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**Chief Executive**

**A SPECIAL MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on **WEDNESDAY, 28TH NOVEMBER, 2018 at 7.30 p.m.**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors, A.C.Walter, (The Worshipful the Mayor), C.G. Riley, (Deputy Mayor), A.J. Acott, J. Anderson, D.A. Blackwell, Mrs.J.A Blissett, B. Campagna, S. Cole, D.T. Cross, W.J.C. Dick, Ms.N.B.Drogman, Mrs B. Egan, E. Egan, Mrs W. Goodwin, P.C. Greig, S.Hart, N.R. Harvey, Mrs P. Haunts, R.C. Howard, G.I. Isaacs, W.Johnson, N.E.Ladzrie, C.A. MacLean, P.J. May, C.E. Mumford, B.A. Palmer, J.A.Payne, Mrs. J. Payne, A. Partridge, Mrs C.J Sach, W.K.Sharp, A.G. Sheldon, T.F. Skipp, N.G. Smith, J.A. Stanley, A. Taylor, P.E.Varker, Mrs L. Wass, Mrs G. Watson, N. Watson and B.S. Wood.

**Chief Executive**

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## **AGENDA**

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### **PART I**

**(Business to be taken in public)**

- 1. Apologies for absence**
- 2. Members' Interests**
- 3. New Local Plan 2018**

This Special Meeting of the Council has been convened for the Council to obtain the Council's formal approval of a new Local Plan for the Borough. A report is attached.

**SPECIAL COUNCIL**

**28th November 2018**

**Subject: New Local Plan 2018**

**Report of the: Chief Executive – David Marchant**

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**1. Purpose of Report**

**1.1 This report seeks the Council's formal agreement to the New Local Plan 2018 for Castle Point 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 New Local Plan 2018 for further consultation and then submission to the Secretary of State, subject to 3.4 below;**

**3.2 Make available for public examination the evidence base and supporting documents prepared to inform and accompany the New Local Plan 2018;**

**3.3 In consultation with the Leader of the Council, the Chief Executive should continue with on-going engagement and additional work as necessary to fulfil the duty to co-operate;**

**3.4 In consultation with the Leader of the Council, the Chief Executive should seek appropriate legal and technical advice on any new evidence or guidance which emerges, and effect any consequential changes as required to the New Local Plan before consultation or submission;**

**3.5 In consultation with the Leader of the Council, the Chief Executive should seek appropriate legal and technical advice on any consultation responses to the New Local Plan 2018, and effect any consequential changes as required to the New Local Plan before submission;**

**3.6 To appoint a Master Plan Working Group for each site identified for master planning or planning briefs, membership to include Ward**

**Councillors, to work with officers, other service providers, the local community and developers to prepare a master plan or planning brief for the site to be reported to Cabinet and formally agreed by the Council.**

**(Note - Planning approval will still be required from the Development Control Committee to progress development in respect of each of the Master Plan sites)**

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#### **4. Background**

- 4.1 On 7<sup>th</sup> 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.
- 4.2 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.
- 4.3 On 15<sup>th</sup> 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.
- 4.4 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.
- 4.5 At its meeting on 29<sup>th</sup> March 2017, the Council agreed to withdraw the New Local Plan 2016 following this criticism from the Planning Inspector.
- 4.6 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.
- 4.7 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.
- 4.8 On 16<sup>th</sup> November 2017, the Secretary of State wrote to the Council expressing concern regarding delays in plan-making. The Council responded on 31<sup>st</sup> 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.

- 4.9 The Secretary of State responded on 23<sup>rd</sup> March 2018 by expressing concern at the further delay in preparing a local plan, and continued his intervention. The 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 particular focus on housing delivery, could not be achieved.
- 4.10 As a consequence of this intervention, the Council at its meeting on 6<sup>th</sup> June 2018 resolved to start work forthwith on a New Local Plan 2018. 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, with a 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.
- 4.11 Members of the Council have been engaged in the development of the New Local Plan through a series of six Member Briefings commencing in July through to November and publication of this report. 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.

## **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. It will introduce the Housing Delivery Test to ensure that delivery of housing meets local planning authorities housing requirements, and where this is not the case, action plans will be required to demonstrate how delivery can be increased.
- 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. 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. South Essex

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 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. 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 is likely to contain no more than 11 or 12 policies covering matters such as areas of strategic opportunity, housing provision and distribution, town centres, employment land and strategic transport priorities. The JSP will sit alongside existing and emerging local plans.

## **7. The Evidence Base**

- 7.1 In order for the New Local Plan 2018 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 New Local Plan 2018. Additional studies have been undertaken in order to ensure that the emerging policies in the New Local Plan 2018 can be sufficiently evidenced. In order to ensure that key partners such as the local highway authority, the local education authority and neighbouring districts are able to support the New Local Plan 2018, 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 Local Plan 2018 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 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.. It is this figure on which the New Local Plan 2018 is based.

#### Draft Strategic Housing Land Availability Assessment 2018

- 7.6 The Council issued a “Call for Sites” in May 2018, in order to inform this year’s edition of the SHLAA. 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 further examination.
- 7.7 The NPPG makes clear that sites should be suitable, available and achievable (including viability). Having regard to these tests, the overall number of sites carried forward into the New Local Plan 2018 as specific proposals sites is 29, of which 15 are in the built up area, accommodating 1,097 homes, and 14 are in the Green Belt accommodating 3,125 homes. A number of these sites have been amalgamations of smaller SHLAA sites which have been brought together as strategic allocations, in order that development can take advantage of the benefit of scale to assist in master planning and the provision of the necessary infrastructure. It should also be pointed out that 370 homes are identified on sites in the SHLAA in the built-up area, which are policy-compliant, and 300 homes are windfall developments.

#### Draft Transport Evidence for the New Local Plan

- 7.8 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.
- 7.9 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 New Local Plan 2018. The assessment also considers the quantitative capacity of the 17 key junctions.
- 7.10 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. Given the involvement by Essex County Council in the development of this work, proposals in the New Local Plan that are based on its eventual findings and recommendations are unlikely to attract an objection on highways grounds. The County Council as Highway Authority would therefore be likely to support the Council’s position at the examination in public.

## Draft Viability Report

- 7.11 This work has been commissioned to accord with national policy and guidance on assessing the viability of plans. It examines the viability of the different development sites being considered for inclusion in the New Local Plan 2018, as well as the impact on viability of policies in the plan.
- 7.12 From briefings so far it is likely to find that values are typically higher in Benfleet, Hadleigh and Thundersley than they are on Canvey Island. Higher levels of affordable housing provision are therefore justified from sites in Benfleet, Hadleigh and Thundersley.
- 7.13 As well as providing evidence on the appropriateness of sites in the New Local Plan 2018, it will also check whether the plan as a whole is viable and therefore effective; its draft findings show that the New Local Plan 2018 is generally viable, and therefore appropriate.

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

- 7.14 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.
- 7.15 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.
- 7.16 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.

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

- 7.17 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. Given the importance ascribed to this policy theme by Government and by the Council, further work has been commissioned in order to review previous work undertaken and to consider new updated national policy and guidance. The work re-examines the Green Belt in Castle Point to determine whether various parcels still perform a Green Belt function. Using the 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

- 7.18 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

- 7.19 A sustainability appraisal of all policies and proposed development sites has been commissioned. Briefings for this report show that the policies in the New Local Plan 2018 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.

## **8. The New Local Plan 2018**

- 8.1 The New Local Plan 2018 has been prepared based on the evidence as listed and analysed above. It has been formatted to broadly follow the same thematic chapter headings in the NPPF. This should help to ensure that the plan is compliant with the NPPF, in order to meet the final test of soundness identified earlier in this report.
- 8.2 Each chapter includes strategic policies setting out the Council's overall approach to the issue under consideration. Where appropriate, the strategic policies are followed by allocation policies which set out the spatial aspects of the Council's strategy. Finally, a series of development management policies are included within each chapter which explain the considerations the Council will apply when considering planning applications for development.
- 8.3 A Policies Map also forms part of the New Local Plan 2018. This sets out on an Ordnance Survey map of the borough the areas where particular policy designations apply, such as town centres, employment estates, port-related

facilities, Canvey seafront policy area, transport improvement areas, areas reserved for flood defence improvements, Green Belt, and proposal sites.

- 8.4 The following sections of this report highlight the main policy requirements in each chapter. It is however recommended that the New Local Plan 2018 is read and considered as a whole, in the same way as the NPPF.

### **Vision and Objectives**

- 8.5 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.

- 8.6 Having regard to this context and the drivers of change, the following vision for Castle Point is set out in the New Local Plan 2018:

*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 natural 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 local 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 of 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.*

- 8.7 In order to deliver this vision, the New Local Plan 2018 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 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 2:** *To protect and enhance the network of high quality, accessible green and open space throughout Castle Point.*

**Objective 3:** *To protect and enhance the range of services that support healthy and active communities within Castle Point.*

**Objective 4:** *To make the town centres in Castle Point places where local people want to shop.*

**Objective 5:** *To create an environment that supports business growth, and creates local job opportunities.*

**Objective 6:** *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 7:** *To protect and enhance the quality of the natural and built environment within Castle Point, having particular regard to features of ecological, landscape and historic 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 particular 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**

- 8.8 This chapter of the New Local Plan 2018 responds to the advice in the NPPF to ensure that sustainable development with the three interdependent and overachieving objectives – economic, social and environmental – is delivered through the policies set out in the plan.
- 8.9 Three strategic policies describe the approach that the Council will take to achieve sustainable development, to make the best and most effective use of land and to ensure that development contributions are used to secure infrastructure to support sustainable development where appropriate.

### **Delivering a Sufficient Supply of Homes**

#### Growth and Mix

- 8.10 Having regard to the Standard Method set out in the NPPG, the objectively assessed need for housing in Castle Point is 342 homes per annum. However, evidence on capacity emerging from the draft SHLAA demonstrates that there is only capacity of the order of 4,800 homes which can be delivered in Castle Point between 2018 and 2033 plus 5 years (approximately 240 homes per annum), on both brownfield and current Green Belt sites. This is due to the number and locations of physical barriers to growth including water bodies, flood risk, nature conservation designations including a Special Protection Area (SPA), Sites of Special Scientific Interest (SSSIs), ancient woodlands and local wildlife sites, and historic landscape features which limit growth in Castle Point. Additionally, there is a requirement to maintain the strategic functions of the Green Belt, even if local areas of Green Belt on the periphery of the built-up areas are released for development.
- 8.11 This means that Castle Point is unable to meet its objectively assessed housing needs in full; this in turn has required the New Local Plan 2018 to make as much use as possible of brownfield sites, to optimise the densities of sites allocated for development, and to engage with neighbouring and nearby authorities to seek assistance if possible with meeting unmet need. Regrettably it has not been possible to secure agreement elsewhere to meet those needs. As a consequence the New Local Plan 2018 has established that exceptional circumstances exist to justify a re-examination of the extent of Green Belt.
- 8.12 The New Local Plan 2018 therefore seeks to deliver at least 4,800 homes (240 homes per annum) within Castle Point in the period 2018 to 2033 plus 5 years. This level of growth requires amendment of the Green Belt boundaries. It also requires key sites within the urban area to be brought forward for housing development. Strategic housing sites are identified in the following sections of this report.
- 8.13 As well as identifying strategic housing sites, this chapter of the plan also supports housing growth by supporting the principle of redevelopment within existing residential areas, and by setting out policies that protect existing homes from redevelopment for other purposes and for bringing empty homes back into use.

- 8.14 In addition to housing growth, this chapter of the plan also addresses issues associated with the size and types of housing to be provided. Evidence from the SHMA has been used to set out a policy on housing mix. Evidence from the SHMA has also been used to determine the need for affordable housing. This indicates that 73% of new homes should be affordable. However, the current and draft Viability Assessments indicate that in order to deliver sustainable development accompanied by sufficient infrastructure approximately 20% of new homes should be affordable, with higher levels of provision in Benfleet, Hadleigh and Thundersley (25%), compared to Canvey Island (15%).
- 8.15 As well as addressing the need for housing, this chapter of the plan also considers the need for other types of accommodation such as residential care provision. It is considered that there is a need over the period to 2033 plus 5 years to provide an additional 90 residential care beds within Castle Point. Allocation for this type of provision is set out in the appropriate strategic sites.
- 8.16 Finally, this chapter of the plan addresses the issue of the residential use of caravans and park homes, and seeks to ensure that any additional provision is sustainable and suitable to its location and future occupiers.

#### Strategic Sites

- 8.17 In order to deliver the housing requirement (at least 4,800 homes and 90 residential care beds), 29 strategic sites are identified in the New Local Plan 2018 with policies setting out the design and infrastructure requirements for each site. These policies have been prepared having regard to the outcomes of work on the evidence base including the draft Sustainability Appraisal, the draft Level 2 SFRA, the Green Belt Topic Paper, draft Transport Evidence, the draft SHLAA, the draft Viability Assessment and the Local Wildlife Sites Review.

#### ***LP HO 6 – Area of Search - Land at North West Thundersley***

- 8.18 Throughout the plan making process there has been some local interest in assessing the potential for accommodating a proportion of housing growth for the Borough to the north-west of Thundersley. Compared to other parts of the Green Belt in Castle Point, this area is relatively unconstrained, although there is evidence to indicate potential issues with ecology, archaeology and surface water. However, the area also forms part of a large swathe of Green Belt effecting the separation between Thundersley and the nearby towns of Wickford, Rayleigh and North Benfleet. Development in this location has the potential to impact on the strategic function of the Green Belt from a South Essex perspective and would need to be appropriately located and designed to maintain the sense of separation that currently exists.
- 8.19 Whilst this area is not significantly constrained, there are substantial issues with the deliverability of this site. Land Registry searches have revealed multiple landowners within this area. There are also a number of parcels of land that are unregistered. Whilst some of these landowners have indicated that they may be willing to redevelop their land for housing, there is as yet no evidence of an effective legal mechanism to co-ordinate the delivery of such development.
- 8.20 Access to this area is currently achieved via a network of narrow local roads some of which are unmade, as well as sub-standard access points off the

strategic road network. A large scale residential development would require an access constructed to the appropriate standard. Taking access from the existing urban area would exacerbate congestion at the Tarpots and Woodman's Arms junctions. Meanwhile, Essex County Council as the Highway Authority has clearly maintained its previous objections to access being taken from the strategic road network (A127 and A130). Furthermore it has also confirmed that this will remain its position unless and until the long term solution for improvements to the Fair Glen interchange have been funded and designed. At that point a suitable solution may be found involving the reconfiguration the Rayleigh Spur junction. The New Local Plan 2018 therefore indicates that this land will remain an area of search for housing provision, but continue to be covered by Green Belt policy. It would only be made available for development once access arrangements are resolved to the County Council's satisfaction as Highways Authority, and through either a review of the New Local Plan 2018, or through the emerging South Essex JSP.

***LP HO 7 – Land west of Benfleet – 940 homes***

- 8.21 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. This site is located on the Borough's western boundary and forms part of a larger swathe of Green Belt separating Benfleet and Pitsea.
- 8.22 The site comprises three large parcels of land in two main ownerships. The southernmost parcel of land has been the subject of a recent planning application. This was refused by the Council, but at the subsequent appeal, the Planning Inspector recommended that the appeal should be allowed as the impact of development on the Green Belt would not be so significant as to outweigh the need for housing. However, the Secretary of State did not share this view and dismissed the appeal on Green Belt grounds.
- 8.23 It is proposed that all three parcels of land in this location are brought forward for development in a comprehensive manner in order to deliver a green edge to the Borough (with a wide buffer to its western edge), and also an additional access route into Benfleet from the A130 Canvey Way which would relieve some pressure on the Tarpots junction and be of benefit to those who live within the existing residential areas of Benfleet.
- 8.24 Due to the proximity of this site to the existing urban area, it is considered to be sustainable in terms of accessibility. Furthermore, there are no significant environmental issues affecting the site, although existing open space provision will need to be retained and expanded to support growth. Due to the scale of development proposed in this location, a new primary school and nursery are required, as is a residential care home. There is sufficient space to accommodate these requirements on this site.
- 8.25 There is no planning reason to suggest that this proposal, including the infrastructure requirements, is undeliverable. Once open space, highways and community requirements are taken into account the site has capacity for around 940 homes. Due to the known interest of landowners and house building companies in this site, and the findings of the draft Viability Assessment which indicate that residential development in this area is viable, it is considered that this site should be deliverable within the plan period.

***LP HO 8 – Land between Felstead Road and Catherine Road, Benfleet – 183 homes***

- 8.26 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The allocation comprises of a number of plots with some limited development of homes and commercial premises. The land fronting London Road to the north has been redeveloped for housing or is under construction. The owners of the land have come together to promote their sites in a comprehensive way, and have approached developers who have expressed an interest in the land.
- 8.27 The site is located adjacent to the existing urban area and is therefore relatively sustainable in terms of accessibility. The site is however wooded in parts, and therefore it has been necessary to seek the conservation of areas of woodland and nature conservation value as part of the proposals for the site. Additionally, the local roads around the site experience congestion due to parking associated with the nearby schools, and ‘rat-running’ to the A13. Therefore, a transport assessment will also be necessary.
- 8.28 The draft Viability Assessment indicates that this part of Castle Point is a higher value area, and therefore development of this site for residential purposes should be viable. The landowners have indicated a willingness to promote their land for development and housebuilding companies have expressed an interest in the land. Therefore, this site should be deliverable within the plan period.

***LP HO 9 – Land off the Glyders, Benfleet – 30 homes***

- 8.29 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. There is residential development to the north, south and west of this site. There is a tree lined hedgerow running north to south through the site. The site is also visible within the wider landscape due to the steeply rising topography of the land.
- 8.30 Due to the location of the site, adjacent to existing residential development, it is considered to be sustainable in accessibility terms. There is however a need to design the site carefully to ensure that it retains the tree lined hedgerow and to ensure that it integrates well with the surrounding residential development having regard to the topography of the land. Additionally, due to surface water flood risk issues elsewhere below the level of this site, it is important that the design of development incorporates sustainable urban drainage mechanisms.
- 8.31 Due to the size and constraints affecting this site assessments indicate the capacity of this site is of the order of 30 homes. The landowner has promoted this site for development and a local development company has become involved in pursuing development. The site is in an area where residential development is viable, and therefore there is a reasonable prospect that this site is deliverable within the plan period.

***LP HO 10 – Land of the former WRVS Hall, Richmond Avenue, Benfleet - 39 homes***

- 8.32 This site is approximately 1.3 hectares (ha) in size and was designated as community facilities in the 1998 Adopted Local Plan. The site is predominantly

surrounded by residential development with access from Richmond Avenue. The former Women's Royal Voluntary Service building on the site is a temporary structure and there is a Council car park adjacent; open land forming part of South Benfleet Playing Fields is situated to the south.

- 8.33 The open part of the site is classed as flood storage by the Environment Agency, is within the South Benfleet Critical Drainage Area and is located in flood zones 2 and 3: therefore it is essential that surface water is managed appropriately in order to prevent flooding of properties on or near to the site.
- 8.34 The draft SHLAA estimated that 39 dwellings could be provided at the site, subject to careful consideration of flood risk.

***LP HO 11 – Land at Kents Hill Road, Benfleet – 35 homes***

- 8.35 This site is approximately 0.4 ha in size and was designated within the town centre boundary in the 1998 Adopted Local Plan. The site is currently occupied by commercial units between one and two storeys in height. Kents Hill Road provides access to the site and to the south leads to the High Road and shopping centre.
- 8.36 This site is identified as being within the South Benfleet Critical Drainage Area, and it is necessary to ensure that surface water is managed appropriately in order to prevent flooding of properties of properties on or nearby the site.
- 8.37 The draft SHLAA estimates an additional 34 dwellings could be provided on site, and this is supported by the capacity and density evidence which estimates that the site has a capacity for 32-35 additional dwellings made up of flats and maisonettes.

***LP HO 12 – Land East of Rayleigh Road, Hadleigh – 455 homes***

- 8.38 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The land comprises several open fields separated by field boundaries. To the north of the site is the Rayleigh Weir shopping and industrial area. There is residential development to the west and south of the site. There is woodland with ancient landscape value to the east of the site.
- 8.39 A developer previously promoted the western part of this site for housing development. However, the site has been expanded eastwards which enables satisfactory access arrangements to be made for the site. The developer has also carried out a landscape assessment which has resulted in a proposal for homes surrounding a large area of publicly accessible open space. Assessments carried out by officers indicate that a quantum of housing of some 455 dwellings is appropriate given the landscape character of the site.
- 8.40 Due to the developer promoting this site, and the findings of the draft Viability Assessment which indicates that residential development in this location should be viable, it is considered that this site should be deliverable within the plan period.

### ***LP HO 13 – Land at Brook Farm, Daws Heath – 173 homes***

- 8.41 This site is approximately 8 ha in size, and was designated as Green Belt in the 1998 Adopted Local Plan. The majority of the site is open farmland compartmentalised by established hedge and tree lined field boundaries. There is a cluster of existing farm buildings centrally located in the site serving both farms, with some caravan storage located around the farm on the western part of the site. The north eastern corner of the site comprises an existing residential to property in Haresland Close.
- 8.42 This area of Green Belt is bounded by residential development to the north. The Draft Green Belt Review considers that a realigned boundary in this location would remove 'blurred' edges to this part of the Green Belt and provide opportunities to improve landscape features, and still allow for the wider Green Belt in this location to fulfil its purposes.
- 8.43 Given the mainly undeveloped nature of the site, any development of this site would need to consider how biodiversity could be effectively integrated into the development and an overall net gain in biodiversity could be achieved. Furthermore the compartmentalised landscape and semi-rural nature of the site are important features and should be used to aid the integration of development into this important landscape.
- 8.44 The northern part of the site has a close relationship with the existing residential area to the east, which is fairly compact in nature, however the southern part of the site is adjacent to other open farmland and sporadic residential development which sits within the natural environment. In these circumstances, a transition between the two development patterns would be appropriate. A context appraisal should inform the urban design approach to be taken for the northern parts of the site immediately adjacent to the existing development and a transition into elements of the Arcadia approach should be taken for the design of the southern parts of the site, in order to ensure the development integrates into the existing environment.
- 8.45 The overall design for the site should ensure linkages to nearby public open spaces, and greenways. It will also be necessary to demonstrate integration of sustainable urban drainage techniques, as the site is identified as being in a Critical Drainage Area, in order to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site. This can be achieved through the provision of open space and Green Infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel. Having regard to these design approaches, it is considered that approximately 173 homes could be accommodated across the whole site.
- 8.46 This site is not within easy walking distance of local services and facilities and it is therefore important that public transport provision is improved to service this part of the Borough.

### ***LP HO 14 – Land south of Scrub Lane, Hadleigh – 55 homes***

- 8.47 Land in this location was safeguarded for residential purposes in the 1998 Adopted Local Plan. The land now allocated is slightly smaller leaving a greater

amount of space available for school playing fields to the south. The land is jointly owned by Essex County Council and an Academy Trust who have been undertaking a process in order to dispose of the land. It has capacity of the order of 55 homes, as assessed through the draft SHLAA and density/capacity work.

- 8.48 The site is located within the existing urban area and it is therefore relatively sustainable in terms of accessibility. There are no known environmental issues affecting the site, although due to its location in Hadleigh, which is served by the Southend Waste Water Treatment Works, the on-site management of surface water runoff is essential to ensure long-term capacity of these works.

***LP HO 15 - Land at Oak Tree Farm, Hadleigh – 65 homes***

- 8.49 This site is approximately 3.6 ha in size, and was designated as Green Belt in the 1998 Adopted Local Plan. The site is mainly contained farmland, compartmentalised by established hedge and tree lined field boundaries. Residential development is located to the west and an ancient woodland and SSSI can be found to the east of the site. The southern and south easterly periphery is lined with mature trees that have Tree Preservation Orders (TPOs).
- 8.50 The northern edge of the site coincides with a watercourse which puts the northern boundary into a flood risk zone 2 and 3. The overall design for the site should ensure integration of sustainable urban drainage techniques, as the site is in the Southend-on-Sea Critical Drainage Area, in order to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site. This can be achieved through the provision of open space and green infrastructure that will also provide benefits in terms of recreation, nature conservation and active travel. Having regard to these design approaches it is considered that 65 homes could be accommodated on this site.
- 8.51 Given the mainly undeveloped nature of this site and the proximity to a Local Wildlife Site and SSSI, any development of this site would need to consider how biodiversity could be effectively integrated into the development and an overall net gain in biodiversity could be achieved. The use of landscaping to mitigate the impacts of the development on the semi-rural landscape in this location could for example provide the opportunity to create wildlife corridors that link the network of woodlands and support the wider area's role as a Historic Natural Landscape.
- 8.52 The site is approximately 3.6 ha in size. The draft SHLAA estimates an additional 61 dwellings and this is corroborated by the capacity and density evidence which estimates that the site has a capacity for 65 additional dwellings made up of semi-detached and detached homes as well as open space.

***LP HO 16 Land north of Scrub Lane, Hadleigh – 15 homes***

- 8.53 This site is approximately 0.6 ha in size, and was previously designated for residential use in the 1998 Adopted Local Plan. The majority of the site is surrounded by residential development and access to the site is from Scrub Lane. The plot of land opposite on the south of Scrub Lane is allocated as residential development within this plan as policy LP HO 14. The existing site comprises three detached dwellings with large front and rear gardens.

- 8.54 The site lies just outside the boundary of the Southend-on-Sea Critical Drainage Area, but falls within the Southend Water Recycling Catchment Area.
- 8.55 The site is approximately 0.6 ha in size. The draft SHLAA estimates an additional 16 dwellings and this is corroborated by the capacity and density evidence which estimates that the site has a capacity for 15 dwellings made up of semi-detached and detached houses.

***LP HO 17 - Land at Park Chase, Hadleigh – 21 homes***

- 8.56 This site is approximately 0.35 ha in size and was allocated for residential development in the 1998 Adopted Local Plan. The draft SHLAA 2018 confirms the suitability of the site for the delivery of 21 additional dwellings.
- 8.57 The site is bounded by existing residential development to the west and to the east across Park Chase road. The northern boundary consists of car parking that supports commercial businesses that front onto London Road which offer upper storey residential housing. The southern part of the site neighbours farmland and the 1998 Green Belt boundary.
- 8.58 This site is identified as being within a Critical Drainage Area and within the Water Recycling Centre catchment area, and it is necessary to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site.

***LP HO 18 – Hadleigh Island Site, London Road, Hadleigh – 52 homes***

- 8.59 This site is approximately 0.6 ha, and has frontage to both London Road and High Street within Hadleigh town centre. The land is currently occupied a mix of land uses, from the former Fire Station in the west, the former Fire Master's House and Library in the centre and the former Crown Public House to the east. The draft SHLAA 2018 confirms the suitability of the site for the delivery of 52 additional dwellings, as part of a mixed use development also involving other appropriate town centre uses.
- 8.60 This site is identified as being within a Critical Drainage Area and within the Water Recycling Centre catchment area, and it is necessary to ensure that surface water is managed appropriately in order to prevent flooding of properties on or nearby the site.

***LP HO 19 – Land East of Downer Road North, Thundersley – 30 homes***

- 8.61 The site is approximately 4 ha in size and is designated Green Belt in the 1998 Adopted Local Plan. The site is located adjacent to existing residential development to the west and comprises a scattering of residential dwellings and dense tree covered land.
- 8.62 The draft SHLAA 2018 estimated that the site has a capacity of 39 residential dwellings, although this is tempered by the evidence from the capacity and density review which confirms that the site has capacity for 30 new dwellings made up of semi-detached and detached properties.

***LP HO 20 – Land West of Glebelands, Thundersley – 155 homes***

- 8.63 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. This site is located on the Borough's western boundary and forms part of a larger swathe of Green Belt separating New Thundersley from Bowers Gifford.
- 8.64 This site was previously the subject of a planning application and planning appeal for 165 homes. The Inspector for the planning appeal recommended that the appeal should be allowed as the impact of development on the Green Belt would not be so significant as to outweigh the need for housing. However, the Secretary of State did not share this view and dismissed the appeal. Subsequent appeals to the High Court and Court of Appeal were also dismissed.
- 8.65 In order to create a green gateway and green boundary to the Borough's western boundary it is proposed through the New Local Plan 2018 that a green buffer is retained alongside the A130 and made available as a public greenway. This has been taken into account in considering land west of Glebelands. As a consequence the capacity of this site is assessed to be around 155 homes.
- 8.66 Due to the proximity of this site to the existing urban area, it is considered to be sustainable in terms of accessibility. Furthermore, there are no significant environmental issues affecting the site, although there is a potential issue with groundwater which will need to be addressed through the design of the development to ensure flood resistance and resilience.
- 8.67 The developers have indicated a clear desire to deliver development in this location. Furthermore, this site is in an area where residential development is considered to be viable. It is therefore considered that this site should be deliverable within the plan period.

***LP HO 21 - Land east of Manor Trading Estate, Thundersley – mixed use including 95 homes***

- 8.68 This site is approximately 4.7ha in size overall and was designated as Green Belt within the 1998 Local Plan. The site is adjacent to the urban area of Thundersley and is bound by existing woodland to the north with industrial units to the east. The site is open and affected by noise generated from the neighbouring industrial uses; this impact means the western part of the site is not suitable for residential development, and so the New Local Plan 2018 allocates this portion of the site of some 1.4 ha for employment uses, with access to be taken from the existing trading estate. The remainder of the site comprising 3.3 ha is allocated for residential development; it benefits from an existing access from Keswick Road and from Church Road. Although there are no protected trees within the site boundary, there are several protected trees at the boundary.
- 8.69 The draft SHLAA 2018 estimates that the site has a capacity of 109 homes which is tempered by the evidence from the capacity and density review which confirms that the site has capacity for 95 dwellings made up of semi-detached, detached and a small proportion of terraced housing and open space.

***LP HO 22 – Land at The Chase, Thundersley – 350 homes***

- 8.70 This site is approximately 28 ha in size and is designated as Green Belt within the 1998 Local Plan. However this area of Green Belt is entirely surrounded by residential development and is disconnected from the wider Green Belt. There are however features of landscape value and areas of nature conservation importance including a local wildlife site within this area.
- 8.71 Any development of this site would need to carefully consider how biodiversity could be effectively integrated into the development, and how an overall net gain in biodiversity could be achieved through the application of the nature conservation hierarchy.
- 8.72 It is therefore considered that master planning approach should be applied to create an attractive green, parkland environment where the natural environment and residential homes co-exist side by side. This environment should include open spaces and greenways which create links to be enjoyed by all. It should also integrate sustainable urban drainage techniques given that the Surface Water Management Plan identifies the site to be within Critical Drainage Area, and there to be the potential for a small area of surface water flooding towards the north of the site.
- 8.73 The draft SHLAA 2018 indicated that the site could deliver a large number of new homes; however this would need to be demonstrated and supported by more detailed capacity and density evidence. Therefore having regard to the most appropriate design approach, it is considered that approximately 350 homes could be accommodated on the site.
- 8.74 Local junction and highway improvements should be delivered in order to ensure that the site is accessible and that impacts on the existing highway network are minimised. Land to the south of The Chase should be access via Kiln Road, with land to the north of The Chase accessed via Runnymede Chase or Rayleigh Road. The draft Transport Evidence indicates the need for some improvements to junctions near to this site including those on Kenneth Road. Additionally, there is need for improvements to the public transport network nearby this site in order to encourage sustainable transport movements.
- 8.75 The area of land designated as Green Belt is in multiple ownership, although many of the landowners have expressed clear interest in development. This site is therefore considered to be available and achievable.

***LP HO 23 – Land at Weir House, Arterial Road, Hadleigh – 12 homes***

- 8.76 This site is approximately 0.35 ha in size and has a capacity for 12 dwellings. The site is bounded by residential development to the west and south. The northern and eastern boundaries follow the Southend Arterial Road. Access could be achieved through Kingsley Crescent.

***LP HO 24 – Land west of Rayleigh Road, Hadleigh – 60 homes***

- 8.77 The site is approximately 0.7 ha in size and is currently comprised of both commercial and residential development. It is surrounded by residential dwellings to the south west and north, including bungalows to two storey

properties. Rayleigh Road runs along the eastern boundary with retail development concentrated to the east of the site.

- 8.78 The draft SHLAA 2018 estimated that the site has capacity for 53 new residential dwellings which has been tested by the evidence from the capacity and density review which considers that the site has capacity for 60 dwellings made up of two storey building(s) comprising flats.

***LP HO 25 – Lands at Thames Loose Leaf, Kiln Road, Thundersley – 12 homes***

- 8.79 This site is approximately 0.16 ha in size is bounded by residential development on the western, northern and eastern boundaries. Kiln Road offers the southern boundary and will act as the main access to the site. The site is occupied a manufacturing commercial business, which represents a non-conforming use in an otherwise residential area. The site is adjacent to three storey terraced town houses to the west and two storey chalet style homes to the east, with large semi-detached homes on the opposite side of Kiln Road.

***LP HO 26 – Land east of Canvey Road, Canvey Island – 300 homes***

- 8.80 Land in this location is designated Green Belt in the 1998 Adopted Local Plan. This site is an undeveloped, flat, open field. There is existing residential development to the south, east and west of the site. Land to the north east of the site is partially developed with a secondary school.
- 8.81 Due to the location of the site, adjacent to the existing residential area, including a secondary school and primary school, this site is considered to be sustainable in terms of accessibility. Furthermore, whilst there are some areas of nature conservation and landscape value nearby, this site is not considered to be of particularly high value. The site is however located on Canvey Island. Therefore, flood risk affects the site. As a consequence, it will be required that the sequential test is passed before this site can be developed. Furthermore, any development that does occur will need to be flood resistant and flood resilient.
- 8.82 This site is owned by a housebuilding company, which has maintained its interest in bringing the site forward for development; a recent outline planning application was supported by various assessments, plans and illustrations. These included provision for on-site management of surface water and open space provision. As a consequence of these earlier plans, it is considered that the capacity of this site is around 300 homes. Assessment work indicates that this is an appropriate capacity given the constraints.
- 8.83 The draft Viability Assessment indicates that viability is likely to be more challenging on Canvey Island, although certain types of residential development are still viable. Furthermore, the land is owned by a housebuilding company, and so there is a reasonable prospect that this site can be delivered within the plan period.

***LP HO 27 – Land west of Canvey Road, Canvey Island – 253 homes***

- 8.84 This site is approximately 15 ha in size and is designated as Green Belt through the 1998 Local Plan. The site currently comprises a garden centre and a

number of commercial businesses, some residential properties on the Canvey Road frontage, agricultural land and buildings. The site is enclosed by three roads, Canvey Road to the east, Northwick Road to the south and Roscommon Way to the western and northern edges.

- 8.85 The draft SHLAA 2018 estimates that the site has capacity for 275 new residential dwellings and a residential care home, which is tempered by the evidence from the capacity and density review which confirms that the site has capacity for 253 dwellings made up of semi-detached, detached and a small proportion of terraced dwellings.

***LP HO 28 - Land at Thorney Bay Caravan Park, Canvey Island – 600 homes***

- 8.86 Land in this location is safeguarded for housing in the 1998 Adopted Local Plan. The site is located adjacent to the existing urban area and is therefore relatively sustainable in terms of accessibility. However, it is located on Canvey Island and therefore there is a risk of flooding that will need to be addressed through the detailed design of development for the site. The site is also near to the Calor Gas Terminal, and this has acted to determine the western extent of development. There is some nature conservation interest towards the northern part of the site that will need to be avoided and conserved as part of the development process.
- 8.87 A resolution to grant outline consent for the redevelopment of this site for residential purposes was made by the Development Control Committee in February 2013, subject to a Section 106 Agreement. The landowners have indicated that the site can accommodate approximately 600 homes and assessments carried out by officers support this assumption.
- 8.88 A further detailed planning application was made for what in effect would be Phase 1 of the redevelopment of the site, comprising 112 dwellings. The Development Control Committee also resolved to grant consent for this proposal, again subject to a Section 106 Agreement.
- 8.89 The landowner has expressed a clear interest in delivering housing on this site, Due to the location of the site, viability may have been an issue; however the draft Viability Assessment indicates that certain types of residential development are still viable in this location. Therefore, this site should be deliverable within the plan period.
- 8.90 The proposed extension to Roscommon Way linking Haven Road with Western Esplanade runs through this site. This section of the site is safeguarded for the provision of the road on the Policies Map. It is also recommended that this site leaves a protected zone by the coastal boundary for future flood defence improvements.

***LP HO 29 – Land at Point Road, Canvey Island – 100 homes***

- 8.91 Land in this location is designated for residential purposes in the 1998 Adopted Local Plan. The site is located within the existing urban area and is therefore relatively sustainable in terms of accessibility. However it is located on Canvey Island and therefore this is a risk of flooding. This risk has previously been

addressed as part of the proposals for the western portion of the site, indicating that there is the potential to achieve appropriate, flood resistant and flood resilient development on the eastern portion of the site also.

- 8.92 Due to the location of the site on Canvey Island, the nature of the proposal which includes flats, and also the needs of the existing business, there are potential viability issues. However, the landowners have expressed an interest in delivering housing on this site, subject to the relocation of the existing business to the western part of Canvey Island. It is therefore considered that this site could still viably deliver new homes during the plan period.
- 8.93 It is also recommended that this site leaves a protected zone by the coastal boundary for future flood defence improvements.

***LP HO 30 – Land at Walsingham House, Lionel Road, Canvey Island – 32 homes***

- 8.94 The site is approximately 1.6 ha in size and backs onto St Joseph’s Catholic primary school and playing fields to the west and north; there is residential development on the Lionel Road frontage where access to this site could be established. The north eastern part of the site is covered by trees and shrubbery. The draft SHLAA 2018 estimates that the site has capacity for 32 new residential dwellings.

***LP HO 31 – Admiral Jellicoe Public House, High Street, Canvey Island – 40 homes***

- 8.95 The site is approximately 0.35 ha in size and is currently derelict following the closure of the public house and associated car parking. It is located between Winterswyk Avenue and High Street. There is residential development on both the eastern and western boundaries of the site, and some commercial uses on High Street. The draft SHLAA 2018 estimates that the site has capacity for 40 new residential dwellings.

***LP HO 32 – Land south of Haron Close, Canvey Island – 10 homes***

- 8.96 This site is approximately 0.25 ha in size and is located at the end of Haron Close. The site is bounded by Long Road to the south with residential uses to the west and commercial uses to the east. The site is currently covered by trees, some of which are subject to TPOs, and shrubbery. The draft SHLAA 2018 estimates that the site has capacity for 10 new residential dwellings.

***LP HO 33 – Haystack Car Park, Long Road, Canvey Island – 14 homes***

- 8.97 This site is approximately 0.17 ha in size and was formerly in use as a car park. The eastern edge of the site includes a range of commercial uses which front onto Furtherwick Road and to the west lies a residential development of flats. The draft SHLAA 2018 estimates the site has capacity for 14 new residential dwellings.

***LP HO 34 – Land at Solby Wood Farm, Daws Heath – 46 homes***

- 8.98 This site is approximately 0.7 ha in size and is designated as Green Belt in the 1998 Adopted Local Plan. The site would deliver a small extension to the

already permitted development at Solby Wood Farm to the east. The north western part of this site is within close proximity of the ancient woodland, West Wood. The draft SHLAA 2018 estimates the site has capacity for 46 new residential dwellings.

***LP HO 35 – Land adjacent Kings Park Village, Canvey Island – 50 homes***

- 8.99 This site is approximately 1.9 ha in size and is designated as Green Belt in the 1998 Adopted Local Plan. The site sits to the eastern edge of Kings Park Village which accommodates park homes. To the north the Benfleet and Southend Marshes Ramsar and Special Protection Area and Hadleigh Marshes SSSI are situated, which are of national and international importance. The draft SHLAA 2018 estimates the site has capacity for 50 new residential dwellings.

Traveller provision

- 8.100 In support of Council's legal duties in respects of the Housing and Planning Act 2016, the needs of Gypsies and Travellers in the Borough have been assessed through a Gypsy, Traveller and Travelling Showpeople Local Needs Accommodation Assessment (CPLNAA) completed in January 2018.
- 8.101 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.
- 8.102 There were no Travelling Showpeople identified living in Castle Point so there is no current or future need for additional plots.
- 8.103 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. Due to the acute housing constraints in the borough, 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**

- 8.104 Having regard to the evidence set out in the South Essex Economic Development Needs Assessment, the New Local Plan 2018 seeks to provide a minimum of 23 ha of employment land, and the provision of 6,600 square metres (m<sup>2</sup>) 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.
- 8.105 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. The Assessment also identified the important contribution which the Council Offices and the USP (SEEVIC) campus makes to employment in the Borough and this land is also

identified. Additionally, 20 ha of land is allocated for employment purposes at west Canvey (both south of Roscommon Way and at Northwick Road) and adjacent to Manor Trading Estate (1.4 ha) as part of a mixed use allocation with residential development.

- 8.106 The Household Waste and Recycling Centre and Council Depot at the Farmhouse on Canvey Road have also been identified in the plan. Representations from the waste collection and waste disposal authorities indicate that there is a need in the lifetime of the plan to undertake improvements to both sites to improve operational effectiveness. Land to the south of the site is therefore allocated for this purpose.
- 8.107 In recognition of their role within the local economy, three 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; b) the role of the seafront entertainment area, as now identified in the master planning work carried out by the Council; and c) opportunities to grow the local construction industry.

### **Ensuring the Vitality of Town Centres**

- 8.108 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.
- 8.109 Vacancy rates within town centres and local shopping parades are relatively low, compared to elsewhere, and therefore the policies in the plan seek to retain shopping parades for retail and retail related purposes. However, in order to avoid long term vacancies a policy which permits alternative uses of vacant shops is included.
- 8.110 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 m<sup>2</sup> can be justified compared to the national threshold of 2,500 m<sup>2</sup>.
- 8.111 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 Healthy and Safe Communities**

- 8.112 This chapter of the New Local Plan 2018 addresses the need for open space provision and community facilities in Castle Point. This section aims to use planning opportunities to deliver:

- a) A high quality, healthy, living environment;
- b) A more physically active population;
- c) Greater community cohesion, reduced social isolation, particularly amongst older people;
- d) Greater community resilience, and increased ability within the community to run facilities, services and events for itself;
- e) Reduced levels of deprivation and health inequalities; and
- f) Opportunities for all young people to meet their potential and flourish.

8.113 In order to achieve these aims the policies in this section seek, amongst other things to protect community buildings and open spaces (including playing pitches and allotments), and to deliver:

- Additional open space, with housing sites in excess of 3 ha in size delivering 80 m<sup>2</sup> of open space per home;
- Additional multi-use games areas;
- Education and learning facilities aligned with growth;
- Health and social care provision aligned with growth; and
- The renewal of the community centre building at The Paddocks.

### **Promoting Sustainable Transport**

8.114 Briefings regarding 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 New Local Plan 2018 therefore seeks to deliver the following improvements to the transport network:

- New or improved access to Canvey Island;
- 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.

8.115 Additionally, development management policies set out requirements in terms of transport infrastructure, access and parking provision that must be met when planning applications are received.

8.116 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**

8.117 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 New Local Plan 2018 to address this matter. These policies seek the provision of new communications infrastructure to improve the quality and availability of service provision, including 4G 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 4G mobile services and superfast broadband.

### **Achieving Well-Designed Places**

8.118 This chapter of the New Local Plan 2018 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. 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**

8.119 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."

- 8.120 The New Local Plan 2018 identifies 2,490 ha of land within Castle Point as Green Belt. This represents 90.6% of the Green Belt identified in the 1998 Adopted Local Plan, taking into account amendments to the Green Belt as a result of development approved and built in the past 20 years, as well as the proposed allocations in the plan. The extent of Green Belt identified in the New Local Plan 2018 is protected from development in accordance with the NPPF, except in those circumstances that are defined in national policy.
- 8.121 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 New Local Plan 2018. 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.
- 8.122 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**

- 8.123 Due to the proximity of Castle Point to the coast, this chapter of the New Local Plan 2018 includes important policies on flood risk and climate change.
- 8.124 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 New Local Plan.
- 8.125 With regard to Canvey Island, which is at high risk of flooding but is substantially defended from flooding, regard has been had to the SFRAs 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.

- 8.126 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.
- 8.127 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.
- 8.128 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**

- 8.129 This chapter of the New Local Plan 2018 addresses matters related to green infrastructure, wildlife matters, landscape matters and pollution control.
- 8.130 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.
- 8.131 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 in the New Local Plan 2018. 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.
- 8.132 In terms of biodiversity, information from Natural England, alongside the Local Wildlife Sites Review has provided the evidence for the New Local Plan 2018. 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.

- 8.133 The New Local Plan 2018 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.
- 8.134 In terms of pollution control, the plan addresses potential risk to water quality, air quality and contamination of land, and also to the health, safety and well-being of residents.
- 8.135 In terms of water quality the Thames River Basin Management Plan indicates that there is poor water quality in the Thames at present, and a need to improve it in order to achieve legislative requirements. The South Essex Watercycle Study meanwhile has indicated that the Southend Water Recycling Centre is close to capacity. Therefore, a policy has been included within the plan which seeks to reduce flows to this Centre by removing surface water from the system, thereby creating sufficient capacity for additional foul water flows. This will help to prevent foul water discharges to the Thames, supporting water quality improvements.
- 8.136 In terms of the contamination of land a specific policy is included which requires contaminated land to be made safe before development can occur. In terms of other forms of pollution, and impacts on residential amenity, a new policy similar to policies EC3 and EC4 of the 1998 Adopted Local Plan has been included due to the success the Council has had in the application of these existing policies. The inclusion of such a policy in the New Local Plan 2018 is supported by the outcomes of air quality monitoring in Castle Point, the Thames River Basin Management Plan and the South Essex Watercycle Study.
- 8.137 Finally, the specific risks to public safety posed by the hazardous installations at South Canvey are addressed in this section. A policy has been included making it clear that the advice of the Health & Safety Executive will be followed when considering applications for development within proximity of the hazardous installations.

### **Conserving and Enhancing the Historic Environment**

- 8.138 The chapter on the historic environment has been informed by information held by English Heritage, and also through a review of the Local List of Buildings of Historic Interest involving the local community archives for Benfleet, Canvey Island and Hadleigh and Thundersley.
- 8.139 The policies in the New Local Plan 2018 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.

- 8.140 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.
- 8.141 With regard to non-designated historic assets, a revised list of such assets is included within the New Local Plan 2018, with policies seeking to preserve and enhance such assets where possible.

### **Monitoring & Review**

- 8.142 This chapter of the New Local Plan 2018 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 to emerging strategic policies.

## **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 New Local Plan 2018 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 New Local Plan 2018 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 New Local Plan 2018 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 New Local Plan 2018 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.

## Equality Impact Assessment

- 9.4 In order to ensure that the policies in the New Local Plan 2018 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.

## 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 2018 with continuous engagement in the form of e-mails, face-to-face meetings and presentations at key stages of the plan's evolution.
- 9.8 Furthermore, the engagement of other organisations in the preparation of the evidence base for the New Local Plan 2018 demonstrates the Council's commitment to working with others to prepare and implement its planning policies. Examples include the recent preparation of the draft Transport Evidence for the New Local Plan in conjunction with Essex County Council, and work undertaken on the Level 1 SFRA in conjunction with neighbouring districts, Essex County Council, the Environment Agency and Anglian Water. Where the New Local Plan 2018 integrates the findings and recommendations of these jointly prepared studies, it is then unlikely that it will attract objections from the organisations involved. These organisations will therefore be in a position to support the Council at the examination in public.
- 9.9 As Castle Point is not able to meet its objectively assessed need for housing, it has been necessary for the Council to undertake additional work in order to fulfil the duty to co-operate. This required the Council to working with neighbours in South Essex, to determine whether unmet housing needs could be met

elsewhere. No positive responses to the request for unmet need to be met elsewhere have been received, although most responses have acknowledged that the Council's emerging plan has been thorough in its examination of all opportunities to provide housing within the Borough. Respondents also agree with the Council that the mechanism by which unmet housing needs from all South Essex authorities should be addressed is through the emerging South Essex JSP.

9.10 Other issues which have emerged through the engagement process include:

- Proposals for the North Thames Link Road
- Green Belt separation between New Thundersley and North Benfleet
- A130 Green Belt Corridor
- Proposals for safeguarded land at North West Thundersley

9.11 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 New Local Plan 2018 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 New Local Plan 2018 now moves forward to reflect the approved LDS with the following programme:

Action	Date
Council Decision to Submit	November 2018
Pre-submission consultation preparation	December 2018/January 2019
Pre-submission consultation	January to March 2019 (6 weeks)
Submission preparation	March/April 2019
Submission	April 2019
Examination	Summer 2019*
Inspector's Report	Summer 2019*
Adoption	Summer 2019*

*\*Subject to Planning Inspectorate*

### Consultation

10.2 Subject to the agreement of the Council, consultation on the New Local Plan 2018, its evidence base and supporting documents will be undertaken in a manner that ensures that the requirements and spirit of the Town and Country Planning (Local Plan) Regulations are met. The New Local Plan 2018 will be made widely available for consultation with residents, businesses and other stakeholders for a period of 6 weeks from January 2019.

### Duty to Co-operate

- 10.3 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

- 10.4 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.
- 10.5 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 to the New Local Plan 2018 before submission, as required.
- 10.6 Such advice will provide a timely independent perspective on the New Local Plan 2018 before submission, 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

- 10.7 The housing site allocations each 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.
- 10.8 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.
- 10.9 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. Intervention, the Potential Consequences and Corporate Implications**

- 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 New Local Plan 2018. 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 New Local Plan 2018 and as a consequence of intervention.

**(a) 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 is still considering whether to intervene in the local plan process in Castle Point. Failure to keep to the programme as agreed by Council in the LDS to produce a legally and technically compliant local plan is likely to result in 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 New Local Plan 2018, 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 New Local Plan 2018 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. It is clear that the Ministry officials believe that the Secretary of State's published criteria for invention have been met in the case of Castle Point. The Council has only avoided more direct control from the Ministry by publishing and keeping to the accelerated plan preparation timetable set out in the LDS in June 2018.
- 11.9 Should there be any indication that the Council will be unable to make progress with the plan, then further and more direct intervention and control can be expected. As described earlier this would be likely to take the form of a direction from the Secretary of State requiring either the Council to take whatever action he deems necessary to progress the plan, or to provide his appointed officials and/or consultants with the New Local Plan 2018 and all its associated background material so that it may be progressed with no formal input or involvement from the Council. These measures are likely to be put in place for a significant period of time, leading up to and through examination and adoption, and potentially until the first review of the plan after 5 years.
- 11.10 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.
- 11.11 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**

- 11.12 Expenditure to Date: The technical work involved in preparing a New Local Plan 2018 has been carried out using the resources identified in the LDS 2018, considered and approved by Council on 6<sup>th</sup> June 2018.
- 11.13 Required Expenditure: The further costs of taking the New Local Plan 2018 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 6<sup>th</sup> June 2018.

- 11.14 Potential Cost Avoidance: It is estimated that by making progress with the New Local Plan 2018, 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.
- 11.15 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
- 11.16 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**

- 11.17 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 New Local Plan 2018.
- 11.18 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.
- 11.19 The New Local Plan 2018 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.
- 11.20 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.

11.21 Failure to agree the New Local Plan 2018 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**

11.22 Additional temporary administrative support will be required to deliver the New Local Plan 2018 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.

11.23 Once the local plan is in place, significant work will be required to support master plans and the preparation of supplementary planning guidance which will require staff resources.

**Equality Implications**

11.24 An Equality Impact Assessment has been prepared to accompany the New Local Plan 2018. 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**

11.25 The consultation process will make use of existing IT resources. There are no IT implications arising directly from this report or the New Local Plan 2018.

11.26 There are no asset management implications arising directly from this report or the New Local Plan 2018, other than sites which are owned by the Council and may be affected by its policies or allocations.

**(g) Timescale for Implementation**

11.27 Should the Council decide to proceed to consultation on the New Local Plan 2018, the timetable set out earlier in this report will be followed, with consultation commencing in January 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 New Local Plan 2018 now before Council has been prepared to an accelerated timetable, agreed in June following consultation with the Ministry.
- 12.2 The plan has been prepared so it fully 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 also been assiduous in maintaining effective and on-going duty to co-operate engagement with relevant bodies on strategic planning matters which cross boundaries. The Council has commissioned independent expert advice from consultants (who have also previously advised the Ministry) to ensure that the plan is satisfactory in technical terms.
- 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 three 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 If the Council is unable to agree to the New Local Plan 2018, then there is a high probability that the Secretary of State will continue his intervention and direct that a plan is prepared. The Council would still remain responsible for the Government's costs in preparing the plan on behalf of the Council and the Council would have no control over the process.
- 12.7 This intervention is also likely to extend to the determination of strategic planning applications which deliver the development set out in the plan. Again the Council would have no control over the process, but would be required to meet the Secretary of State's costs. Moreover the Council will lose the ability to secure community benefits and improvements to infrastructure. The Council will lose its ability to control future development of land in the Borough and this is likely to be for a substantial period of time.
- 12.8 The recommendations set out in the report are commended to Council for approval.

### **Background Papers**

A list is attached

**Report Author:** Steve Rogers - Local Plan & Regeneration Adviser

## **SPECIAL COUNCIL**

**28th November 2018**

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

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#### **Item 1 Apologies for Absence**

None

#### **Item 2 Members interests**

None

#### **Item 3 New Local Plan 2018**

- 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 Equality Impact Assessment (EqIA) New Local Plan 2018 (November 2018)

**Proper Officer Castle Point Borough Council**