Thames Loose Leaf, Kiln Road, Thundersley	12

Site	Proposed Capacity
Land east of Canvey Road, Canvey Island	300
Land west of Canvey Road, Canvey Island	253
Land at Thorney Bay and Sandy Bay Caravan Park, Canvey Island	510
Land at The Point	100
Walsingham House, Lionel Road, Canvey island	32
Land at the Admiral Jellicoe, Point Road, Canvey Island	40
Land south of Haron Close, Canvey Island	10
Land at Haystack car park, Canvey Island	14
Land to the east of Kings Park Village, Canvey Island	50
Land at 244-258 London Road, Hadleigh	50
Land north of Grasmere Road and Barrowdale Road, Thundersley	30

- 8.15 For each site the policy sets out the proposed capacity together with the approach to be taken to how the site is delivered – i.e. through a master plan or development / planning brief. The policy accordingly sets out what the requirements for a master plan or development / planning brief will be.
- 8.16 In addition, each policy establishes the key urban design principle that development should take. This has regard to the capacity – and thereby density – and the location. The key landscaping requirements are set out in the policies, which range from on site open space to the creation of community woodlands and integration of Sustainable Urban Drainage or flood mitigation.
- 8.17 Finally the policy will set out the key infrastructure requirements for each site and any constraints on the site’s development that the provision of infrastructure imposes. This will include any restrictions on the site, for example on West of Benfleet and East of Rayleigh Road not creating a through route through the site into existing estate roads and the creation of what would be rat runs on roads with limited capacity.

Meeting longer term needs beyond the plan period

- 8.18 The NPPF states in paragraph 139, that *‘when defining Green Belt boundaries, plans should (inter alia)...where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.’*

- 8.19 In previous draft versions of this plan, the Council had considered safeguarding 127 hectares of land to the North West of Thundersley as an 'Area of search' for future development beyond the plan period. Whilst that area remains a potential location for longer term development, it is not proposed to safeguard the land in this plan.
- 8.20 Land to the North West of Thundersley has been promoted by some landowners. However, there is currently no clear plan for how the whole area could be developed and no clear indication of what the total infrastructure requirements will be.
- 8.21 The major barrier to delivery of housing development in this location is twofold: the site is presently significantly constrained by a lack of appropriate access and risks to the strategic network; and, the land is within multiple ownership with yet no commitment to bring forward a comprehensive development. The major highway improvements which would be required to support development are yet to secure funding, although initial discussions have taken place between Essex County Council as the highway's authority and other partners.
- 8.22 Furthermore, the Government's commitment to the Lower Thames Crossing, which is to be built during the period of this Plan, will have a significant impact on the strategic highway network (A13, A127, A130). Essex County Council have advised that further development which affects the network will not be supported until funding for the A127 / A130 Fairglen Interchange is committed and in place.
- 8.23 At this stage there are too many unresolved strategic matters that would enable the Council to positively safeguard this area. The area is at a key strategic junction within South Essex and with limitations on access through existing residential areas in Thundersley and Benfleet, access would be required from the Fairglen interchange on the A127 or A130. This will be a major infrastructure undertaking and needs to be fully designed into the long-term plans for both routes and the junction. At this stage there is no guarantee that this is feasibility.
- 8.24 Given the location of this area its future should be considered in the sub-regional context to ensure that the strategic infrastructure can be put in place. This will involve the Council continual working with Essex County Council and adjoining local authorities in South Essex. If the site is deemed suitable for long term growth the detailed nature of the proposal together with the detailed changes to the Green Belt boundary will be set out in a review of this plan. This will provide greater certainty to the post plan period and how future housing needs could be met. Until such time the land remains within the Green Belt.

Traveller provision

- 8.25 There is no need for additional pitches in Castle Point over the GTAA period to 2033 for Gypsy and Traveller households that meet the planning definition as none were identified; there is a need for up to 1 additional pitch for Gypsy and Traveller households that may meet the planning definition; and a need for 5 additional pitches for Gypsy and Traveller households who do not meet the planning definition.

- 8.26 There were no Travelling Showpeople identified living in Castle Point so there is no current or future need for additional plots.
- 8.27 The needs of those households that may meet the planning definition and households that do not meet the planning definition results in requirement for a total of six dwellings over the plan period. This has been added to the overall housing needs figure. No specific sites have been identified to meet the needs of these households, instead a local criteria-based policy will be applied.

Building a Strong, Competitive Economy

- 8.28 Having regard to the evidence set out in the South Essex Economic Development Needs Assessment, the Local Plan seeks to provide a minimum of 23 ha of employment land, and the provision of 6,600 square metres (m²) of employment floorspace in Castle Point in the period to 2033. Additionally, it seeks to improve the value of the local economy through investment in education and training, in enterprise and business development and through the promotion of growth in knowledge based business sectors.
- 8.29 There are low levels of vacancies within three existing employment areas – Charfleets, Manor Trading Estate and Stadium Way. Therefore, these have been protected from redevelopment for other purposes. Additionally, 20 ha of land is allocated for employment purposes at west Canvey (both south of Roscommon Way and at Northwick Road, both of which have planning permission) and adjacent to Manor Trading Estate (3.7 ha).
- 8.30 In recognition of their role within the local economy, two sector specific policies are included addressing a) the role of the port facilities at south Canvey, having regard to the safety issues associated with these; and b) the role of the seafront entertainment area, as now identified in the master planning work carried out by the Council.

Ensuring the Vitality of Town Centres

- 8.31 Having regard to the findings of the South Essex Retail Study, the New Local Plan seeks to deliver limited additional convenience shopping floorspace aligned with local demand within existing town centres, and to increase local comparison-shopping spending within Canvey and Hadleigh Town Centres. It also supports the vision and objectives set out in both the Canvey and Hadleigh Town Centre Masterplans, but also recognises that the master plans need to be reviewed.
- 8.32 Vacancy rates within town centres and local shopping parades are relatively low, compared to elsewhere. However, the retail market has changed significantly in the last few years and with that the role of town centres. The town centres in the Borough are not immune to these changes, and an approach to their planning that allows for town centres to diversify and adapt in order to increase footfall, visitors and spend is the focus of the new policies.
- 8.33 The existing out-of-centre shopping areas at west Canvey and at Stadium Way are recognised due to their contribution to convenience and comparison-shopping provision within the Borough. A sequential and impact test is required to ensure that any new development in these areas does not undermine town

centre regeneration. Due to the scale of town centres in Castle Point, a threshold for impact assessments of 1,500 m² can be justified compared to the national threshold of 2,500 m².

- 8.34 In response to evidence from the Borough's Health Profile, and also as a result of concerns from residents expressed through consultation, a policy limiting the number of hot food takeaways in any one shopping parade has also been included.

Promoting good health, education and well-being

- 8.35 This chapter addresses healthy communities; policies for and the location of indoor and outdoor leisure provision, including open spaces; education skills and learning; health and social care facilities; community facilities; and the protection of open spaces and allotments. The protection of open spaces includes reference to the importance open spaces play to the character of an area particularly where the open space was designed into the original layout of an area, such as pocket parks or the green swathes on Canvey Island.
- 8.36 These provisions are aligned to the Infrastructure Delivery Plan and provide the policy framework for much of that plan.

Promoting Sustainable Transport

- 8.37 The draft Transport Evidence clearly indicate the need to manage congestion on the highway network and improve the quality of the public transport network. Additionally, policies related to the environment and health and wellbeing drive a requirement for improvements to cycling, bridleway and footpath networks also. The transport chapter of the Local Plan, therefore, seeks to deliver the following improvements to the transport network:

- Extension to Roscommon Way Phase 3;
- Improvements to Somnes Avenue;
- Route improvements along the A129 Rayleigh Road between the Rayleigh Weir and Victoria House Corner junctions;
- A new junction on the A130 Canvey Way to provide access to the west of Benfleet;
- Dualling of the A130 Canvey Way between the Sadlers Farm junction and the junction providing access to the west of Benfleet;
- Minor junction improvements at both ends of Kenneth Road;
- Highway improvements in Canvey and Hadleigh Town Centres;
- Improvements to the footpath, bridleway and cycling networks across Castle Point in order to address any gaps in these networks, particularly to the Hadleigh Farm and Country Park Olympic Mountain Bike venue;
- Provision and enhancement of cycling infrastructure, including cycle parking facilities and crossings, at public transport nodes and other appropriate destinations, including town centres, employment areas, schools and other publicly accessible buildings, within Castle Point;
- Enhanced public transport services and corridors connecting towns in Castle Point with employment, retail and leisure offers in South Essex and beyond;

- Additional public transport infrastructure provision in and around development sites.
- 8.38 Additionally, the Council will actively seek to secure a third access off Canvey Island, although the details of the route will not be shown, but when defined will be safeguarded in a review of the Plan. Having a local plan in place, with the lead involvement in the South Essex Plan and connectivity strategy, strengthen the Council's ability to secure that critical road.
- 8.39 There is also a specific policy related to the port facilities at South Canvey which require specific enhancements to the access arrangements to Canvey Island in the event that there is significant shift towards increased movement of freight by road.

Supporting High Quality Communications Infrastructure

- 8.40 The NPPF explains that high quality and reliable communication infrastructure is essential for economic growth and social well-being. Therefore, policies have been included within the Local Plan to address this matter. These policies seek the provision of new communications infrastructure to improve the quality and availability of service provision, including 5G services and superfast broadband. In doing so, it is expected that consideration is given to design and setting, and that the safety of infrastructure can be demonstrated in accordance with the International Commission on Non-ionizing Radiation Protection (ICNIRP) requirements. Proposals for development on the urban periphery will be required to incorporate communications infrastructure ensuring access to 5G mobile services and superfast broadband.

Achieving Well-Designed Places

- 8.41 This chapter sets out a framework for assessing the design of development proposals and seeking improvements to the quality of the urban environment and the public realm. It includes policies that are applicable to both residential and business/retail proposals. It also addresses issues associated with advertisements.
- 8.42 The use of design reviews is promoted as part of this chapter, as is the provision of public art as a means of enhancing sense of place. Finally, regard is had to the role existing buildings and places have in creating a sense of place. The plan also sets out a policy that seeks to promote and retain those buildings and features of the urban environment that form local reference points. The policies set out in this section have been informed by good practice set out in Commission for Architecture and the Built Environment (CABE) and Design Council guidance documents, the Essex Design Guide, the Council's Residential Design Guide and by the Urban Characterisation Assessment.

Protecting Green Belt Land

- 8.43 The chapter on the Green Belt has been informed by the Draft Green Belt Topic Paper and the Draft Green Belt Review Parts 1 and 2. These in turn have also appraised the earlier Green Belt Functions Assessment, the Green Belt Landscape Assessment, the Green Belt Boundary Review and the 2005

document entitled “Metropolitan Green Belt Review of Existing Supplementary Planning Guidance re: Provision of Replacement Dwellings and Extensions.”

- 8.44 Some 2,750 ha of the borough is currently designated as Green Belt. This is approximately 58% of the Borough. The only changes to the Green Belt being made in this plan are for new housing and employment sites, and the re-designation of schools currently within the green belt. These changes result in approximately 8% of the Green Belt being re-designated. In considering the suitability of green belt sites, priority has been given the protection of sites which not only fulfil a green belt function but have another constraint – such as a SSSI or ancient woodland.
- 8.45 Despite the loss of some green belt the proposals in this plan will help to improve accessibility to land that remains in the green belt through landscaping integration, creation of new public open spaces on land hitherto in accessible, and improved footpaths, cycleways and bridleways.
- 8.46 Policies on the extension, alteration, replacement and change of use of existing buildings in the Green Belt are included within the plan. Unlike the 1998 Adopted Local Plan which applied a strict volumetric restriction on extensions in the Green Belt (which also applied in relation to replacements), a criteria-based policy is included in the Local Plan. This enables consideration to be given to matters such as the plot size, the mass of the building proposed and the surrounding landscape and landscaping. It is hoped that such an approach will prevent poorly designed, but volume compliant, proposals coming forward.
- 8.47 Whilst the policies in this section mainly set out a presumption against development in the Green Belt, there is a policy addressing those types of activity and development that may occur. Consistent with the NPPF these include:
- Improved access;
 - Outdoor sport and recreation;
 - Enhancement of landscapes;
 - Improvements to visual amenity;
 - Improvements to biodiversity;
 - Sustainable flood risk management; and
 - Improvements to damaged and derelict land.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 8.48 Due to the proximity of Castle Point to the coast, this chapter includes important policies on flood risk and climate change.
- 8.49 In terms of flood risk, the Thames Estuary (TE) 2100 Plan, the South Essex Levels 1 SFRA, the draft Castle Point Level 2 SFRA and the South Essex Surface Water Management Plan have provided evidence as to the policies that should be included within the Local Plan.
- 8.50 With regard to Canvey Island, which is at high risk of flooding but is substantially defended from flooding, regard has been had to the SFRA and the TE2100

Plan in designating a Coastal Change Management Area. Specific requirements in terms of development have been set out in order to address the potential risk of flooding on Canvey Island. Additionally, in accordance with the TE2100 Plan a protection zone has been identified on the Policies Map adjacent to the existing sea defences in which future flood defence can take place.

- 8.51 Separate Coastal Change Management Areas have been identified for Hadleigh Marshes and South Benfleet. In South Benfleet, the playing fields are identified as a flood storage area for both tidal and surface water flooding.
- 8.52 Surface water flooding is an issue for all areas of Castle Point, and therefore a policy requires surface water management to occur as part of development proposals, particularly within those Critical Drainage Areas identified in the South Essex Surface Water Management Plan.
- 8.53 In terms of climate change the policies in this chapter use evidence set out in the draft Sustainability Appraisal and the Watercycle Study. Additionally, regard has been had to the draft Viability Assessment which indicates that viability can be affected by unduly onerous requirements. As a consequence, the policies on Climate Change require compliance in terms of energy and water efficiency with the optimum performance set out in the Building Regulations. They also require consideration to be given to the sustainability of materials and the way in which site waste is managed. For existing buildings, low cost improvements are sought in terms of energy and water efficiency to offset the impacts of an extension.

Conserving and Enhancing the Natural Environment

- 8.54 This chapter addresses matters related to green infrastructure, wildlife, landscape and pollution control.
- 8.55 Green Infrastructure has the potential to deliver a range of benefits supporting other elements of plan. For example, Green Infrastructure can provide water storage contributing to flood risk management, it can provide opportunities for exercise and recreation, and it can provide green routes that encourage walking and cycling. In addition to this it can contribute to the quality of the natural environment and provide habitats important for biodiversity. As a consequence, the Green Infrastructure policy in the plan is important in the delivery of other aspects of the plan. The Green Infrastructure policy builds on work already underway across South Essex in terms of the Green Grid Strategy and the Greater Thames Marshes Nature Improvement Area.
- 8.56 In terms of the landscape, the Thames Gateway Historic Characterisation Assessment and the Essex Wildlife Trust's Living Landscapes programme have provided the evidence necessary to identify areas of significant historic and natural value in Castle Point. Three key landscape areas are identified. These are the Daws Heath Historic Natural Landscape, the Hadleigh Castle and Marshes Historic Natural Landscape and the Canvey Marshes Historic Natural Landscape. Within these areas specific regard to the quality and nature of the environment is required when seeking to bring forward development. The development management policy in relation to the landscape and landscape

features seeks to protect and enhance the landscape across the borough, with a particular emphasis on these historic natural landscapes.

- 8.57 In terms of biodiversity, information from Natural England, alongside the Local Wildlife Sites Review has provided the evidence for the plan. Consistent with the NPPF, the plan affords the greatest protection to European and national designated sites including the Benfleet and Southend Marshes SPA and the SSSIs. Where impacts to these sites cannot be addressed through avoidance, on-site mitigation and/or management development proposals will not be considered acceptable.
- 8.58 The new Local Plan identifies Local Wildlife Sites, which have been identified due to their assemblage of biodiversity action plan species and/or habitats. The NPPF is clear that compensation can be used to address the impact of development in relation to such sites. However, the policies in the plan are clear that where this does occur there should be a net gain in biodiversity.
- 8.59 In terms of pollution control, the plan addresses potential risk to water quality, air quality and contamination of land, and to the health, safety and well-being of residents. Air pollution is monitored in the Borough and will be one of the monitoring requirements of the plan.
- 8.60 The chapter also includes policies on water quality; contamination of land; and hazardous installations, with the COMAH consultation and cordon sanitaire defined to help guide development. The Plan also includes a policy on water capacity at water recycling centres.

Conserving and Enhancing the Historic Environment

- 8.61 The chapter on the historic environment has been informed by information held by English Heritage. Although a review of the Local List of Buildings of Historic Interest involving the local community archives for Benfleet, Canvey Island and Hadleigh and Thundersley, was concluded in 2013, it is recommended that the Plan does not make amendments at this stage, so that the list can be further consulted on. However, buildings demolished since the 1998 list was prepared are to be deleted from the list.
- 8.62 The policy seek to conserve and enhance the historic environment, and where possible seek for the historic environment to be reflected in proposals for new development in order to enhance the sense of place.
- 8.63 Designated historic assets, including Listed Buildings and Scheduled Ancient Monuments, are afforded the greatest level of protection, in accordance with the NPPF. Where proposals are expected to affect an historic asset high quality design and landscaping is expected, and programmes of recording and archiving required. Recording and archiving are also considered to be key to the conservation of archaeology.

Monitoring and Review

- 8.64 This chapter makes clear that the Council will ensure that its strategy and policies remain up-to-date and consistent with national policy and guidance as well as any new or emerging evidence. It also reaffirms the commitment to the

South Essex JSP and acknowledges that early review may be required of the plan in order to align emerging strategic policies.

- 8.65 The chapter sets out the monitoring criteria against which the plan will be assessed, and which will inform future reviews. Key to this will be the deliverability of developments against the development trajectories, particularly housing. The Plan will inform the Five-Year Housing Land Supply and Housing Delivery Test in this regard.

9. Legal and Policy Compliance

- 9.1 The proposals set out in local plans have the potential to affect the environment, and the wellbeing of local communities. The effects of a plan in one place can also affect other areas. There are therefore numerous statutory requirements that need to be met when preparing a local plan. This section of the report sets out how the Local Plan has been prepared to ensure that these statutory requirements have been addressed.

Draft Sustainability Appraisal and Strategic Environmental Assessment

- 9.2 In order to ensure that the policies in the Local Plan are sustainable, a draft Sustainability Appraisal and Strategic Environmental Assessment has been carried out throughout the preparation of the plan, and where appropriate considering reasonable alternatives. The draft Sustainability Appraisal and Strategic Environmental Assessment indicates that the plan is generally sustainable, with mitigation proposed within the policy content where conflicts between differing sustainability objectives arise. It is therefore appropriate to move forward with the plan-making process on this basis.

Draft Habitat Regulation Assessment and Appropriate Assessment

- 9.3 In order to ensure that the policies in the Local Plan do not have an adverse impact on one or more 'European' Sites (sites designated as a consequence of their nature conservation value under the Habitat Directive), a draft Habitat Regulation Assessment and Appropriate Assessment is being carried out throughout the preparation of the plan. It indicates that the Local Plan will have an impact on the designated site, but its policies and proposals would manage the pressures of development on water quality and on protected habitats and species. A report on RAMS, a key strategy to address the impact of development on protected sites, is in the Forward Plan for consideration by Cabinet later this year.

Equality Impact Assessment

- 9.4 In order to ensure that the policies in the Local Plan do not have an adverse impact on one or more groups of people with a characteristic protected under the Equality Act 2010, do not cause economic or social deprivation, and contribute towards improved social equity and equality of opportunity, an equality impact assessment of the plan has been undertaken. The analysis found the Objectives and Policies of the New Local Plan to meet the socio-economic and single (integrated) equality duties of the Act, and that there were

no areas which needed to be changed or given further consideration in order for the Council to fulfil its duties under the Act. An Equalities Impact Assessment is set out in **Appendix Two**.

Duty to Co-operate

- 9.5 The Localism Act 2011 sets out a requirement for local planning authorities to co-operate with others in the preparation of their local plans. Regulations and NPPG specify the bodies between which such co-operation should occur.
- 9.6 The NPPF meanwhile details the matters over which co-operation should occur if there is a cross-boundary issue that needs to be addressed. It is clear from the Council's previous experience that examination of a plan cannot proceed if a planning inspector is not satisfied that the duty to co-operate has been fulfilled. NPPG meanwhile provides guidance on the way in which co-operation should be undertaken, particularly in instances where development needs cannot be met within the borough.
- 9.7 Castle Point has in the past, and continues to work closely with its neighbours through the South Essex area; there are well-established mechanisms for co-operation within South Essex. Joint working on the SHMA, the Economic Development Needs Assessment, and on the emerging South Essex JSP highlights the capacity and ability of Castle Point to work together and co-operate with its neighbouring and nearby authorities. This approach has also been followed in the preparation of the new Local Plan with continuous engagement.
- 9.8 The duty to co-operate is a continuous on-going process to ensure the production of a positively prepared and justified strategy. It is also important to acknowledge that as the plan progresses through its next stages the Council will need to prepare and maintain statements of common ground with relevant bodies, documenting the cross-boundary matters being addressed, and progress in co-operating on these.

10. Next Steps

The Local Development Scheme

- 10.1 Local plans are expected to be progressed in accordance with the Local Development Scheme (LDS). The current LDS was adopted in June 2018, following guidance from the Ministry. The Council's Local Plan now moves forward a new LDS is required to replace that approved in 2018. This is set out in **Appendix Three**. The table below is the timetable extracted from the LDS:

Stage	Commencement Date
Regulation 18	
Issues Consultation Sustainability Appraisal scoping report (6 weeks)	July 2018

Stage	Commencement Date
Regulation 19	
Publication of Plan (8 weeks)	December 2019
Regulation 22	
Submission of Local Plan to Secretary of State	June 2020
Regulation 24-26	
Examination and Adoption of Local Plan	Anticipated Spring 2021(subject to the Planning Inspectorate)*

Consultation

- 10.2 Subject to the agreement of the Council, consultation on the Local Plan, its evidence base and supporting documents will be undertaken in a manner that ensures that the requirements of the Town and Country Planning (Local Plan) Regulations are met. The new Local Plan will be made widely available for consultation with residents, businesses and other stakeholders for a period of 6 weeks from January 2019. All the documents will be found on the Council's website.
- 10.3 Interested parties are urged to make representations at this stage and the process and form for doing so will be available on the Council's website. Representations received will be available to the Inspector. The Council will prepare a Community Engagement report which will summarise the representations and the Council's response to them. If in response to representations, changes to the plan should be made then these will be set out. The Inspector may ask a Council to consult on modifications prior to examination, and will require the Council to do so post Examination.

Duty to Co-operate

- 10.4 In order to ensure that the legal and policy requirements of the Duty to Co-operate are met, a series of meetings between the Council, its neighbours and other relevant bodies will continue before and during the consultation in order that the strategic issues can be addressed, and statements of common ground prepared and maintained.

Legal & Technical Review

- 10.5 There are numerous legal duties to be fulfilled in the preparation of a local plan including the requirement for statutory assessment, the requirements of the duty to co-operate and procedural requirements set out in planning legislation.
- 10.6 It is therefore considered prudent to seek appropriate legal and technical advice on any new or emerging evidence before consultation, and on the consultation responses before submission.

- 10.7 Such advice will provide a timely independent perspective on the [plan and examination, so that potential risks can be identified before the plan is tested at independent examination, preventing issues arising during the examination process resulting in the plan being found unsound.

Master Plans and Planning Briefs

- 10.8 Some of the housing site allocations require a master planning or planning/development brief approach to be taken; this will allow the Council, developers, the local community and any infrastructure providers to ensure that the proposed development meets all policy requirements as well as reflects local character and amenity. It can also ensure that the potential impacts of development are assessed, mitigated and managed.
- 10.9 This process provides the opportunity for Members to work with officers, other service providers, developers and the local community to achieve the best outcomes from development sites for that locality. This approach is recognised and supported by the NPPF as good practice. It is anticipated that the agreed master plan or planning brief for the site in question will be the subject of public consultation before being agreed by the Council as supplementary planning guidance.
- 10.10 For the avoidance of doubt, however, it should be explained that developers will still be required to submit a planning application for consideration by the Development Control Committee for Master Plan Sites.

11. Failure to proceed with the Plan

- 11.1 As the Proper Officer of the Council the Chief Executive has a duty to ensure that before a decision is made Councillors are aware of the consequences of failure to approve the Local Plan. The Chief Executive has advised separately the Leaders of the Political Groups on the Council regarding the legal, financial and reputational risks of failing to approve the Local Plan and as a consequence of intervention.

(a) Local Plan Intervention

- 11.2 A report was presented to Cabinet on intervention and its consequences in September 2018. Council is reminded that Intervention by Government in any area of local government business is a last resort and follows poor decision making and failure to follow Government direction and advice. Intervention is a sanction and should not be considered as an alternative mechanism to deliver a local plan. The Secretary of State expects the Council to continue to progress the preparation of this plan. However, the Government's Chief Planner has advised that the MHLG continue to monitor Castle Point Borough Council closely on this and seek that the Council produce a legally and technically compliant local plan. Failure to do so, may result in further intervention The Secretary of State has extensive powers to intervene in the planning process.
- 11.3 There are two principal areas where the Secretary of State could intervene in the Borough Council's work as Local Planning Authority. In terms of **plan-making**, it is clear from legislation, most recently the Housing & Planning Act

2016 that the Secretary of State has wide-ranging powers to intervene in plan-making; for example he may direct that a certain approach be taken, or not taken. In these circumstances the local planning authority loses control of the plan-making process. A plan would be prepared elsewhere by others and with reference to evidence, national policy and guidance; it would be taken through the necessary legal stages to adoption. Members of the Council will not be involved and will be excluded from the plan-making process. This plan would then become the statutory development plan for the borough, with no formal involvement by the Borough Council.

- 11.4 In terms of **decision-taking**, the Government will wish to make certain after intervention that the statutory development plan and policies for the borough will be implemented and will not allow the local plan, once agreed, to be frustrated by the development control process. Consequently as the Borough Council had no role in the preparation of the plan, indications from the Ministry are that the Secretary of State will exercise powers available to him to direct that any strategic planning applications submitted pursuant to the plan will be referred to the Planning Inspectorate directly rather than the Borough Council, to ensure that the plan and its policies are correctly implemented. The Borough Council through the Development Control Committee will not be involved in implementation of the statutory development plan and the Council's ability to take decisions locally on strategic planning applications will be lost.
- 11.5 As one of the very few planning authorities under intense scrutiny by the Ministry, the Council remains at great risk of intervention and this will lead to considerable reputational damage on a national scale. This may cause other non-intended consequences such as the inability to attract staff; implications for joint working arrangements and funding opportunities which could last over many years.

(b) Planning Implications

- 11.6 Any amendments made to either the policies in the plan, to the proposed housing sites or to other allocations on the Policies Map will undermine the strategy, objectives and policies in the Local Plan, since it must be read as a whole.
- 11.7 For example to remove sites with a higher likelihood of delivery in favour of other less sustainable and less deliverable sites may result in the plan's approach to housing provision being found to be faulty. This in turn makes the plan less sound, and puts the Council at risk either from intervention by the Secretary of State, or from criticism from neighbouring or nearby authorities and duty to co-operate bodies, or ultimately from the planning inspector appointed to examine the plan. Therefore it is likely that as with 2016 New Local Plan the Council will fail at the first hurdle, namely the duty to co-operate stage.
- 11.8 Failure to make progress with the Local Plan at this time will also be noted by the Secretary of State. As mentioned earlier Officials from the Ministry have been in regular contact with Council officers since the Secretary of State's decision to continue intervention in March 2018. The Council has only avoided more direct control from the Ministry by the progress made by members and officers in the plan preparation leading to this decision.

- 11.9 Furthermore the Council is likely to lose the ability to determine significant planning applications which would deliver development as proposed in the plan. The Secretary of State may direct that applications that give effect to the proposals are “called in” for his own determination. Again, there would be no formal input or involvement from the Council in this casework. Moreover there will be no ability to be involved in the master planning of sites.
- 11.10 As a consequence, the Council will find itself spending considerable sums of money on supporting the Secretary of State’s officials and/or consultants on the preparation and approval of a plan, and/or the determination of strategic planning applications over which it would exercise no control.

(c) Financial Implications

- 11.11 Expenditure to Date: The technical work involved in preparing a Local Plan has been carried out using the resources identified in the LDS 2018, considered and approved by Council on 6th June 2018.
- 11.12 Required Expenditure: The further costs of taking the Local Plan through the next stages of plan preparation to examination and adoption have been included in budget projections for the plan, and were also identified in the LDS 2018, considered and approved by Council on 6th June 2018.
- 11.13 Potential Cost Avoidance: It is estimated that by making progress with the Local Plan, the Council could avoid in the region of £1.3m in appeal costs. These estimated appeal costs are not currently included in the Council’s detailed budget, but do form part of the calculation of the minimum required level of General Fund reserves.
- 11.14 Potential Income Generation: There will be longer term potential financial implications from approval and adoption of the local plan. These cannot be quantified at this time, and will need to be the subject of future reports, but could potentially include additional income from:
- Pre-application fee income
 - Planning Performance Agreements
 - Planning application fee income
 - Section 106 contributions to Council facilities required as a result of development
 - An increased Council Tax Base from new properties;
 - Business Rates
- 11.15 It should be noted however that some of these additional income streams may have costs associated; for example an increase in the number of pre-application and master plan requests may require further staff resources to respond adequately, while additional dwellings would result in increased costs of servicing those properties, such as refuse and recycling collection costs.

(d) Legal Implications

- 11.16 As set out above there are a number of statutory requirements that must be met during the preparation of a local plan. These include the requirements to carry out and consider sustainability appraisals, habitat regulations assessments and equality impact assessments. These requirements have been met in the preparation of the Local Plan.
- 11.17 The Localism Act 2011 introduced the duty to co-operate. As Council will recall from its experience in 2016, failure to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in the plan, by engaging with neighbouring authorities and other relevant bodies during preparation and in the period up until the finalisation of the new Local Plan, would leave a planning inspector with no option but to cease examination work and recommend the plan be withdrawn.
- 11.18 The Local Plan will be subject to independent examination by a planning inspector who will consider whether the tests of soundness set out in the NPPF have been met. This report sets out how those tests – positively prepared, justified, effective and consistent with national policy - have been satisfied.
- 11.19 The recommendation for a legal and technical review of any new evidence or guidance and the consultation responses will also provide advice on any consequences for the New Local Plan before submission.
- 11.20 Failure to agree the Local Plan will result in the very real risk that the Secretary of State will use his powers of direction to in effect take control of plan-making and the determination of strategic planning applications in the borough.

(e) Human Resources and Equality Implications

Human Resources

- 11.21 Additional temporary administrative support will be required to deliver the Local Plan through consultation, examination and adoption. This additional support has been included within the financial requirements set out in the LDS agreed by Council in June 2018.
- 11.22 Once the local plan is in place, significant work will be required to support master plans, the preparation of supplementary planning guidance and the increase in large scale planning applications, which will all require staff resources.

Equality Implications

- 11.23 An Equality Impact Assessment has been prepared to accompany the Local Plan. It is circulated separately. The outcomes of this assessment are considered earlier in this report, and should be considered when decisions are taken with regard to the plan.

(f) IT and Asset Management Implications

11.24 The consultation process will make use of existing IT resources. There are no IT implications arising directly from this report or the Local Plan.

11.25 There are no asset management implications arising directly from this report or the Local Plan, other than sites which are owned by the Council and may be affected by its policies or allocations.

(g) Timescale for Implementation

11.26 Should the Council decide to proceed to consultation on the Local Plan, the timetable set out earlier in this report will be followed, with consultation commencing in early December 2019.

12. Summary

12.1 If the Council wishes to remain in control of the Council's local plan process for the Borough the Council must make progress with a local plan. The Local Plan now before Council has been prepared with engagement of members.

12.2 The plan has been prepared so it aligns with national planning policy and guidance as set out in the NPPF and NPPG. It is based on thorough and extensive evidence, prepared or commissioned by the Council either alone or in partnership with neighbouring authorities.

12.3 The Council has maintained effective and on-going duty to co-operate engagement with relevant bodies on strategic planning matters which cross boundaries.

12.4 Finally the Council maintained a dialogue with the Ministry since the Secretary of State's decision to continue his intervention, so that his officials are fully aware of the progress being made.

12.5 The Government has made very clear that it expects the planning process to be plan-led, and that it expects local planning authorities to prepare statutory development plans. Castle Point is one of the local planning authorities in the country singled out for particular attention and intervention by the Secretary of State for its failure so far to put in place an up-to-date plan.

12.6 The recommendations set out in the report are commended to Council for approval.

Background Papers

A list is attached

Report Author: Ian Butt – Head of Place and Policy

ORDINARY COUNCIL

22nd October 2019

Background Documents List Section 100C Local Government Act 1972 (as amended)

Item 1 Apologies for Absence

None

Item 2 Members interests

None

Item 3 New Castle Point Local Plan

- National Planning Policy Framework
- National Planning Practice Guidance
- Draft New Local Plan 2014 Written Statement, Policies Map and Constraints Map
- Castle Point Sustainability Appraisal and Strategic Environmental Assessment New Local Plan: Draft Local Plan Policies and Alternative Policy Options (November 2013)
- Castle Point Sustainability Appraisal of Sites (2010)
- Castle Point Sustainability Appraisal of Site Review (2013)
- Castle Point Habitat Regulation Assessment New Local Plan Screening Assessment Pre-consultation (November 2013)
- Castle Point Equality Impact Assessment (EqIA) New Local Plan (November 2013)
- Castle Point New Local Plan Issues Consultation Report (May 2012)
- Castle Point Whole Plan Viability Assessment Phase 1 Report (October 2013)
- Castle Point Employment and Retail Needs Assessment (September 2012)
- Castle Point Transport Evidence for the New Local Plan (September 2013)
- Greater Essex Demographic Forecasts Phase 3 Report (July 2012)
- Greater Essex Demographic Forecasts Phase 4 Report (March 2013)
- Thames Gateway South Essex Strategic Housing Market Assessment (December 2013)
- Castle Point Housing Growth Topic Paper (October 2013)
- Castle Point Housing Options Topic Paper (November 2013)
- Castle Point Housing Capacity Topic Paper (November 2013)
- Castle Point Strategic Housing Land Availability Assessment (October 2013)
- Castle Point Empty Homes Report (September 2012)
- Castle Point Report on the Residential Use of Caravans and Park Home Sites (October 2013)

- Castle Point Urban Characterisation Report (2013)
- Castle Point Open Space Appraisal Update (September 2012)
- Castle Point Playing Pitch Assessment (May 2012)
- Castle Point Community Infrastructure Needs Assessment Working Draft (November 2013)
- Essex Joint Strategic Needs Assessment - Castle Point Profile
- Castle Point Green Belt Boundaries Review (November 2013)
- South Essex Strategic Flood Risk Assessment (2010)
- South Essex Surface Water Management Plan (2012)
- Castle Point Flood Risk Sequential and Exception Test Report for Housing Site Options (2013)
- South Essex Watercycle Study (2012)
- Castle Point Local Wildlife Site Review (2012)
- Castle Point Local List of Non-Designated Historic Asset Review (2013)
- Castle Point Draft New Local Plan Consultation Report (July 2014)
- Castle Point Nationally Described Space Standards Report (January 2015)
- Castle Point Transport Evidence for the New Local Plan (September 2015)
- Canvey Island Integrated Urban Drainage Model (2015)
- Canvey Island 6-Point Plan (November 2015)
- Castle Point Sustainability Appraisal and Strategic Environmental Assessment New Local Plan 2016: Draft Local Plan Policies and Alternative Policy Options (March 2016)
- Castle Point Habitat Regulation Assessment New Local Plan 2016 Screening Assessment Pre-consultation (March 2016)
- Castle Point Equality Impact Assessment (EqIA) New Local Plan (March 2016)
- South Essex Strategic Housing Market Assessment (May 2016)
- Castle Point New Local Plan 2016 Written Statement, Policies Map and Constraints Map (June 2016)
- Castle Point Draft New Local Plan Consultation Report (August 2016)
- Castle Point Draft New Local Plan Consultation Statement (August 2016)
- Greater Essex Growth & Infrastructure Framework (February 2017)
- Addendum to South Essex Strategic Housing Market Assessment (May 2017)
- South Essex Retail Study (May 2017)
- South Essex Economic Development Needs Assessment (November 2017)
- Essex Gypsy & Travellers Accommodation Assessment (September 2017)
- Castle Point Gypsy & Travellers Accommodation Assessment (September 2017)
- Castle Point Brown Field Land Register (December 2017)
- Castle Point Local Development Scheme (June 2018)
- South Essex Strategic Flood Risk Assessment Level 1 (April 2018)
- Castle Point Strategic Housing Land Availability Assessment 2018 (November 2018)
- Castle Point New Local Plan 2018 – Written Statement and Policies Map (November 2016)
- Castle Point New Local Plan report on Public Engagement 2018
- Castle Point Equality Impact Assessment (EqIA) New Local Plan (October)
- ASELA Statement of Common Ground 2018
- ASELA Memorandum of Understanding 2018

Proper Officer Castle Point Borough Council