

Report title: Castle Point Local Plan – Pre-Submission Plan (Regulation 19)	
Report to: Cllr Ball, Cabinet Member for Economic Development	
Report author: Dominic Collins, Director Economic Growth and Localities	
Date: 11 February 2020	For: Decision
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County Divisions affected: All Divisions within Castle Point Borough Council and adjoining divisions	

1. Purpose of Report

- 1.1 To approve the proposed Essex County Council (ECC) formal response to the Castle Point Local Plan – Pre-Submission Plan December 2019 (Regulation 19) and submit by the 14th February 2020 statutory deadline.

2. Recommendations

- 2.1 To agree and to send to Castle Point Borough Council (CPBC) this Council's response to their Regulation 19 Pre-Submission Local Plan (the Draft Plan) consultation as contained in Appendix 1 to this report and endorse the comments as the basis for ECC's written representations to be submitted to the Planning Inspector appointed to deal with the independent Local Plan examination.
- 2.2. To agree that ECC can enter into a Statement of Common Ground (SOCG) with CPBC with the aim of supporting CPBC's submitted Plan and its subsequent Examination in Public; and to support and defend CPBC at the Local Plan Examination wherever alignment and agreement enables this to happen.

3. Background

The following provides a summary of CPBC's Local Plan preparation and consultation to date; the ECC response to those consultations; and then a summary of the Draft Plan (this consultation). The ECC proposed response to the Draft Plan is outlined in Section 4 of this CMA.

Local Plan – Stages

- 3.1 The new Castle Point Local Plan has been prepared over several stages since 2013.
 - Draft Local Plan (Reg 18 Preferred Options) consultation in 2014;
 - Draft Local Plan – Pre submission (Reg 19) consultation in May 2016 (CMA FP/511/05/16) (subsequently withdrawn by CPBC following examination); and
 - Draft Local Plan – (Reg 18) Issues Consultation July 2018 (CMA FP/224/08/18).

CPBC previously consulted on two draft local plans to replace their 1998 Local Plan in 2014 and 2016. CPBC has worked with ECC throughout the plan making process and ECC has provided a consistent position at each of the above stages. Whilst ECC has been supportive in the plan preparation process, there were substantial changes between the 2014 Plan and 2016 Plan that raised significant concerns and necessitated an ECC objection to the 2016 Plan on both duty to cooperate and soundness grounds.

- 3.2 The key changes of concern at that stage were:
- a. A reduction in the housing target to 2,000 new homes equating to a quarter of the Objectively Assessed Housing Need (OAHN) requirement of 8,000. This clearly did not meet the housing need identified.
 - b. Retention of safeguarded land at North West Thundersley for housing despite ECC objections raised in 2014.
 - c. The removal of seven housing allocations and their specific site infrastructure requirements, such as access arrangements (including the 'spine road') associated with the Land East of Rayleigh Road, despite an outstanding ECC objection.

3.3 These changes resulted in ECC making formal objections to the 2016 Plan. The 2016 draft Plan was examined in November 2016 in the first instance on the legal requirements of the duty to cooperate, ahead of the Inspector considering the soundness of the plan in accordance with the national policy and guidance. The Planning Inspector concluded that the Plan had failed to meet the legal requirements of the duty to cooperate and found the Plan unsound.

South Essex Strategic Planning and Collaboration

- 3.4 CPBC has since focussed on strategic planning matters, engaging with south Essex authorities to address the "duty to cooperate" matters to develop an effective planning mechanism to address un-met housing need in a co-ordinated manner. This has led to the formation of the Association of South Essex Local Authorities (ASELA) in January 2018, with a 2050 vision for place shaping and growth across south Essex, as well as agreement to prepare a "South Essex Plan" (SEP), a statutory joint strategic plan to provide the spatial strategy for south Essex for the next twenty years. The process of preparing this is now underway.

Government Risk of Local Plan intervention

- 3.5 In November 2017, CPBC was one of fifteen councils in England to receive a letter from Government advising of risk of Local Plan intervention and requesting details for not having an up to date Local Plan. In March 2018 Government advised CPBC that they continued to be at risk of intervention and they are in dialogue with CPBC, including over a requirement to prepare a new Local Plan in advance of the SEP.

Local Plan Issues Consultation July 2018

- 3.6 The consultation comprised 34 questions seeking views on what a new Plan should contain, with reference to previous documentation and evidence, namely the 2014 and 2016 Draft Local Plans. It was supported by a "Technical Evidence: Summary document June 2018", which outlined nine pieces of technical evidence produced since 2016 and provided and listed new evidence required to inform the next stage – the Regulation 19 Plan.
- 3.7 ECC responded to the consultation (CMA FP/224/08/18) and outlined its support for a new Local Plan and the areas where evidence needed to be developed in consultation with ECC ahead of the Regulation 19 Local Plan. This is to enable ECC to identify the individual and cumulative issues and opportunities for its services, and to shape the new Local Plan to ensure it is deliverable, with the right infrastructure in place at the right time to accommodate the new jobs and homes needed in the future.

- 3.8 During 2018 ECC officers worked with CPBC to identify the necessary infrastructure requirements and new evidence required to inform an emerging Regulation 19 Local Plan for Member Approval in October 2018. In October 2018 CPBC Members rejected the proposed Draft Local Plan.
- 3.9 Following the rejection of the draft Plan, CPBC wrote to the Ministry for Housing, Communities and Local Government (MHCLG) seeking advice on the next steps. The MHCLG continues to closely monitor the situation and advised CPBC that if it failed to progress a Local Plan, they could be at risk of Government preparing their Local Plan and intervening in the determination of planning applications.
- 3.10 CPBC also held an Independent Review of the unpublished Draft Plan and the findings continued to stress the need to prepare a new Local Plan and to prepare an Infrastructure Delivery Plan (IDP). Since that time, CPBC has:
- engaged with partners including ECC, regarding evidence and infrastructure requirements, for the Local Plan and the Infrastructure Delivery Plan.
 - committed to prepare a Community Infrastructure Levy (CIL), to be subject to consultation in the future.
 - engaged further with its members.
 - made amendments to be compliant with the 2019 National Planning Policy Framework (NPPF).

The Current Consultation - New Castle Point Local Plan – Pre-Submission Plan (Regulation 19) December 2019

Content and Structure

- 3.11 The Draft Plan provides the strategic priorities and development strategy supported by strategic policies, site allocation policies and detailed development management policies that relate solely to the Castle Point Borough area (subject to cross- border implications). The key elements of the Draft Plan are:
- Chapters 1 to 7 set the scene, explaining key characteristics of the borough; provide the introduction, spatial context (including key drivers for change), leading to the spatial vision and strategic objectives.
 - Chapter 8 explains the overarching strategy to achieve sustainable development, by making effective use of land and development contributions.
 - Chapters 9 and 10 provide the housing strategy and strategic housing site allocations
 - Chapter 11 to 21 provide the remaining strategic and development management policies by themes (e.g. economy, town centres, healthy and safe communities, transport, good design etc.).
- 3.12 Vision and Strategic Objectives. The Plan period is 2018 – 2033 and the Vision sets out the type of place the borough will be by 2033 focussing on Castle Point’s communities and high-quality natural environment. To deliver the vision the policies are to meet the following objectives: to protect and enhance the range of services to support healthy and active communities, provide high quality sustainable homes, to make town centres popular places for people to visit, support business and growth, promote more sustainable travel patterns, protect and enhance green and open spaces and the natural, built and historic environment; and to promote high levels of sustainability and resilience to natural and man-made risks including climate change and flood risk.

- 3.13 Achieving Sustainable Development. The overarching strategy (policy SD1) places emphasis on making the most effective use of development land (previously developed land and site allocations) a design led approach to maximise the use of land, compatibility and quality, and compliance with Green Belt policy.
- 3.14 This is supported by policy SD2 (Development Contributions) this provides an implementation strategy for the Draft Plan including relationship to the IDP and approach to secure funding. This includes seeking appropriate section 106 contributions to deliver the new and improved infrastructure necessary to delivery sustainable development promoted in the Draft Plan. CPBC is also seeking to prepare a Community Infrastructure Levy in due course.
- 3.15 A brief summary of the strategic policies of interest to ECC is provided below.
- 3.16 Housing Strategy. The housing target set by the Government's standard methodology is 342 dwellings per annum (dpa) or 5,130 dwellings in the plan period. The Plan identifies land for 5,284 dwellings, which equates to an average of 352 dpa, and exceeds the housing target. Strategic Policy HO1 seeks to deliver at least 5,284 new homes by 2033 during the plan period and is to be achieved by

Source	Total Number of dwellings	Percentage of net total
Completions (2018/19)	200	3.75%
Extant permissions (31.3.2019)	605	11.37%
Brownfield Register	203	3.81%
Policy Compliant sites identified in the CPBC Strategic Housing Land Availability Assessment (SHLAA)	293	5.5%
Windfall	300	5.63%
Strategic Allocations on Brownfield sites	974	18.3%
<i>Total completions, consented, urban or brownfield</i>	<i>2,575</i>	<i>48.4%</i>
Strategic allocations outside urban areas	2,745	51.6%
<i>Gross total</i>	<i>5,320</i>	<i>100%</i>
Potential demolitions	- 36	
Net Total Supply	5,284	

- 3.17 The 24 housing site allocations are a mix of 12 brownfield sites within the urban area and 12 sites outside the urban area, including on Green Belt land, providing 974 and 2,745 new homes respectively.
- 3.18 CPBC will make the most effective use of land within existing residential areas for the provision of new homes; support development of town centre locations; support the delivery of the strategic housing site allocations, ensure the mix of new homes provided is aligned to needs (including first time buyers, growing families and downsizing); secure affordable housing provision and to secure provision for specialist accommodation for older people and other vulnerable adults living in the communities; self and custom build; and policies for to meet the special accommodation needs for Gypsy, Traveller and Travelling Showpeople.
- 3.19 Policy HO1 also requires the delivery of new homes phased to align with infrastructure provision, a high standard of design and sustainability, healthy living environments,

integrated public open space, and the enhancement of the green infrastructure network, and high levels of accessibility by public transport and active modes of travel. A Master Planning approach through a masterplan / development brief is to be applied to all major housing developments.

- 3.20 There are specific themed housing policies (HO4 – HO8) covering Master Planning, Housing Mix, Affordable Housing, Preventing Loss of Housing, Caravan and Park Homes; Gypsy and Traveller Provision; and Residential Annexes.
- 3.21 Strategic Housing Site Allocations. A total of 24 Strategic Housing Site Allocations (HO9 – HO32) provide 3,719 new homes supported by infrastructure. The key sites requiring master plans, or to be phased to secure key infrastructure are listed below:

HO9 Land West of Benfleet, Benfleet (850);
Includes land and provision for a new co-located primary school and early years and childcare (EYCC) provision; main access from the west A130 Canvey Way, with a roundabout junction and segregated northbound carriage way to A13 Sadlers Farm roundabout; a secondary access from the east to the new school and health facilities; with no through road between, except for passenger transport and emergency services.

HO13 Land East of Raleigh Road, Hadleigh (455);
Includes a 56 place EYCC provision (with land); main vehicular access from the north (Stadium Way) and south (Daws Heath Road).

HO20 The Chase Thundersley (340);
Includes a 26 place EYCC nursery (with land); access to the site from the north and south, without creating a through route and improvements to unmade roads and junction improvements.

HO23 Land East of Canvey Road, Canvey (300);
A new roundabout access to Canvey Road, emergency access to Dykes Crescent, Canvey Road crossing point, and a secondary vehicular access to the adjacent secondary school. The site can only come forward when the housing supply remaining falls below 5 years supply, in order to meet the sequential test for flood risk

HO24 Land west of Canvey Road, Canvey (196);
New access from either Canvey Road and/or Northwick Road; Canvey Road crossing point for pedestrians, cyclists and horse riders. The site can only come forward when the housing supply remaining falls below 5 years supply, in order to meet the sequential test for flood risk

HO25 Land at Thorney Bay Caravan Park, Canvey (510);
Main vehicular access from Thorney Bay and land to be safeguarded for and to protect the delivery of Roscommon Way phase 3; and safeguarding of land for sea flood defences.

Meeting longer term needs beyond the plan period

- 3.22 In previous versions of the Local Plan, CPBC proposed Land North West of Thundersley to be safeguarded as an “area of search” for future development beyond the plan period.

This aspiration is expressly excluded from the Draft Plan and will now be considered by CPBC as a possible growth location through the SEP.

- 3.23 The Draft Plan notes that some landowners have promoted the above site but, as there are multiple landowners in this area, there are currently no comprehensive development plans that are deliverable. Additionally, there would be a commitment and significant investment in infrastructure given the site is significantly constrained by a lack of appropriate access and risks to the strategic network, as well as other infrastructure requirements to support growth in this location addressing matters such as water supply, drainage and energy infrastructure and community services, affecting the viability and likelihood of development in the plan period. The major highway improvements which would be required to support development at North West Thundersley are not currently funded, although initial discussions have taken place between ECC as the Highway Authority, landowners and developers. Furthermore, the government's commitment to the Lower Thames Crossing, will have a significant impact on the strategic highway network (A13, A127, A130). ECC has advised that further development which affects the highway network will not be supported until funding for the A127/A130 Fairglen Interchange is committed and in place. ECC's previous position on this site remains unchanged, namely that ECC would not support any new development and employment allocations until the proposed long term transport scheme for the junction is implemented; hence the safeguarding of the site is only supported subject to the prior implementation of the long term highway improvement scheme for the A127/A130 Fairglen Interchange, for the reasons set out in ECC's responses in 2016 and as set out in ECC's letter to CPBC on 15th October 2015.
- 3.24 Economic Strategy. Policy EC1 sets the economic growth strategy. The Draft Plan seeks to protect existing B class use employment land, provide at least 24ha of new employment land, and to support the provision of an additional 1ha and 6,605 sqm of floorspace for B class uses to provide a flexible supply of employment land and premises. This is to be achieved by working with partners to improve existing employment areas (public space and infrastructure), encourage improvement of private land within employment areas, maintaining a flexible supply of land and premises, including provision for small business units and specific start up. There is a set of criteria for the consideration of developments outside the B class uses on employment sites.
- 3.25 Provision for new employment land is on three sites: East of Manor Trading Estate, Benfleet (3.7ha); an extension to Charfleets Industrial Estate, Canvey (10.5ha); and land south of Northwick Road, Canvey (9.7ha) with the latter two already having planning permission. Provision is also made for the Canvey Port facilities (regarding existing and proposed operations) and the Draft Plan states that these will be progressed as Nationally Significant Infrastructure Projects (NSIP).
- 3.26 Retail and Commercial Leisure Strategy. Policy TC1 seeks to provide new retail and leisure floorspace in town and local centres; maintaining a 'town centre first' policy and to continue to regenerate Canvey and Hadleigh town centres through masterplans and regeneration strategies. Tighter controls on hot food takeaways to tackle deprivation, obesity and improve health and well-being are proposed.
- 3.27 Strategy for Healthy Communities. Policy HS1 includes: promoting good healthy and active lifestyles; ensuring accommodation needs for older people and disabled adults enable them to remain active members of the community; provision of healthcare services; and for new developments to be designed and located to promote good health

and to avoid sources of harm to health, including the requirements for developers to prepare Health Impact Assessments (HIA).

- 3.28 Policies HS2 and HS3 provide a strategic approach to indoor and outdoor leisure and recreation to promote active and healthy lifestyles, through improvements to leisure and recreation provision.
- 3.29 Policy HS4 provides the Strategic Approach to Education, Skills and Learning; by working with ECC and other education and skills development providers to provide new, continued and enhanced provision of EYCC, schools and other educational facilities to improve choice of education and learning opportunities and to align skills and training.
- 3.30 Transport Strategy. Policy TP1 seeks to enhance the transport network to support congestion management on key routes/junctions; improved journey time reliability, greater sustainable travel options (walking, cycling and passenger transport) and opportunities to link journeys through different modes of transport, by providing new and alternative travel modes and co-location of uses to facilitate linked journeys. This will be achieved by working with the highway authority, neighbours and key delivery partners, securing infrastructure in appropriate locations through developer contributions, maximising opportunities to secure investment in the transport network and identifying sustainable development locations.
- 3.31 Improvements and Alterations to Carriageway Infrastructure. Policy TP2 seeks to manage congestion and improve the quality of town centre environments with the following improvements and alterations to be delivered: the A127 Growth Corridor Strategy; and highway improvements in Canvey and Hadleigh Town Centres.
- 3.32 Policy TP2 also identifies the improvements and alterations to the highway network to be delivered through developer contributions and funding bids as detailed within the IDP and safeguarding areas as defined on the Policies Map:
- a. Extension to Roscommon Way Phase 3;
 - b. Widening of Somnes Avenue;
 - c. Route improvements along the A129 Rayleigh Road between the Rayleigh Weir and Victoria House Corner junctions;
 - d. Dualling of the northern section of the A130 Canvey Way in the vicinity of Sadlers Farm; and
 - e. Minor junction improvements at both ends of Kenneth Road.

These are considered the minimum requirements with other transport improvements set out within specific site allocations, such as a new roundabout on A130 Canvey Way to access site HO9 (Land west of Benfleet); and a new roundabout on Canvey Road, Canvey, to access sites HO23 and HO24 (Land east and west of Canvey Road).

- 3.33 Policies TP3 and TP4 seek improvements to footpaths, bridleway and cycling infrastructure; and public transport infrastructure and services. These strategic transport policies are supported by requirements in site allocations, as well as four development management policies (TP5 – 9) concerning; highway impacts from developments, safe and sustainable access, parking provision, electric vehicle charging points and access for servicing.

- 3.34 Other policies seek to secure broadband access, promote good design, protect the Green Belt, address climate change and flooding, and conserve and protect the national and historic environment. The Draft Plan states that the Green Belt evidence was updated in 2018 and reviewed in 2019, resulting in changes to the green belt boundary, including the release land for 14 sites for development and the removal of specific schools from the green belt.
- 3.35 Monitoring and Review. A monitoring framework is provided and states, if necessary, a partial review of the Local Plan will be undertaken. A full review of the plan is to be completed within 5 years of its adoption and every 5 years thereafter, in accordance with national policy.

Policy objectives

- 3.36 ECC aims to ensure that local policies and related strategies provide the greatest benefit to deliver a buoyant economy for the existing and future population that lives, works, visits and invests in Essex. This includes a balance of land uses to create great places for people and businesses; and that the developer funding for the required infrastructure is clearly identified, explicit, and deliverable and does not become a burden on the public purse. As a result, ECC is keen to understand, inform, support and shape the formulation of the development strategy and policies delivered by local planning authorities (LPAs) within and adjoining Essex, including the preparation of the SEP. Involvement is necessary and beneficial because of ECC's roles as:
- a. a full partner of the ASELA and Opportunity South Essex Partnership (OSE), promoting economic development, regeneration, infrastructure delivery and new development throughout the County;
 - b. major provider and commissioner of a wide range of local government services throughout the county (and where potential cross boundary impacts need to be considered);
 - c. the highway and transport authority, including responsibility for the delivery of the Essex Local Transport Plan; Local Education Authority including EYCC, Special Education Needs and Disabilities, and Post 16 education; Minerals and Waste Planning Authority (MWPA); Lead Local Flood Authority (LLFA); lead advisors on public health; and adult social care in relation to the securing the right housing mix which takes account of the housing needs of older people and adults with disabilities, and;
 - d. an infrastructure funding partner, that seeks to ensure that the development allocations proposed are realistic and do not place an unnecessary (or unacceptable) cost burden on the public purse, and specifically ECC's Capital Programme.
- 3.37 The ECC response seeks to ensure the following ECC policy objectives are reflected in CPBC's Plan:
- [Essex Organisation Strategy, 2017 – 2021](#)
 - [Economic Plan for Essex](#)
 - [Essex Transport Strategy, the Local Transport Plan for Essex \(June 2011\)](#)
 - [A127 Corridor for Growth - An Economic Plan 2014 \(A127 Route Management Strategy\)](#)
 - [A127 Air Quality Management Plan - \(Strategic Outline Case\) March 2018](#)
 - [ECC Sustainable Modes of Travel Strategy \(January 2019\)](#)
 - [Essex Cycling Strategy November 2016](#)
 - [10 Year Plan – Meeting the demand for school places in Essex 2019-2028](#)

- [ECC Developers' Guide to Infrastructure Contributions \(2016\)](#)
- [Joint Municipal Waste Management Strategy for Essex \(2007 - 2032\)](#)
- [Essex Minerals Local Plan 2014](#)
- [Essex and Southend-on-Sea Waste Local Plan 2017](#)
- [ECC Sustainable Urban Drainage Design Guide 2016](#)
- [Essex Design Guide 2018](#)

4. Options

- 4.1 The full proposed ECC response to the Regulation 19 stage of consultation is set out in Appendix 1 to this report. It is recommended that these comments form the basis for ECC's written representations to be submitted to the Planning Inspector appointed to conduct the independent Local Plan Examination. The Inspector's role is to determine whether the Draft Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound. Therefore, the formal ECC response to the Draft Plan only includes those areas where an amendment is required to update information, clarify intent or ensure soundness in accordance with the NPPF. Consideration is necessary by ECC on the option of working with CPBC further to explore and discuss ECC's representations wherever possible and to develop a SoCG where appropriate ahead of the examination and ideally before submission; in order to resolve any outstanding objections.
- 4.2 The ECC response supports the preparation of the Draft Plan in accordance with the duty to co-operate; it supports the Draft Plan overall and acknowledges the changes made since the Regulation 18 stages together with additional evidence, to reflect the majority of ECC representations made to date. However, further amendments to specific policies, and additional but focused transport modelling for two sites, is required for soundness and to ensure ECC's statutory responsibilities are adequately addressed.
- 4.3 Below is a summary of the key areas of support and those that require further amendment or evidence by CPBC ahead of examination to ensure the Draft Plan is found sound. ECC:
- Welcomes and supports the preparation of the Draft Plan and setting this within the context of the SEP.
 - Supports strategies for growth and development to meet housing and economic needs and the policy position to be able to create balanced well-designed places.
 - Supports policies that relate to securing and the implementation and developer contributions to effectively deliver the necessary infrastructure and contributions so that ECC's role as an infrastructure provider is not jeopardised, and that this is consistent with national policy and ECC's Developers' Guide to Infrastructure Contributions.
 - Supports the evidence and provision for education and EYCC requirements.
 - Supports the approach to health and well-being, including restricting hot-food takeaways and the requirement to undertake HIA.
 - Supports overall the evidence and provision for highways and transportation, including the identified transport schemes and site mitigation (subject to comments below).
 - Will continue to work with CPBC and other partners in respect matters concerning resilience and access to Canvey Island.
 - Supports the policy approach to surface water management.

The above support is subject to the further evidence, refinement and amendment to the Draft Plan (and the supporting IDP), to be provided for and agreed with ECC through a SOCG, ahead of the examination to ensure the Draft Plan is found sound.

The areas requiring further work are set out below:

- As the Highway and Transportation Authority ECC has reviewed the Draft Plan and IDP against the updated transport evidence published by CPBC in 2018 and 2019. There remain outstanding issues in the transport evidence which need to be addressed, including CPBC demonstrating that it has provided a response to ECC's comments to date, many of which remain outstanding, but should be able to be practicably addressed. In doing so, the transport evidence could be considered fit for purpose in support of the Draft Plan. Further work is needed at this point in time and CPBC has already engaged with ECC to progress this matter.
- It is noted that CPBC has changed the site allocations proposed in the Draft Plan since the transport evidence was 'refreshed' in 2018 and 2019. On this point, as the transport evidence included a range of growth scenarios, ECC is satisfied that the total level of growth and the impact on the highway network has been adequately assessed. However, as the Highways and Transportation Authority maintain objections in principle to two site allocations in the Draft Plan - HO9 (land west of Benfleet) and HO13 (land east of Rayleigh Road, Hadleigh) - the omission of comparable transport modelling evidence, to demonstrate the site policy restrictions of "no through roads" as proposed are appropriate in respect of their individual and cumulative impact and potential improvements on the performance of the strategic road network. Further clarification is also required on site HO9 in respect of timing, phasing and evidence for the new roundabout access on the A130 and for the proposed improvements to dual Canvey Way and slips from Sadlers Farm to the proposed new roundabout access. Subject to the outcome of this evidence, changes may be required to Policies HO9 and HO13. Again, this work is needed at this point in time and CPBC has already engaged with ECC to progress this matter.
- The detailed Highways and Transportation review of the IDP raises a number of objections and amendments are sought (including addressing ECC's previous comments) by CPBC to align the Draft Plan with the IDP. This includes clarifying roles and responsibilities between delivery partners, site phasing, delivery and funding. It is considered these matters can be dealt with practically.
- Seek further clarification and minor amendments on site allocation policies, including consistency of wording in respect of active and sustainable travel and passenger transport provision.
- Seek further highways and transportation evidence and amendments to strengthen and promote the delivery of active and sustainable travel including passenger transport services and provision and recommend CPBC prepare a Local Walking and Cycling Infrastructure Plan with Passenger Transport (LCWIP+) to inform the IDP and support delivery of the Draft Plan.
- Whilst ECC supports the concept new transport infrastructure and a third access to Canvey Island and Roscommon Way Phase 3, there is no ECC funding for these schemes. It needs to be understood that these schemes will require external funding from Government and developers rather than an assumption these unknown cost pressures will be addressed by ECC.
- Clarification regarding how extra care and specialist accommodation is to be supported.
- Clarification regarding the approach to 'sui-generis' uses on new employment sites to facilitate waste management uses in accordance with the Essex and Southend-on-Sea Waste Local Plan (WLP).

- Seek amendments to specific site allocations to require Waste Impact Assessments (WIA) at the planning application stage in accordance with the WLP.
- Seek amendments for clarification to ensure consistency in how requirements are worded for the provision of land for education use (including EYCC), Sustainable Drainage Systems (SuDS) mitigation, and transportation requirements within specific site allocation policies.
- Seek amendments and revisions to the CPBC IDP and 2018 Whole Plan Viability Report to reflect this 2019 Draft Plan and any subsequent changes being put forward by CPBC arising from this Regulation 19 stage, before submission of the Local Plan.

In some instances, the issues relate to an ECC representation made at the earlier iterations of the Local Plan and the Regulation 18 stage, or to subsequent changes in policy approach following the reconsideration of matters following CPBC dismissal of the draft Regulation 19 Plan in 2018, and what is now covered in the Draft Plan (this consultation).

Duty to co-operate (DTC)

- 4.4 It is recommended that ECC continues to work collaboratively with CPBC to progress the Draft Plan through to submission stage and support CPBC at the Local Plan examination, and its subsequent implementation, where alignment and agreement enables this to happen.
- 4.5 CPBC has helpfully engaged ECC throughout the preparation of the Draft Plan. Regular DTC meetings and collaborative working have taken place resulting in many of ECC specific infrastructure requirements being incorporated within strategic site allocation policies (e.g. education, transport).
- 4.6 It is recommended that ECC state it is satisfied that CPBC has met the DTC requirements under Section 110 of the Localism Act. This covers ECC's role as Highways Authority, MWPA, Local Education Authority, and LLFA. Engagement has also taken place in terms of ECC's role promoting economic development, skills, and infrastructure delivery; as lead advisors on Public Health; and as a major provider and commissioner of a wide range of local government services. This includes ECC's key role as an infrastructure partner, that will seek to ensure that the development allocations proposed are properly funded by the proposed development, are realistic and do not place an unnecessary (or unacceptable) cost burden on ECC's ability to deliver unfunded infrastructure or that raise other unmitigated impacts. ECC has provided requirements for infrastructure regarding our role as outlined above. There is however a need for further supporting evidence in respect of highways and transportation.
- 4.7 However, it is recommended that amendments (outlined in Appendix 1) are made to certain policies, supporting text and the Policies Map to ensure consistency with national policy, for effective delivery, to reflect the evidence base, and to address outstanding ECC representations made at the Regulation 18 stage or where new content in the Draft Plan necessitates a revision and comment.
- 4.8 With regards to highways (and transportation) matters, ECC has assisted the preparation of the Draft Plan through joint meetings with CPBC and has engaged and reviewed transport modelling and mitigation reports prepared by CPBC's consultants. However, further amendments, clarification and transport evidence is required in respect of specific modelling and impacts arising from site proposals in the Draft Plan, since the

refresh of the transport evidence was published by CPBC in 2018 and 2019. In this regard CPBC need to continue to engage with ECC as Highways Authority to address site specific omissions. The sustainable and passenger transport policies and site allocation requirements are supported, but ECC is recommending that CPBC in consultation with ECC, prepares a LCWIP+ to support the delivery of the Draft Plan and IDP. A LCWIP+ is currently being prepared by ECC for Basildon Council and a similar process can be adopted for CPBC.

- 4.9 Recognising that the IDP is a 'living document' it is noted that the current IDP (October 2019) is the first opportunity for ECC to review the IDP in its entirety (although it should be acknowledged that ECC has provided relevant information to inform its content). ECC recommends that the IDP is reviewed and updated prior to examination to reflect the Draft Plan (and consequential amendments recommended by ECC) with refined costings and phasing where relevant. ECC will continue to engage with CPBC in this process.
- 4.10 It is recommended that ECC continues to be an active member of working groups and undertake collaborative work with CPBC to progress the Draft Plan to examination, and continue to undertake regular joint meetings including but not limited to:
- Highways and transportation modelling and strategic projects;
 - A127 SoCG between the London Borough of Havering, the South Essex Authorities, ECC, Highways England (HE) and Transport for London, in respect of the strategic importance of the A127 and to lobby for improvements;
 - Engagement with HE in respect of the Lower Thames Crossing;
 - South Essex Transport Board and the A127 Task Force;
 - Regular meetings for wider ECC service requirements (education, health and economic development and housing growth);
 - Lobbying Government for strategic highway and sustainable travel improvements and other strategies; and
 - Preparing joint evidence, guidance and policy documents lead by the Essex Planning Officers Association (EPOA).
- 4.11 Furthermore, CPBC and ECC are full and active partners within ASELA working collaboratively with South Essex authorities to provide place leadership for South Essex 2050 and the preparation of the SEP.
- 4.12 It is recommended that ECC acknowledges and supports reference made to the Minerals and Waste Local Plans, as these form part of the development plan for CPBC. ECC as MWPA has also assessed the strategic sites regarding the impact on minerals and waste safeguarding and raised specific policy requirements for further assessment as part of the planning application process on two sites; as well as the need for clarity on the approach to "*sui-generis uses*" within the employment policies in order to permit waste management uses in allocated employment areas, in accordance with the adopted Minerals and Waste Local Plans.
- 4.13 It is recommended that ECC supports the Strategic Priorities of the Draft Plan, which provide the overarching strategy for the strategic policies by theme. ECC supports the in particular the requirement for new development to be supported by the provision of infrastructure improvements including transport, education and services and facilities that communities need for their wellbeing, and as presented in Strategic Development Policy SD2. The requirements, range of infrastructure in alignment with and reference to the ECC Developers' Guide to Infrastructure Contributions in the Draft Plan and IDP

are welcomed. However, it is recommended that several minor amendments are made to the Local Plan and to the IDP to reflect ECC's policy and guide.

- 4.14 ECC as Local Education Authority and EYCC provider and commissioner has assessed what the proposed growth in the Draft Plan means for pupil and EYCC places and where expanded and/or new primary and secondary schools, and EYCC facilities are required. This is reflected in site specific policies in the Draft Plan and needs to be clarified in the IDP. ECC notes there have been a number of amendments to the Draft Plan since the ECC requirements were provided, these are considered to be minor and do not affect the education and EYCC requirements as set out in the Draft Plan. It is recommended that amendments are made for consistency and clarification purposes regarding how land for new school provision and EYCC requirements are referenced in the Draft Plan.
- 4.15 In ECC's role as Public Health advisor, the Draft Plan's policies and approach to health and healthy communities is welcomed and reflect discussions between ECC and CPBC, including the provision of a Hot Food takeaway policy (TC6), which seeks to restrict provision. It is recommended that limited comments are provided to incorporate the latest references to the new EPOA HIA Guidance 2019, the Essex Joint Health and Well-being Strategy 2018-2022 (2018) and other evidence.
- 4.16 In ECC's role for Adult Social Care, it is recommended that references to the ECC Market Housing Position Statement are acknowledged, and CPBC's attention is drawn to the new statement due in 2020 and the requirements of the Lin tools for extra care; and need to place emphasis on new homes to be designed to be "accessible and adaptable" as referenced in the Essex Design Guide.
- 4.17 In ECC's role as the Waste Disposal Authority, acknowledge it has been engaged by CPBC and supports the policy for sustainable buildings and seeking to minimise waste from new developments including their construction.

Legal and procedural requirements including "soundness"

- 4.18 Paragraph 35 of the NPPF states a LPA should submit a plan for examination which it considers is 'sound' – namely that it is positively prepared, justified, effective and consistent with national policy. Compliance is examined below:

The first requirement is that the Local Plan should be:

- a. Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

ECC response

Housing

- 4.19 It is noted that the housing target using the standard methodology over the plan period is for 5,130 new homes (342 dpa) and Policy HO1 (Housing Strategy) makes provision to deliver at least 5,284 homes, which equates to 352 dpa. HO1 identifies provision to deliver the new homes through a sequential approach, taking account of previous completions (2018/19), extant permissions, brownfield register, policy compliant

Strategic Housing Land Availability Assessment (SHLAA) sites, and windfall sites which provide 1,601 new homes, or 30% of total housing supply. A further 974 new homes are allocated on Brownfield sites (18.3%). The new allocations outside the urban area provide 2,745 new homes, equating to 51.6% of the homes to be delivered over the plan period. This provides a broad mix of types of housing supply, from brownfield to new greenfield sites and a mix in scale and location across the borough, deemed to be suitable, available and achievable (including viability).

- 4.20 Policy HO1 provides the overall housing strategy, including delivery of housing to be phased with infrastructure and a housing trajectory has been applied to the 24 strategic housing allocations (policies HO9 – HO32) to supply 3,719 new homes.
- 4.21 There have been a number of changes in the site allocations from 13 sites considered in the 2018 Regulation 18 Plan to the 32 sites now proposed (policies HO9-32). As part of the reconsideration of sites CPBC has engaged ECC on the refresh of evidence, as outlined under the Duty to Co-operate section above.
- 4.22 ECC notes and welcomes the omission of land North West of Thundersley from the Draft Plan, thereby addressing ECC's previous objections on highways and transportation and deliverability grounds, based upon the evidence including ECC's previous objections.
- 4.23 It is recommended that ECC acknowledge that CPBC has sought to apply an evidence led and proportionate approach to housing provision and that the housing trajectory is to be aligned to infrastructure provision. There are however other constraints in respect of housing delivery, and there remains a risk that CPBC may not meet the requirement for the Draft Plan to have a five-year land supply at the time of adoption, as required by the NPPF and national guidance. It is recommended that CPBC satisfies itself, before the Draft Plan is submitted for examination, that the right mechanisms are in place to meet the requirements of the NPPF five-year housing supply. Regard should be had to range of site requirements, the level of growth, the size and scale of development sites, the need to prepare development briefs / masterplans (on all sites); as well as the need to prepare any infrastructure funding bids.
- 4.24 It is noted that there is no mechanism for an early review, however legislation requires a local plan to be reviewed every five years from the date of adoption, taking into account new material considerations. CPBC seek to address and deliver their future growth options in consultation and collaboration with the South Essex authorities and in the context of ASELA's joint working. The importance of the SEP has therefore increased as the means to address any future unmet need and infrastructure and will inform any future options regarding land of North West Thundersley.
- 4.25 It is therefore recommended that, subject to CPBC clarifying that their approach to the 5 year land supply meets NPPF requirements, ECC recognise the variations in the housing trajectory, and that the approach proposed will allow CPBC to progress a Local Plan that seeks to deliver the majority of its housing requirement supported by infrastructure, ahead of the SEP, and in line with the Ministerial intervention advocating progression of both the Local Plan and the SEP.
- 4.26 It is noted that the provision for Gypsy and Travellers and Travelling Showpeople reflects the requirements in the EPOA and Castle Point "Gypsy, Traveller and Travelling Showpeople Needs Accommodation Assessment" (GTAA) 2018.

4.27 It is recommended that ECC support the policy HO1(2)e, which seeks to secure provision of specialist accommodation for older people and disabled adults. ECC will provide CPBC with an update on our Market Position Statement. This can be used to update and clarify the policy's supporting text, which should also include reference to "accessible and adaptable homes, within the context of the Essex Design Guide.

Employment

4.28 It is recommended that ECC supports the provision of additional employment land as set out in the Draft Plan (Policies EC1 and EC2); and support the policy approach to tourism within policy EC3. However, it is recommended that amendments are made between the supporting text and policies for clarification and consistency. This includes the need for the supporting text to clarify the level of job growth being planned for and arising from the three new employment areas (policy EC2).

4.29 ECC notes that the evidence base has been updated to refer to the South Essex Economic Development Needs Assessment 2017; however it is recommended that ECC continues to seek reference to other available economic evidence such as the ECC Grow on Space Study (2017) and the emerging South Essex Grow on Space Study, in support of the approach for the provision of flexible smaller scale employment space.

4.30 It is recommended that ECC as the MWPA seek amendments regarding the omission and clarification of the approach and reference to Sui Generis uses within the employment policies and supporting text, as required by national waste policy and the WLP. It is recommended that changes are made to two site allocation policies (EC2 and HO25) to include additional site requirements to prepare a WIA as part of the planning application process in compliance with WLP policies. Amendments are sought to remove inconsistency between employment policies within the Draft Plan on this matter.

Infrastructure

4.31 It is recommended that ECC supports policy SD2 regarding the approach to developer contributions and references within the text to ECC's Developers' Guide to Infrastructure Contributions (the Guide), within the Local Plan and IDP. However, it is recommended that several minor amendments are made to the Local Plan and IDP to reflect the Guide. ECC note the intent to prepare a CIL, which is fully supported and CPBC should engage ECC on this matter throughout the CIL preparation.

4.32 In respect of education, ECC has identified with CPBC specific infrastructure requirements for EYCC, and primary and secondary schools arising from the planned growth and these have been incorporated within the relevant policies and the IDP. However, it is recommended changes are made to ensure consistency in how requirements are worded.

4.33 Local Plan growth requires 1 new primary school (co-located with EYCC provision); 1 standalone 56 place EYCC nursery; and a 26 place EYCC Pre-school. ECC can confirm that these remain the requirements whilst noting that CPBC made a number of changes to the Draft Plan since the ECC requirements were provided

4.34 It is noted that there is specific reference to the provision of Special Education Needs; however, refinement is requested on the reference to Post 16 education.

- 4.35 It should be noted that education requirements may change and will be refined as the masterplanning and development briefs of the strategic housing site allocations and specific planning applications are prepared, and more detail is known regarding housing mix etc. It is recommended that amendments are made to state that, where there is scope for the expansion of existing schools, this will be funded through developer contributions.
- 4.36 New schools will require the land to be provided, fully serviced, by the relevant developer as set out in the Guide. Where a new primary school has been identified they will be required to provide a co-located 56 place EYCC facility.
- 4.37 ECC has no comments in relation to libraries on the Draft Plan and have provided amendments for the IDP.
- 4.37 ECC as Highways and Transportation Authority has reviewed the Draft Plan and IDP against the updated transport evidence published by CBPC in 2018 and 2019. There remain outstanding issues in the transport evidence which need to be addressed (discussed in paragraphs below), including CPBC demonstrating that it has provided a response to ECC's comments to date, many of which remain outstanding, but should be able to be practically addressed. In doing so, the transport evidence could be considered fit for purpose in support of the Draft Plan.
- 4.38 ECC notes that CPBC has changed the site allocations proposed in the Draft Plan since the transport evidence was 'refreshed' in 2018 and 2019. On this point, as the transport evidence included a range of growth scenarios, ECC is satisfied that the total level of growth and the impact on the highway network has been adequately assessed. However, there remain objections in principle to two site allocations in the Draft Plan - HO9 (land west of Benfleet) and HO13 (land east of Rayleigh Road, Hadleigh), which are outlined below and require further transport evidence and policy clarification, before ECC can support the sites as presented in the Draft Plan.
- HO9(2c) Land West of Benfleet (850 new homes); ECC as highways authority support the site allocation in principle and the requirement for the provision of a new roundabout on the A130 to provide access to the site from the west and using/enhancing existing access arrangements to the site from the east. However, there is an objection in principle to the "no through road" restriction that would connect the site east and west until CPBC provides the justification evidence for this restriction, compared to the alternative proposal of a "through road" (the no through road option was modelled but the through road was not). ECC needs to be satisfied that the alternative through road option has been modelled and that it has been demonstrated that the "no through road" restriction would secure the least impact and the required mitigation for the individual and cumulative impact and improvements on the performance of the strategic road network. Subject to the outcome of this evidence changes may be required to Policy HO9(2c).

The second part of policy HO9(2c) lacks clarity, when compared to the policy's supporting text in paragraph 10.18, regarding the relationship, phasing and funding (including developer contributions) in respect of the new A130 roundabout access, the safeguarded land and proposed dualling of the A130 Canvey and improving slips and reference to the outcomes of further transport modelling. ECC as Highways Authority seeks clarification on the requirements, timing, phasing and funding between site HO9 and proposed dualling of the A130 Canvey slips.

- HO13 Lane East of Raleigh Road (455 new Homes); ECC as Highways Authority support the site in principle and the provision of two main vehicular access points from Stadium Way in the north and Daws Heath Road in the south. However, there is an objection in principle to the “no through road” restriction to connect the north and south access as CPBC has not provided the justification evidence for this restriction when compared to the alternative proposal of a “through road” (the through road option was modelled but the no through road was not). ECC needs to be satisfied that the no through road option has been modelled to demonstrate that the restriction would secure the least impact and the required mitigation for the individual and cumulative impact and improvement on the performance of the strategic road network. Subject to the outcome of this evidence changes may be required to paragraph 10.39 and Policy HO9(2j).

CPBC has commenced early engagement with ECC to commission the necessary transport evidence to progress this matter, and both authorities are working together.

- 4.39 ECC as highways authority has reviewed the IDP and raised a number of objections and amendments, including previous comments raised, which have not been addressed. These are considered necessary to align the Draft Plan with the IDP, to clarify roles and responsibilities between delivery partners, site phasing, delivery and funding. It is considered these matters can be dealt with practically.
- 4.40 ECC as highways authority seek further clarification and minor amendments on site allocation policies, including consistency of wording in respect of Transport Assessment, and active and sustainable travel and passenger transport provision.
- 4.41 Transport Strategy Policy TP1, is supported by new transport infrastructure or measures as outlined in Policy TP2 and (and the site policy requirements) Policies TP3 - 8 which seek to maximise opportunities for sustainable transport, reduce the need to travel, and encourage the use of non-car modes. The spatial strategy focuses growth in accessible and sustainable locations, close to existing local services and in areas with a good level of existing or proposed transport infrastructure including sustainable transport (and proximity to public transport).
- 4.42 In respect of the Draft Plan identifying Strategic Highway Improvement schemes, sufficient developer or government funding is required to bring some of these projects forward into the ECC capital programme. This is also cited uniquely in relation to the Canvey Island Third Access and Roscommon Way Phase 3 schemes, as detailed below.
- 4.43 **Canvey Island Third Access and Roscommon Way Phase 3:** ECC recognises the need for these schemes and supports the concept of enhancing connectivity to Canvey Island. However, a project at the scale of a third access would require central government funding and support from the Department for Transport (DfT). In respect Roscommon Way Phase 3, additional feasibility work needs to be undertaken as the result of an overall package of work to consider access and egress to, from and within Canvey Island. The respective proposals would cross environmentally significant areas, need robust and sensitive engineering requirements and most likely be required to be constructed with a raised elevation.
- 4.44 ECC anticipate that ASELA would explore such matters as a new Third Access to Canvey Island as part of the ongoing cross boundary collaboration to agree what new

roads, improvements to existing routes and public transport options will be necessary to meet the planned housing, population and job growth for South Essex as a whole.

- 4.45 In respect of **Improved Access to Canvey**, ECC is considering options to improve general access to the Island, including to dual Canvey Way; dual only the mainland sections (in the vicinity of Sadlers Farm A13/A130 and the new roundabout access to site allocation HO9); and/or to have a tidal system (3 lane). This project is of significance and is a scheme on which ECC is currently submitting funding bids to government.
- 4.46 It is recommended that ECC welcome and support policies TP1, TP3 – TP6, as well as HO1 and the site allocations for the approach to active and sustainable modes of travel. However, it is recommended further evidence and amendments are required to strengthen and promote delivery of active and sustainable travel including passenger transport services and provision. It is recommended CPBC in consultation with ECC prepare a LCWIP+ to inform the IDP and support delivery of the Draft Plan.
- 4.47 It is recommended that ECC welcomes and support the transport policies including (TP1 – 8) but recommend amendments for clarification, consistency and to strengthen the references to Transport Assessments, active and sustainable travel and Passenger Transport and evidence within the IDP.
- 4.48 It is recommended that ECC welcome and support policies CC1-CC4 relating to flooding, based on the latest LLFA evidence in respect of revised Critical Drainage Areas and revisions to the Surface Water Management Plan in 2018. Further amendments are recommended for clarity and consistency with the SuDS Design Guide, regarding the and site allocations policy criteria and the design policy requirements.
- 4.49 It is noted that the Draft Plan is not supported by an up to date Viability Report, to evidence the plan is viable and deliverable. It is recommended that CPBC update the 2018 Draft Site and Whole Local Plan Viability Draft Reports to fully reflect the site allocations and infrastructure requirements and schemes in the Draft Plan, and ECC's requested amendments to the Draft Plan and IDP (as outlined above) before Examination. The totality of investment required for strategic infrastructure will need to be updated and funding capacity clarified. Delivery of strategic transport schemes will require government funding, and bids are currently being prepared for several projects. It is recommended that ECC support the approach for collaboration to obtain funding through SELEP and Government.

Public Health

- 4.50 It is recommended that ECC welcome and support the references to and the provision of a Health and Wellbeing Strategy Policy HS1, including HIA, the approach to consider healthy life-styles within multiple policies throughout the Draft Plan, including the promotion of active travel and active design principles, and support policy TC6 controlling Hot Food Takeaways. Overall the approach has the potential to positively impact on the wider determinants of health and wellbeing of Castle Point Borough residents, however, it is recommended that minor amendments are made to text to update evidence references.

Environment

4.51 It is recommended that ECC support policies covering the natural and historic environment but seek minor amendments to ensure consistency with the NPPF.

4.52 The second requirement in NPPF paragraph 35 is that the Local Plan should be:

- b. Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

ECC Response

4.53 In line with paragraph 31 of the NPPF, a Local Plan needs to be underpinned by relevant and up to date evidence. A key issue for ECC in response to this Regulation 19 consultation is the need for CPBC to update its Local Plan evidence. As stated above CPBC has worked with ECC to update their evidence in respect of transportation, education and EYCC, revised Critical Drainage Areas, extra care housing, and minerals and waste. The Draft Plan is the product of an evidence-based process in line with national regulations, policy and guidance. The evidence base supports all main subject areas of the Draft Plan and seeks to align with the NPPF. This covers but is not limited to, a range of topics such as, employment, retail, transport (highways and sustainable modes of transport), communications, housing; design, infrastructure (green / blue; social / community; and physical), climate change, environment and implementation. That said, it is recommended that ECC request further evidence is prepared on specific matters to ensure the proposals and strategy are based on the most up to date evidence to address the following matters as detailed above:

- Further transport modelling evidence and sensitivity testing on specific site allocations to assess and determine individual and cumulative impacts from the development on the local and strategic road network and to secure the necessary mitigation if necessary;
- Evidence of active and sustainable transport (including passenger transport) network improvements to be delivered.

4.54 It is recommended that ECC supports the requirement for new development to be supported by the provision of infrastructure improvements including transport, education and services and facilities that communities need for their wellbeing, and as presented in Strategic Development Policy SD2. The requirements and range of infrastructure are in alignment with and reference the Guide and IDP. However, it is recommended that several minor amendments are made to the Local Plan and to the IDP to better reflect ECC's policy and guide.

4.55 The third requirement in NPPF paragraph 35 is that the Local Plan should be:

- c. Effective.** deliverable over the Plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the SoCG.

ECC response

- 4.56 It is recommended that ECC acknowledges and supports the joint working on cross-boundary, strategic priorities that has taken place throughout plan preparation, as referenced in paragraphs 4.9 and 4.10 of this CMA. These include ECC as a signatory to the ASELA SoCG and MoU covering the SEP; a A127 Strategic Transport Issues MoU (between London Borough of Havering, ECC, South Essex authorities and HE, September 2017); and an EPOA Memorandum of Understanding regarding unmet housing need. There is ongoing partnership work including the preparation of strategic evidence for strategies and Local Plans, either through ASELA, EPOA, and other bodies such as the South Essex Health and Wellbeing Board or OSE, and the A127 Task Force and Castle Point's Economic Regeneration Board.
- 4.57 ECC will continue to be an active and equal partner of a number of member and officer working groups regarding ASELA and the respective workstreams including Planning and Housing, as part of the DTC by South Essex councils and ECC to bring forward and progress the delivery of the SEP.
- 4.58 ECC has and will continue to maintain close working relationships with the DfT, HE and the South Essex authorities, to facilitate the delivery of important strategic highway projects, namely the Lower Thames Crossing, M25 junction improvements, A13 and necessary associated improvements to the Strategic Road Network (including the A127, A130 and the shorter and longer term improvements to the and the A127/A130 Fariglen Interchange Improvements) which should have significant a positive effect on traffic and transport across Castle Point Borough and south Essex. ECC recommend minor amendments to the regional and sub-regional policy context to refer to Transport East and to clarify their role with SELEP
- 4.59 As noted in the paragraphs above, ECC will continue to assist CPBC in identifying requirements arising from their growth proposals and help provide the necessary updates to the IDP, to ensure comprehensive coverage and deliverability (and in the preparation of the CIL in due course).
- 4.60 It is recommended that ECC welcome the approach to implementation and infrastructure provision within policy SD2 to effectively secure, implement and deliver the necessary supporting infrastructure and contributions; and support references to ECC's Developers' Guide to Infrastructure Contributions and the IDP. However, changes to the IDP are recommended to ensure alignment with the Guide, any subsequent changes to the Draft Plan (and evidence) are fully reflected in the IDP. This is necessary to ensure the full range of infrastructure schemes such as active travel and passenger transport improvements are identified and can be funded and delivered.
- 4.61 It is recommended that ECC continue to work with CPBC on this aspect ahead of submission to ensure deliverable and effective policies, consistent with national policy and the Guide.
- 4.62 The fourth requirement in NPPF paragraph 35 is that the Local Plan should be:
- d. **Consistent with national policy.** enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (2019).

ECC response

- 4.63 ECC has worked to ensure through its representations to date and ongoing engagement with CPBC throughout plan preparation, that our areas of responsibility are addressed consistent with national policy to enable sustainable development. ECC has identified issues arising through the Draft Plan relating to consistency with national (planning) policy. These are set out in Appendix 1 and most are capable of being addressed relatively easily, through policy revisions, rewording and/or additions. The ECC response also recommends several areas for clarification to enable effective delivery and amendments to improve explanatory text.
- 4.64 ECC will work cooperatively with CPBC to ensure issues can be positively addressed prior to CPBC submitting the Draft Plan for examination. A SoCG may need to be prepared at that time to address any outstanding issues. The approach will be confirmed closer to the time and is one that has been successful with other local authorities as they prepare submission local plans.
5. The following documents have been used to inform the ECC response (web-links provided).
- 5.1 The public consultation documents can be viewed by the following link to the CPBC website [here](#) and include:
- [Pre-Submission Local Plan December 2019](#)
 - [Castle Point Pre-Submission Local Plan Policies Map 2019](#)
 - [Castle Point Reg 19 Local Plan Sustainability Appraisal Non-Technical summary](#)
 - [Castle Point Reg 19 Local Plan SA Environmental Report 2019](#)
 - [Castle Point Local Plan Habitat Regulation Assessment Report 2019](#)
- 5.2 Additional supporting Local Plan [evidence base documents](#) can be viewed via this [link](#) and include the IDP (October 2019), Transport Assessment (October 2018), and Viability Assessment (November 2018).

6.1 Financial implications:

- 6.1.1 There are no direct financial implications in respect of ECC's response to the consultation. The involvement of ECC in the Local Plan examination will involve staff resource implications, however, it is anticipated that this will be managed within existing budgets. However, there will be implications for ECC's financial position to assist the implementation of the Local Plan once adopted. The Local Plan triggers infrastructure delivery when sites are brought forward for development and include the need for external funding for strategic transport infrastructure. Site specific policies and 'infrastructure delivery and impact mitigation' policies cover ECC requirements to make the development acceptable in planning terms in relation to education and sustainable drainage provision. There is a need for further transport evidence base work a result, the requirements and cost implications for some of these matters are still to be clearly identified and agreed between CPBC and ECC, before the local plan is submitted for examination.
- 6.1.2 An IDP has been prepared to support Local Plan delivery, however this needs to be updated prior to submission. CPBC therefore needs to continue to engage with ECC to prepare its final IDP to support its submitted Plan.

6.2 Legal implications:

6.2.1 The duty to co-operate is contained in the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. It requires Local Planning Authorities to engage constructively, actively and on an on-going basis to ensure that the preparation of the Local Plan has regard to key strategic matters addressing social, environmental and economic issues which can only be addressed by effectively working with other authorities beyond their own administrative boundaries. This is set out in guidance issued in March 2019.

6.2.3 Although a Local Plan may be found unsound at Examination if the duty to co-operate has not been properly undertaken and the implications of this require careful consideration, the duty is not a duty to reach agreement. ECC is continuing to carry out its functions properly in submitting comments on specific issues of concern or objection, where necessary, at this and previous stages and in identifying a potential need to maintain those concerns to the Examination stage if not resolved.

7. Equality and Diversity implications

7.1 The Public Sector Equality Duty applies to ECC when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not
- c. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 An Equality Impact Assessment (2019) was undertaken by CPBC to inform the new Local Plan and was reviewed in October 2019 to inform the Addendum. It is relied on by ECC. The review considered that the impact of the proposed changes was not significant. The Local Plan has no negative impacts and there is a low risk of negative impact on the affected groups. Impacts will continue to be monitored and if particular issues are identified, appropriate action will be taken. It is considered that all opportunities will be taken to advance equality through the Local Plan.

8. List of appendices

8.1 Appendix 1 – full proposed ECC response to the Castle Point Local Plan - Pre-Submission Local Plan, December 2019.

- **List of Background papers**

None

I approve the above recommendations set out above for the reasons set out in the report. Councillor Cllr Ball, Cabinet Member for Economic Development	(17/02/2020)
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In consultation with:

Role	Date
Executive Director for Finance and Technology Services (S151 Officer)	(S151 Not Required)
Monitoring Officer Jacqueline Millward, on behalf of Paul Turner, Director Legal and Assurance	14/2/2020
Executive Director, Place and Public Health Graham Thomas Head of Planning and Development, on behalf of Dominic Collins, Director of Economic Growth and Localities	7/2/2020