

Examination of the New Castle Point Local Plan

Inspector: Philip Lewis BA(Hons) MA MRTPI

Programme Officer: Andrea Copsey

Examination Office, PO Box 12607, Clacton-on-Sea, CO15 9GN

copseyandrea@gmail.com 07842 643988

Agenda

Matter 7 Development Management Policies

Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?

Tuesday 22 June 2021

Start 0930

Strategic Policy SD1 Making Effective Use of Land

Q.264 Are the proposed Modifications necessary for soundness?

Strategic Policy SD2 Development Contributions

Q.265 Is Strategic Policy SD2 consistent with paragraph 56 of the Framework and the Community Infrastructure Levy Regulations 2010 in respect of the tests for planning obligations, and would it be effective?

Q.266 Is the Policy effective and consistent with national policy in requiring compliance with the Infrastructure Delivery Plan (IDP) which is not a development plan document and given that the IDP is a 'living' document, the latest version of which does not quantify the level of contributions required for certain infrastructure?

Strategic Policy TP1 Transport Strategy

Q.299 With particular regard to Habitats sites and SSSIs, would the Policy be effective in protecting and enhancing biodiversity and is it consistent with the findings of the HRA?

Table 14.1: Strategic Highways Improvements

Q.300 Table 14.1 lists a number of strategic highway improvements. Whilst some are detailed and are reflected in Policy TP2, others such as a new access for Canvey Island, lack detail and have not been subject to detailed design, SA or HRA and are not proposed in the Plan as transport schemes for the Plan period. Consequently, are the strategic highway improvements set out in Table 14.1 justified and does Table 14.1 serve a clear purpose?

Q.301 Are the proposed Modifications necessary for soundness?

Table 14.2: Highway Improvements from Growth

Q.302 Are the proposed Modifications necessary for soundness?

Local Policy TP2 Improvements and Alterations to Carriageway Infrastructure

Q.303 With particular regard to Habitats sites and SSSI, would the Policy be effective in protecting and enhancing biodiversity and is it consistent with the findings of the HRA?

Q.304 Is the dualling of the northern section of the A130 Canvey Way likely to have an adverse effect on the nearby SSSI, and would the benefits of the scheme clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest as per paragraph 175 of the Framework?

Q.305 What is the robust evidence for safeguarding transport routes as per paragraph 104 of the Framework?

Q.306 Are the proposed Modifications necessary for soundness?

Local Policy TP3 Improvements to Footpaths, Bridleways and Cycling Infrastructure

Q.307 Are the proposed Modifications necessary for soundness?

Strategic Policy TP4 Improvements to Public Transport Infrastructure and Services

Q.308 Are the requirements of the Policy consistent with the tests for planning obligations set out in paragraph 56 of the Framework and

Regulation 122 of the Community Infrastructure Levy Regulations 2010?

Q.309 Are the proposed Modifications necessary for soundness?

Strategic Policy TP5 Highway Impact

Q.310 Would the Policy be effective in requiring all development proposals that are likely to generate amounts of movements to be accompanied by a Transport Assessment or Transport Statement and a Travel Plan, and is this proportionate?

Q.311 Is the Policy consistent with national policy as set out in paragraph 108 of the Framework?

Q.312 Would part 4 of the Policy be effective in not referring to agreements under the Highways Act?

Q.313 Are the proposed Modifications necessary for soundness?

Strategic Policy TP6 Safe and Sustainable Access

Q.314 Are the proposed Modifications necessary for soundness?

Strategic Policy TP7 Parking Provision

Q.315 Is the Policy clearly written, unambiguous, so it is evident how a decision maker should react to development proposals?

(Flood risk policies - not before 1130)

Strategic Policy CC2 Tidal Flood Risk Management Area

Q.321 Is the Policy consistent with national policy for planning and flood risk as set out in the Framework and would it be effective in managing tidal flood risk?

Q.322 Would the Policy be effective in regard to the Exceptions Test in Part 3.a?

Q.323 Is it justified to require development to reduce flood risk to neighbouring properties?

Q.324 Would the Policy be effective in providing space for physical flood protection measures on Canvey Island as per paragraph 149 of the Framework?

Q.325 Is the Policy consistent with the findings of the HRA?

Q.326 Are the proposed Modifications necessary for soundness?

Strategic Policy CC3 Flood Risk Management

Q.327 Is the Policy clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal?

Q.328 Is the Policy consistent with national policy for planning and flood risk as set out in the Framework?

Q.329 Are the proposed Modifications necessary for soundness?

Strategic Policy CC4 Sustainable Buildings

Q.330 Is the Policy consistent with national policy for meeting the challenge of climate change as set out in the Framework?

Q.331 Is part 4 of the Policy clearly written and unambiguous in regard to the requirements for water efficiency? The Proposed Main Modification M18.14 introduces a criterion requiring compliance with the optional water efficiency requirements as set out in the Building Regulations. Is that justified?

Q.332 Part 2 of the Policy appears to duplicate part 1.

Q.333 Are the proposed Modifications necessary for soundness?

Adjourn until Wednesday 23 June at 0930.

Resume on Wednesday 23 June 2021 start 0930

Strategic Policy TC6 Fast Food Outlets

- Q.281 With regard to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?
- Q.282 What is the justification for the restrictions on thresholds for concentrations of hot food takeaways in part 1 of the Policy, and the 400 metres walking distance set out in part 2 of the Policy? How does the Policy relate to Strategic Policy HS1 Strategy for Healthy Communities?
- Q.283 Are the proposed Modifications necessary for soundness?

Strategic Policy HS1 Strategy for Healthy Communities

- Q.284 With regard to the design and location of new development to promote good health, and avoid sources of harm to health, is part 1.d. of the Policy clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals?
- Q.285 What is required in a Health Impact Assessment and are the proposed development thresholds justified?
- Q.286 Are the proposed Modifications necessary for soundness?

Adjourn until Friday 25 June at 0930

Friday 25 June 2021 start 0930

Strategic Policy TC1 Town Centre Strategy

- Q.267 With regard to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?
- Q.268 What is the justification for the definition of the Primary Shopping Frontages as indicated on the Policies Map?
- Q.269 Is the floorspace threshold for retail impact assessments justified by the evidence and consistent with national policy?
- Q.270 Are the proposed Modifications necessary for soundness?

Local Policy TC2 Canvey Island and Hadleigh Town Centre Regeneration

- Q.271 Does the Policy serve a clear purpose and given that it is ultimately for the courts to decide if something is a material consideration, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

Local Policy TC3 Local Shopping Parades

- Q.272 What is the justification for the definition of the Local Shopping Parades as indicated on the Policies Map?
- Q.273 With regard to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?
- Q.274 Are the proposed Modifications necessary for soundness?

Local Policy TC4 Out of Centre Retail Parks

- Q.275 With regard to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?
- Q.276 Is the floorspace threshold for retail impact assessments justified by the evidence and would its intended application be consistent

with the sequential test for the defined main town centre uses as per national policy?

Q.277 Are the proposed Modifications necessary for soundness?

Local Policy TC5 South Benfleet Leisure Quarter

Q.278 What is the justification for the definition of the South Benfleet Leisure Quarter as indicated on the Policies Map?

Q.279 As a consequence of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

Q.280 Are the proposed Modifications necessary for soundness?

Strategic Policy HS2 Opportunities for Indoor Leisure and Sports

Q.287 Is the Policy consistent with national policy for open space and recreation as set out in paragraphs 96 and 97 of the Framework, would it be effective and is it justified?

Q.288 Are the proposed Modifications necessary for soundness?

Strategic Policy HS3 Opportunities for Outdoor Recreation

Q.289 Is the additional outdoor bowls provision on Canvey justified?

Q.290 Are the proposed Modifications necessary for soundness?

Strategic Policy HS4 Education, Skills and Learning

Q.291 Are the requirements of parts 2 and 3 of the Policy consistent with the tests for planning obligations set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010?

Q.292 Are the proposed Modifications necessary for soundness?

Strategic Policy HS5 Health and Social Care

Q.293 Are the requirements of part 2 of the Policy consistent with the tests for planning obligations set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010?

Q.294 Are the proposed Modifications necessary for soundness?

Strategic Policy HS6 Community Facilities

Q.295 Is the Policy consistent with national policy for open space and recreation as set out in paragraphs 96 and 97 of the Framework and should part 2 of the Policy exclude sports facilities and open space given other Plan policies?

Q.296 Are the proposed Modifications necessary for soundness?

Strategic Policy HS7 Open Spaces, Allotment Gardens, and Playing Fields associated with Educational Uses

Q.297 Is the Policy consistent with national policy for open space and recreation as set out in paragraphs 96 and 97 of the Framework?

Q.298 Are the proposed Modifications necessary for soundness?

Strategic Policy CM1 Communications infrastructure Strategy

Q.316 Is part 1 of the Policy consistent with the requirements of the General Permitted Development Order and national policy as set out in the Framework in paragraph 115

Q.317 Would the Policy be effective in achieving adequate provision of new communications infrastructure in development?

Strategic Policy DS1 General Design Principles

Q.318 Are the proposed Modifications necessary for soundness?

Strategic Policy DS2 Landscaping

Q.319 Is Part 1 of the Policy clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal?

Strategic Policy DS3 Advertisements

Q.320 Is the Policy clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal?

Strategic Policy NE1 Green Infrastructure and the Undeveloped Coast

Q.334 Would the Policy be effective in safeguarding water environment components of local wildlife rich habitats and wider ecological networks?

Q.335 Is the Policy consistent with paragraph 174 of the Framework in regard to seeking a net increase in biodiversity?

Q.336 Is the Policy consistent with the findings of the HRA?

Q.337 Are the proposed Modifications necessary for soundness?

Local Policy NE2 Protection of Historic Natural Landscapes

Q.338 What is the justification for the designation of Historic Natural Landscapes? Are these areas intended to be 'valued landscapes' as per paragraph 170 of the Framework?

Q.339 Is the proposed Modification necessary for soundness?

Local Policy NE3 The South Canvey Green Lung

Q.340 What is the justification for the designation of the South Canvey Green Lung and would it be effective, given the area identified on the Policies Map and the safeguarding proposed for the route for Roscommon Way?

Local Policy NE4 Local Wildlife Sites

Q.341 What is the justification for the identified Local Wildlife Sites?

Q.342 Would the Policy be effective and is it consistent with national policy as set out in paragraph 175 of the Framework?

Q.343 Is the proposed Modification necessary for soundness?

Strategic Policy NE5 Ecologically Sensitive and Designated Sites

Q.344 Is the Policy consistent with national policy for habitats and biodiversity as set out in the Framework and would it be effective?

Q.345 Are the proposed Modifications necessary for soundness?

Local Policy NE6 Protecting and Enhancing the Landscape and Landscape Features

Q.346 Is the Policy consistent with the findings of the HRA?

Q.347 Are the proposed Modifications necessary for soundness?

Strategic Policy NE7 Pollution Control

Q.348 Is the Policy consistent with paragraph 182 of the Framework in regard to existing businesses and facilities not having unreasonable restrictions placed upon them as a result of development permitted after they were established?

Q.349 Is part 3 of the Policy consistent with the tests for planning obligations set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010?

Q.350 Are the proposed Modifications necessary for soundness?

Local Policy NE9 Developments near Hazardous Uses

Q.351 Does the Policies Map reflect the most recent HSE Consultation Zones?

Local Policy NE10 Ensuring Capacity at Water Recycling Centres

Q.352 Are the requirements of the Policy in respect of sustainable drainage systems consistent with national policy as set out in paragraph 165 of the Framework and would it be effective?

Q.353 Is the Policy consistent with the findings of the HRA?

Q.354 Are the proposed Modifications necessary for soundness?

Strategic Policy HE1 Conserving and Enhancing the Historic Environment

Q.355 Is the Policy clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal?

Q.356 Is the Policy consistent with national policy for conserving and enhancing the historic environment as set out in the Framework? In particular:

Would the Policy be effective in sustaining and enhancing the significance of heritage assets?

In distinguishing between designated and non designated heritage assets? And

In respect of where substantial/less than substantial harm may occur to designated heritage assets?

Q.357 Are the proposed Modifications necessary for soundness?

Chapter 21 - Monitoring and Review

Q.358 Are the proposed Modifications necessary for soundness?

Appendices

Q.359 Are the proposed Modifications necessary for soundness?

Adjourn until Tuesday 29 June at 0930