

Report to Castle Point Borough Council

by Philip Lewis BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 3 March 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the New Castle Point Local Plan

The Plan was submitted for examination on 2 October 2020

The examination hearings were held between 11 May and 29 June 2021

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Abbreviations used in this report

ASELA	Association of South Essex Local Authorities
COMAH	Control of Major Accident Hazards
DtC	Duty to Cooperate
ECC	Essex County Council
HRA	Habitat Regulations Assessment
LHN	Local housing need
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
RAMS	Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
SA	Sustainability Appraisal
SBC	Southend-on-Sea Borough Council
SCI	Statement of Community Involvement
SEA Regulations	Environmental Assessment of Plans and Programmes Regulations 2004
SEEDNA	South Essex Economic Development Needs Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SOCG	Statement of Common Ground

Non-Technical Summary

This report concludes that the New Castle Point Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Castle Point Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and, where necessary, carried out sustainability appraisal and Habitats Regulations Assessment of them. The MMs were subject to public consultation over an eight-week period. In some cases I have amended their detailed wording where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and Habitats Regulations Assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To revise the local housing need figure to reflect changed input figures;
- To set a stepped housing requirement to reflect the likely delivery of homes in the plan period, and the significant uplift in housing land supply proposed which will take some time to deliver;
- To amend the Green Belt Policies so that unnecessary duplication is avoided and to make them effective;
- To delete Local Policy GB4 Limited Infill – Special Policy Areas as it would not be effective and is inconsistent with national policy for the Green Belt;
- To alter Policy HO7 Gypsy, Traveller and Travelling Showpeople to include a site allocation, so that the Plan makes provision to meet the specific need for Gypsies and Travellers arising in Castle Point during the plan period;
- To make detailed adjustments to particular site allocations;
- To delete the proposed allocation of employment land at the Manor Trading Estate, as exceptional circumstances have not been demonstrated for releasing the site from the Green Belt; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the New Castle Point Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The New Castle Point Local Plan submitted in October 2020 is the basis for my examination. It is the same document as was published for consultation by the Council in December 2019.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MM schedule was subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the Castle Point Local Plan Policies Map 2019 as set out in EXM-002.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.
7. These further changes to the Policies Map were published for consultation alongside the MMs, the Schedule of Modifications to the Policies Map November 2021 (PHD-002). In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the Schedule of Modifications to the Policies Map November 2021 and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

Context of the Plan

9. The New Castle Point Local Plan is proposed to replace the saved Policies of the Castle Point Borough Local Plan adopted in 1998. The Plan covers the whole Borough which has two distinct areas; Canvey Island and the 'Mainland', and will form part of the development plan for the area, with the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan. Castle Point falls within the Metropolitan Green Belt which is tightly drawn around the urban areas. A significant proportion of the Borough at Canvey Island falls within Flood Zone 3, protected by sea defences and other flood

defence infrastructure. The port facilities at Canvey Island are nationally significant and have a role in ensuring the security of energy supplies in the UK. The Borough contains a number of Sites of Special Scientific Interest and a Habitats site, and is close to a number of other designated areas on the Essex Coast.

Public Sector Equality Duty

10. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of gypsy and traveller sites to meet identified need, housing for older people, and the provision of accessible and adaptable housing.

Assessment of Duty to Co-operate

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
12. The Council has published a Duty to Cooperate (DtC) Report which sets out how the Council sought to fulfil the duty in the preparation of the Plan. The DtC Statement is supported by Statements of Common Ground (SOCG) with Essex County Council (ECC) and a number of neighbouring Councils in Essex. In addition, a number of SOCGs have been made with prescribed DtC bodies and others.
13. It is clear from the evidence that substantial and effective co-operation has taken place between the Council and its neighbours, along with other prescribed bodies during the preparation of the Plan. Evidence of co-operation includes meetings of the Association of South Essex Local Authorities (ASELA), meetings with specific neighbouring Councils, and extensive joint evidence preparation for the emerging development plans in the area.
14. There is also clear evidence of the outcomes of cooperation. Of particular note is the preparation of a joint Strategic Housing Market Assessment (SHMA), an assessment of the needs of Gypsies, Travellers and Travelling Showpeople, an Economic Development Needs Assessment, a Retail Study, the South Essex Strategic Flood Risk Assessment and a Water Cycle Study, the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) in respect of Habitats sites, the Essex Joint Health and Wellbeing

Strategy 2018-2022, and the Castle Point and Rochford CCG
Localities Estates Strategy.

15. It has been argued by some representors that the Council did not cooperate with its neighbours in regard to the provision of a new access to Canvey Island. I am satisfied that although there is reference to such a scheme in the text of the submitted Plan, that was made on an aspirational basis, rather than as a proposal of the Plan. I have examined the Plan on the basis that it is not proposing a new access to Canvey Island, nor contains any strategic policy to that effect. I am satisfied therefore, that there is no failure of the duty in this regard.
16. Concerning other infrastructure provision, there is also substantial evidence of effective and on-going cooperation between the Council and the DtC bodies as reflected in the SOCGs, including with ECC, National Highways (formerly Highways England), Natural England, the Environment Agency, and Historic England.
17. It is clear that discussions have been held between local authorities in South Essex about how any unmet housing needs arising in one Council area may be accommodated in another. Whilst the Council had expressed concern to neighbours as to whether it could meet its local housing need at the start of the plan making process, the submitted Plan sets out to meet the housing needs arising in Castle Point in full. Consequently, the Council is not seeking neighbours to accommodate unmet housing need.
18. There is evidence that the Council and Southend-on-Sea Borough Council (SBC) have had constructive and ongoing discussions about potential unmet housing need, including a request from SBC to the Council to determine if it could reasonably meet any of the anticipated shortfall in the SBC area. There is common ground between the Council and SBC that it could not reasonably accommodate unmet need from SBC. Given the common issues, including establishing exceptional circumstances to change the boundaries of the Green Belt faced by the local authorities in South Essex, I heard that there is no agreement in place that any authority should take on unmet need from another within the South Essex area.
19. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

20. The Plan has been prepared in accordance with the Council's Local Development Scheme.
21. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI). A number of representations were received to the effect that the Council had not followed its SCI in the plan making process, that there were inadequate opportunities for people to make representations, and that the Council's consultation was ineffective. The submitted Plan however was published for formal consultation prior to submission in accordance with the Regulations and the opportunity to comment was provided. The same applies in respect of the consultation on the MMs.
22. The Council carried out SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The SA was updated to assess the MMs.
23. Whilst it has been queried as to whether the Council had invited representations on the SA of the submitted Plan at the Regulation 19 stage, as required by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), the Council, nevertheless, has undertaken further consultation and notification to the consultation bodies on the SA at the MM stage.
24. The SA of the Plan was carried out by the Council at the scoping stage, where the methodology was consulted upon, at the Regulation 19 stage, again prior to submission and at the MM stage. SA Objectives were developed from those used by the Council for previous development plans and were subject to consultation in the Council's Sustainability Appraisal Scoping Report.
25. In terms of the reasonable alternatives chosen in the SA process, I consider that they are realistic, and that the Council has provided an adequate outline of the reasons for selecting them. However, whilst options may be rejected as the Plan moves through various stages, and they do not necessarily need to be examined at each stage (see *Calverton PC v Nottingham CC* [2015] EWHC 1078 (Admin)), the SA should signpost clearly where the reasons for rejecting sites earlier in the Plan making process are set out. The SA has been amended to this effect at the MM stage.

26. It is clear from the submitted documents that the selection of reasonable alternatives in respect of housing allocations has been informed by the Strategic Housing Land Availability Assessment (SHLAA) process. A number of potential housing sites were rejected as reasonable alternatives by the Council and the reasons why they should be removed from further consideration are set out in the Draft Housing Sites Options Topic Paper 2018 (H-016). The SA (pre-submission plan version, SUS-002) in para 5.2.2 is clear that these sites had been omitted from the SA process. The Council later prepared a further version of the SA (SUS-007) taking account of their suggested main modifications to the Plan at the point of submission. This document includes an assessment of site S0137 as a reasonable alternative in response to representations received, despite it being rejected earlier. The SA has been further amended to clarify the position in respect of this site at the MM stage and I am satisfied that given the Council's original findings on that site earlier in the process, no 'retrofitting' of the SA has taken place.
27. In terms of strategic options for the supply of housing, I find the alternatives considered by the Council to be reasonable. Whilst it has been suggested that the Council should have considered an option where local housing need would be exceeded significantly, I do not consider such an option to be realistic. This is due to the identified constraints to development in Castle Point, including the Green Belt, flood risk and habitats sites. In addition, the Plan is proposing a significant boost to the supply of housing in Castle Point, and there is no robust evidence that provision of housing significantly exceeding the local housing need figure could actually be delivered in the plan period.
28. I conclude, therefore that SA has been carried out and is adequate.
29. The Habitat Regulations Assessment including Appropriate Assessment 2019 (EQ-009) and the Habitat Regulations Assessment Report including Appropriate Assessment Update 2020 (EQ-010) set out that Appropriate Assessment has been undertaken and that the Plan may have some negative impact which requires mitigation. The identified potential impacts on the integrity of European sites include recreational disturbance, habitat loss and loss of functionally linked land, and the effects on water quality and quantity. The HRA recommendations to address these impacts have been incorporated into the Plan. Further Habitat Regulations Assessment was undertaken in respect of the MMs (Habitat Regulations Assessment and Appropriate Assessment November 2021 (PHD-011) which concluded that no adverse effects on the integrity of European sites

would occur, subject to the recommended actions set out within the report being undertaken. Mitigation has been secured through the Plan (as modified by the MMs) in respect of a number of allocations.

30. Furthermore, a number of the development management policies set out HRA mitigation requirements. These include Strategic Policy SD1 Making Effective Use of Land and Creating Sustainable Places and Strategic Policy NE5 Ecologically Sensitive and Designated Sites which seeks contributions to the established RAMS.
31. Natural England made no objections to the HRA undertaken for the MMs. The HRA has been carefully examined, I find it to be robust and I am content that the Policies and allocations of the Plan will not affect the integrity of European sites.
32. The Plan includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
33. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In addition, the Plan identifies climate change as a strategic priority for the Plan as a whole. Specific relevant policies include Strategic Policy CC1 Responding to Climate Change; Local Policy CC2 Tidal Flood Risk Management Area; Strategic Policy CC3 Non-Tidal Flood Risk Management; Strategic Policy CC4 Sustainable Buildings and Strategic Policy NE1 Green Infrastructure and the Undeveloped Coast.
34. Appendix 7 lists policy changes from the Castle Point Local Plan 1998. To meet the legal requirement of Regulation 8(5) the Plan should be altered to make clear that the Policies of the 1998 Local Plan will be superseded (**MM1** and **MM87**).
35. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

36. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have

identified 7 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or policy criterion in the Plan.

Covid-19

37. The examination hearings took place during the Covid-19 pandemic. A number of comments have been made as to the potential economic and social effects of the pandemic. Whilst the immediate effects of Covid-19 are here for all to see, there is no evidence that the fundamental assumptions and requirements of the Plan in respect of housing need, or any other strategic matter, will be affected to the extent that its soundness will be undermined. Any longer-term effects which may arise can be addressed through subsequent local plan reviews, informed by evidence of the actual effects of the Covid-19 pandemic.

The Revised National Planning Policy Framework

38. The Government published a revised NPPF in July 2021 during the examination. The Plan should be amended to make the strategic priorities, vision and objectives consistent with the NPPF in respect of design, green infrastructure, biodiversity net gain and sustainable transport, and as a consequence of other MMs (**MM2**).

Issue 1 – Whether at the strategic level there are exceptional circumstances which justify altering Green Belt boundaries to meet development needs, and whether the Plan's Green Belt policies are effective?

39. Castle Point Borough falls within the Metropolitan Green Belt which is drawn tightly around the existing urban area in the Borough. The submitted Plan proposes that the Green Belt boundaries are altered at Benfleet, Daws Heath, Hadleigh, Thundersley and Canvey Island to accommodate housing development. It also proposes that some areas of land in educational use are removed from the Green Belt along with some areas of land which have been developed. New Green Belt is proposed on land to the west of Roscommon Way, Canvey Island. The NPPF sets out that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.

40. Through the preparation of the Plan, the Council undertook a review of Green Belt boundaries. This adopted a methodology consisting of a number of stages. The methodology included splitting different parts of the Borough into separate parcels. Whilst there are no doubt different ways of doing this, the approach taken by the Council to the subdivision of the Borough was adequate. The resulting parcels are of a sufficiently fine grain to allow for meaningful comparisons to be made between them. The methodology for the Green Belt Review is clear and adequate.

The need for housing

41. The need for housing is discussed under Issue 2. Castle Point has a pressing housing need, issues with housing affordability and a serious shortfall in the provision of affordable homes. There is no scope for Castle Point to export housing need to another district; its neighbours are also significantly constrained and have their own significant development needs. The overall level of housing will address housing affordability and will provide more affordable homes. There is also an identified need for provision of accommodation for Gypsies and Travellers in Castle Point.

The supply and availability of land suitable for sustainable development

42. The Council has undertaken a thorough assessment of the availability of land within the urban area through its SHLAA 2018 (H-007 to 010) and the assessment of windfall sites. A total of 477 sites were considered and a design led approach was taken to determine their potential capacity, with higher densities assumed as appropriate, along with assessments of deliverability / developability as per national policy, and the assessment of viability. Additionally, through the large site capacity assessments (H-012 and H-013), the Council sought to optimise the capacity of proposed sites, including those in the urban areas. This work indicates that around 53% of the housing need could be met within the urban area (that is to say outside of the Green Belt). Therefore, it is not possible to rely on increasing the supply of housing within the urban area to avoid the need to alter the boundaries of the Green Belt to meet housing need.

Other changes to the Green Belt (not arising directly from proposed allocations)

43. The Plan seeks to remove a number of educational facilities and associated playing fields from the Green Belt. I am satisfied that there are exceptional circumstances for the removal of the Glenwood School site and the land at the Cornelius Vermuyden School from the Green Belt. This is because given the extent to which they are built up, it is unnecessary to keep these sites permanently open. Similarly, the built-up areas of the USP Canvey College Campus and the former Castle View School; Deanes School and Virgin Active, Hadleigh; and the King John School, Benfleet should be removed from the Green Belt. However, there are not exceptional circumstances for the removal of the playing fields associated with these schools from the Green Belt. The text should be amended to update the overall amount of the Green Belt which would be retained, and to confirm the schools affected (**MM67**). The Policies Map should be amended accordingly.
44. An area of land of about 10.9 hectares would be added to the Green Belt to the west of Roscommon Way adjoining the urban area at Canvey Island. The alteration of the inner edge of the Green Belt boundary would reinforce the strategic gap between Canvey Island and Stanford-le-Hope, whilst providing a more robust boundary to the Green Belt at Canvey Island. Although the land is part of a SSSI, given its former use, I am not convinced that normal planning policies and development management would be adequate to keep it open. There are therefore exceptional circumstances for including this land within the Green Belt.

Conclusion

45. In conclusion, there are strategic-level exceptional circumstances to alter the Green Belt boundary to meet housing needs in the interests of the proper long-term planning of the Borough.

Issue 2 – Whether the Plan makes adequate provision for new housing?

Local housing need

46. The Plan has been prepared using the standard method for assessing local housing need as set out in the NPPF. The standard method provides a minimum starting point in determining the number of homes needed in an area. The submitted Plan sets out that the local housing need for the plan period calculated using the standard method is 5,130 homes. During the examination, the

Council recalculated the local housing need, rebased to 2021 and using the most recent workplace-based affordability ratio as per the Planning Practice Guidance (PPG). The updated capped local housing need figure for the plan period is 5,325 dwellings.

47. The PPG sets out that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. For example, where increases in housing need are likely to exceed past trends, due to growth strategies, strategic infrastructure improvements and an authority agreeing to take on unmet need from neighbouring authorities as set out in a SOCG.
48. In respect of unmet housing need, there has been no agreement by the Council to take on unmet need from a neighbouring authority set out in a SOCG. During the hearings, I heard that there has been no request from the Mayor of London for the Council to take on any unmet need arising from the Capital.
49. Whilst I heard about the high level of affordable housing need in Castle Point, national policy does not require that this is met in full through development plans. Additionally, I am not convinced that there is any effective housing demand over the level of local housing need, nor that an increase in the local housing need figure, say up to the uncapped level, would bring forward any significant additional affordable provision from market housing. Furthermore, I am satisfied that the affordability adjustment applied takes into account past under-delivery of housing as set out in the PPG. Consequently, it has not been demonstrated that actual housing need is higher than the standard method indicates.
50. National policy as expressed in the NPPF, or the guidance set out in the PPG, is not concerned with providing a lower housing need figure than that indicated by applying the standard method. The NPPF in paragraph 61 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The standard method simply takes the household projections, applies an affordability ratio and an adjustment figure to arrive at the level of housing need.
51. The Addendum to the South Essex Strategic Housing Market Assessment (H-006) calculated the net affordable housing need at Castle Point to be 353 homes per annum. In comparison to the

capped Local Housing Need (LHN) figure of 355 homes per annum, this indicates an acute need for further affordable housing provision in the Borough.

The housing requirement

52. The NPPF in paragraph 11 b) says, amongst other things, that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area, or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

53. With regard to paragraph 11(b)I, footnote 7 of the NPPF lists the policies that protect assets or areas of particular importance. Having regard to the evidence before me, which includes the SA, the HRA, the Green Belt Review, the Strategic Flood Risk Assessments and results of the sequential and exceptions tests, and Heritage Impact Assessments and archaeological evaluation report, I conclude that the application of policies in the NPPF that protect areas or assets of particular importance do not provide a strong reason for restricting the overall scale, type or distribution of development in the Plan area as a whole.

54. There was some discussion about the issue of flood risk at the hearings and a number of written submissions in this regard. In particular, I have taken into account the particular circumstances relating to Canvey Island, that much of it is at or below mean high tide level and that it is defended by formal raised sea defences. Furthermore, the Thames Estuary 2100 Plan (CC-004) sets out a policy for Canvey Island which is to take further action to keep up with climate and land use change so that flood risk does not increase for Canvey Island. I have also had regard to flood risk on the mainland part of the Borough. I am satisfied that given the technical evidence on flood risk and the mitigation measures proposed through the Plan as amended, that the proposed development in the plan is acceptable and should not be restricted specifically due to flood risk considerations.

55. Turning to paragraph 11 b) ii. I have also considered whether any adverse impacts of providing for objectively assessed needs for

housing and other uses would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The Plan in overall terms seeks to significantly boost the supply of housing, including affordable housing and housing for different groups in the community. In addition, it seeks to provide additional employment land and land for other uses. These are significant benefits.

56. There will however be harm arising from new development such as through the loss of countryside and Green Belt, increased urbanisation and increased pressure on transport systems. The Plan as modified has been subject to the iterative SA process, where potential benefits and harm were considered within the SA objectives, and includes a variety of mitigation measures including those arising from the HRA, provision of sustainable transport measures and specific measures set out in the allocations. Having considered carefully the evidence before me, I am satisfied that the adverse impacts of meeting the objectively assessed needs will not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
57. The submitted plan proposes that the level of local housing need should form the housing requirement for the Plan. Whilst the updated LHN figure is higher than that set out in the submission Plan, the housing land supply proposed would meet the LHN with a small margin of headroom to afford some flexibility. The Council has recalculated the housing land supply taking into account the proposed MMs to be 5,510 homes for the plan period. This is marginally above the minimum objectively assessed need for housing of 5,325 homes.
58. The Plan is seeking to meet the local housing need for the plan period in full as per national policy. In doing so, it is consistent with paragraph 20 of the NPPF in making sufficient provision to meet identified needs for the plan period. In this regard, I am not convinced that to provide a level of development significantly above the minimum identified housing need would be justified, given the evidence before me. To seek to do so through this Plan would cause significant delay to its adoption, with of course, no guarantee that such a Plan would be found sound, and consequential delays in the delivery of much needed housing.
59. Strategic Policy HO1 Housing Strategy and the text of the Plan should be modified to confirm that the housing requirement for the

plan period is 5,325 homes (**MM5**). To avoid duplication with other Policies, Parts 2 and 3 of the Policy should be deleted. To be clear and effective, Part 4 of the Policy related to placemaking should be deleted (**MM5**) with this matter being addressed in an amended Strategic Policy SD1, which I deal with under Issue 7 below.

Would a stepped housing requirement be justified?

60. The Council in its hearing statement set out that the average delivery of homes in Castle Point in the past 10 years was 113 homes per annum. The present housing land supply is constrained by the Green Belt and other factors including the lack of an up-to-date development plan. Consequently, the new homes which have been delivered in recent years have typically arisen from urban intensification and regeneration. This is reflected in the latest housing delivery test result where only 49% of the new homes required in the past 3 years were delivered. The dwelling requirement for the Plan would be 355 homes per annum over the plan period. This represents a significant upturn in home building in the Borough. Additionally, there is already a shortfall in terms of housing delivery since the start of the plan period when measured against the requirement set out in this Plan.
61. Whilst there is evidence that new homes will continue to arise from urban intensification and regeneration through the plan period which are important components of the housing land supply, it will take some time for the proposed housing allocations of the Plan to come forward. This is because a number of the proposed allocations will remain in the Green Belt until the Plan is adopted, and it will take time for master plans, development briefs and planning applications to be prepared and considered, planning conditions and obligations to be discharged and construction to commence. Consequently, the significant increase in the supply of new housing is likely to take place later in the plan period.
62. Having regard to the evidence on the housing land supply and the deliverability of housing sites, the Plan should therefore include a stepped housing requirement which would still ensure that the overall housing requirement would be met in the plan period, but better reflecting the likely delivery trajectory of homes throughout the plan period. This should be a minimum of 291 homes per annum to 2026/27 and 430 homes per annum between 2027/28 and 2032/33 (**MM5**).

The supply of housing land

63. The Plan as amended should secure a supply of 5,510 homes over the plan period. This gives a small margin over the requirement to allow some flexibility. Overall, the housing supply is sufficient to provide a reasonable prospect that the requirement will be met.
64. Given historic delivery rates, the evidence set out in the SHLAA and the Brownfield Register, opportunities identified from town centre redevelopments, and schemes arising from prior approval processes, there is compelling evidence for a continued supply of a further 600 homes from windfall sites over the remainder of the plan period.
65. As a significant uplift from the rates of historic provision in Castle Point is necessary to meet local housing need and so provide a significant boost in the supply of housing in the Borough, and that such an uplift will take time to happen, it would be reasonable to recover this shortfall spread over the remaining plan period known as the Liverpool method. In reaching this view, I have had regard to the likely delivery of homes from the proposed allocations and the lead in times needed, particularly for sites proposed to be released from the Green Belt.
66. The five-year housing supply target at adoption is 1,872 homes. This figure is made up of 5 years of supply at 291 homes per annum, plus 105 homes as a proportion of the shortfall in the plan period to date, to which a 20% buffer is applied given the housing delivery test result.
67. Later in my report I set out my conclusions in respect of the soundness of individual allocations. Having regard to these, the Council's hearing statement and appendices, and the updated housing land supply documents and housing trajectory (H-026, H-027, H-028, H-029), I am satisfied that the Plan as modified will supply specific, deliverable sites for years one to five of the plan period after adoption. I am also satisfied that it should provide sufficient developable sites for years 6-10 as per paragraph 68 of the NPPF. Furthermore, I find that at least 10% of the housing requirement will be met on sites of less than one hectare, as per paragraph 69 of the NPPF.

Conclusion

68. The LHN for the plan period is 5,325 new homes. The LHN figure should be the overall housing requirement for the Plan. The housing requirement represents a significant uplift from past delivery rates of new homes and should be stepped as the bulk of the new homes proposed are projected to come forward later in the plan period. Against this stepped requirement, there would be a five-year supply of housing land on adoption of the Plan. The housing supply is sufficient overall to meet the housing requirement over the plan period.

Issue 3: Is the Plan positively prepared and would it be effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople?

69. The updated Castle Point Borough Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) (H-004) sets out an assessment of the need for the provision of additional pitches for Gypsies and Travellers. This includes those who meet the definition in Annex 1 of the National Planning Policy for Traveller Sites (PPTS), those who did not meet the PPTS definition, and for households whose need was unknown. No further accommodation needs are identified for Travelling Showpeople.
70. During the examination it was clarified that the identified need for permanent pitches for Gypsies and Travellers in Castle Point arises from the two established sites in the Borough. Since the GTTSAA was undertaken, the need arising from the site known as Janda Field has been addressed through the granting of planning permission on appeal for 6 additional static caravans on the 3 existing pitches at this site. The remaining need relates to a site known as Orchard Place. This is an area of previously developed land with sufficient space available to accommodate additional pitches to meet the identified need.
71. Orchard Place is situated in the Green Belt. Whilst it is previously developed land, the provision of further pitches is likely to have a greater impact on the openness of the Green Belt than the existing development. Consequently, any application for additional pitches would have to demonstrate very special circumstances through the development management process as the provision of new buildings in these circumstances is inappropriate development in the Green Belt. To be effective in providing for the future needs arising from

Orchard Place, Policy HO7 and the text should be amended so that the site is specifically allocated for Gypsy and Traveller accommodation only, and the site inset from the Green Belt (**MM10**). The Council is proposing to alter the Policies Map to this effect. Having regard to document EXM-042 – Note on Gypsy and Traveller Provision and Revised Policy HO7, I am satisfied that the specific accommodation needs for additional pitches arising from this site provides the exceptional circumstances to alter the boundary of the Green Belt.

72. Policy HO7 should also be amended to include that a project level HRA may be needed for certain proposals, consistent with the HRA undertaken for the Plan, and to ensure that the policy addresses the living conditions of future residents effectively (**MM10**).

Conclusion

73. Subject to the MMs discussed above, I am satisfied that the Plan is positively prepared and would be effective in addressing the likely accommodation needs of Gypsies, Travellers and Travelling Showpeople.

Issue 4 – Are the proposed housing allocations justified, effective and consistent with national policy?

Allocated site capacity assumptions

74. The proposed housing allocations each provide an indication of site capacity which has been used to inform the housing trajectory. So that the Plan is justified and effective, it is necessary to explain within the supporting text to the policies the basis upon which the capacity figures have been derived, and to confirm that the final dwelling figures delivered on specific sites would be established through the development management process (**MM12**).
75. So that the Plan would be effective, Policies HO9, HO10, HO11, HO12, HO13, HO14, HO15, HO16, HO17, HO18, HO19, HO20, HO21, HO22, HO23, HO24, HO25, HO26, HO27, HO28, HO29, HO30, HO31 and HO32 should also be amended to clarify that the indicative dwelling figure is not a maximum site capacity (**MMs 13** through to **MM36**).

Canvey Island and flood risk

76. There was some discussion at the hearings concerning the issue of flood risk at Canvey Island, which falls within Flood Zone 3, and is protected from tidal flooding by the presence of flood defences. The issue of access to maintain the existing flood defences and for their future strengthening is considered in Local Policy CC2 Tidal Flood Risk Management Area. I am satisfied that the sequential test is passed and the exceptions test is capable of being satisfied with the provision of the identified measures, for the proposed allocations at Canvey Island. Having regard to the tidal breach modelling and exceptions test results, to be effective Policies HO23, HO24, HO26, HO27 and HO31 should be amended so that it is clear that self-contained residential accommodation and bedrooms at ground floor level would not be permitted (**MM27, MM28, MM30, MM31 and MM35**).

Local Policy HO9 Land west of Benfleet

77. The site is situated between the A130 Canvey Way and the existing built-up area and is well contained by these. It consists largely of open fields separated by hedgerows. The boundary of the Green Belt to the west is defined by the landscape planting along the A130, and a railway line to the southwest boundary, these are readily recognisable and are likely to be permanent.
78. Whilst the proposal would give rise to a loss of openness, given the location of the site and the provisions of the Policy criteria, the harm to the Green Belt would be minor overall. The Council has taken into account the need to promote sustainable patterns of development in the allocation of the site which is situated next to the existing settlement. In conclusion, taken together with the strategic level justification, exceptional circumstances exist to remove this site from the Green Belt for development.
79. There was some discussion at the hearing concerning the effects of the proposed allocation on air quality in the area. Having considered the evidence, I am satisfied that the proposed allocation would not give rise to any issues in respect of compliance with air quality limit values in the area. Additionally, I am satisfied that the proposed access arrangements for the site are achievable, are based upon adequate transport modelling and that there is no convincing technical evidence before me to suggest an unacceptable impact on highway safety or that residual cumulative effects on the road network would be severe.

80. To be effective, Policy HO9 and the explanatory text should be amended to clarify the master planning, health care, education, residential care home, drainage and sustainable transport requirements. The Policy and text should also be amended so that the requirements for biodiversity net gain and in respect of the Benfleet and Southend Marshes SPA would be effective (**MM13**).

Policy HO10 Land between Felstead Road and Catherine Road, Benfleet

81. The site consists of an area of woodland and sporadic residential development, with the land immediately to its west occupied by two schools adjoining the built-up area. The site adjoins the urban area to the south and partially to the north. Whilst the release of the land from the Green Belt would harm openness, the effect on the Green Belt purposes has been assessed in the Green Belt Review to be minor. The Green Belt boundary to the east would be defined by Catherine Road and to the north by London Road, these are readily recognisable and likely to be permanent. Although the proposed allocation would serve to reduce the gap between Benfleet and Thundersley, the alteration to the Green Belt boundary recognises the recent development along on London Road up to Catherine Road, and an appreciable gap would remain between the settlements. Taken together with the strategic justification, exceptional circumstances exist to remove this site from the Green Belt for development.
82. The proposed allocation includes a Local Wildlife Site (LWS). The proposed extension to this LWS is not justified (see Local Policy NE4 and **MM77**) and it has been replaced by a potential LWS. Any potential effects on the LWS/potential LWS would be addressed through the master plan as sought by the modified Policy (**MM14**).
83. To be effective, the Policy and text should be altered so that the requirements for a master plan, design principles, transport, drainage and green infrastructure are clear. Also, to ensure that access is provided to natural greenspace to divert and deflect visitors from Habitats sites and to reflect that the site consists of two distinct development areas (**MM14**).
84. The indicated site capacity derived from the Large Site Capacity Study update (H-013) is justified given the identified constraints and there is no convincing evidence that a higher site capacity should be set out in the Plan. Ultimately, that would be a matter for the

development management process. For clarity and effectiveness, the text however should be updated to reflect the current status of development built or otherwise committed within the site (**MM14**).

Local Policy HO11 Land off Glyders, Benfleet

85. The proposed allocation consists of agricultural land situated to the east of the existing urban area. The release of the site from the Green Belt would give rise to harm to openness and to the Green Belt purposes as set out in the Green Belt Review. However, the site is enclosed by existing development to the west and south, and along much of its northern boundary. A new Green Belt boundary would be formed to the east with a policy requirement for a landscape strategy to provide planting along the eastern boundary of the site. This would be readily recognisable and likely to be permanent. The provision of the strengthened boundary and the requirements of the Policy would serve to limit the harm to the wider Green Belt.
86. The site allocation proposed includes an area of ground extending to the east of the main body of the site to accommodate surface water storage infrastructure. Given that this can be achieved without harming the openness of the Green Belt, there are not the exceptional circumstances for the removal of this particular area of land from the Green Belt. The Policies Map should be updated accordingly as per document PHD-002. Overall, given the limited harm to the Green Belt and the need for housing which cannot be accommodated within the existing urban area, subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt.
87. The proposed allocation is adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), which comprises an extensive series of saltmarshes, mudflats and grassland, and supports a diverse flora and fauna. The Policy and text should be amended to ensure that the adjacent SSSI is protected and enhanced consistent with paragraph 179 of the NPPF, and to be effective in safeguarding the nationally important site (**MM15**).
88. A number of matters were discussed at the hearing, including the issues of land stability, the presence of a high-pressure gas pipeline near the site, and how the site would be accessed. To be effective, the Policy and text should be amended so that the issues of land stability, drainage, site access and the proximity of the high-

pressure gas pipeline to the site are clearly addressed and mitigated. In addition, the Policy should be altered so that it would be effective in safeguarding Habitats sites. The recommended changes to the Policy are set out in **MM15**.

Local Policy HO12 Site of the former WRVS Hall, Richmond Avenue Benfleet

89. The proposed allocation consists of the former WRVS Hall site and a car park. Whilst the proposal would give rise to a loss of off-street parking, I saw at my site visit that parking on nearby streets is not subject to restrictions and there is no evidence before me of parking stress in the area. To be effective, the Policy and text should be amended so that it is clear that net gain in biodiversity should be measurable, to safeguard Habitats sites, and to set out the need for the management of tidal flood risks, sustainable drainage, and foul and surface water requirements. In addition, to be effective the Policy should be corrected to refer to the South Benfleet Playing Fields. The amendments are set out in **MM16**.

Local Policy HO13 Land east of Rayleigh Road, Hadleigh

90. The proposed allocation is comprised of predominantly open fields with internal boundaries marked by hedgerows. The site contains a farm and several other buildings and a reservoir, and falls partly within the designated Historic Natural Landscape under Policy NE2. The development of the site would cause harm to the openness of the Green Belt and some harm to its purposes as it would cause a loss of countryside and serve to reduce the strategic gap between Thundersley and Daws Heath. However, the site would be enclosed by existing development to the west, north and along much of its southern boundary. A new Green Belt boundary would be formed to the east of the allocation with the nature reserve. This would be readily recognisable and is likely to be permanent, maintaining a gap and preventing coalescence between Thundersley and Daws Heath.
91. Three additional areas of land would also be removed from the Green Belt as a consequence of the allocation. These consist of an area of built-up land adjacent to the A129, an area of land to the rear of dwellings on Daws Heath Road including residential gardens, and part of Daws Heath Road. However, given its largely developed character, the removal of this land from the Green Belt would not give rise to significantly greater harm beyond that arising from the allocation.

92. Whilst there would be harm to the Green Belt, the Policy requirements would serve to reduce that harm. Overall, given the need for housing which cannot be accommodated within the existing urban area, and subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt.
93. The Policy and text should be amended so that it is clear that net gain in biodiversity should be measurable, that a buffer is applied to the neighbouring nature reserve, to ensure that Habitats sites are safeguarded, and to clarify the requirements for greenways to provide multi-user access so that it would be effective. In addition, to be effective, the Policy and text should also set out clearly the requirements for community facilities, for foul and surface water drainage and the provision of sustainable transport (**MM17**). Following the MMs consultation, I have amended the wording of paragraph 10.33 of the text to reflect the recent name change of the nearby Cottage Plantation to Valerie Wells Wood.

Local Policy HO14 Land at Brook Farm, Hadleigh

94. The proposed allocation is situated to the southeast of Daws Heath and consists of open fields divided by hedgerows, and the Brook Farm complex. The site is proposed to be removed from the Green Belt. The allocation would cause some loss of openness to the Green Belt and would serve to reduce the strategic gap between Hadleigh and Daws Heath. However, a reasonable gap of open Green Belt land would be retained between the two settlements which would maintain a clear physical separation between them and ensure development of the proposed allocation would not lead to their coalescence. The proposal would improve access to the adjoining Green Belt through the provision of multiuser greenways, which would include equestrian use. It would also include habitat improvement on adjoining land. These are compensatory improvements to the Green Belt. A new Green Belt boundary would be formed to the east and south of the allocation, partly following existing boundaries, with a policy requirement to secure mature planting along the southern boundary. This would be readily recognisable and likely to be permanent, preventing further encroachment into the countryside and the coalescence between Daws Heath and Hadleigh. Notwithstanding the harm to the Green Belt, I am satisfied that given the need for housing which cannot be accommodated within the existing urban area and potential for compensatory improvements to the Green Belt, exceptional circumstances exist to remove this site from the Green Belt for development.

95. The policy and text should be altered so that they are clear about the requirements for multi-user greenways, in achieving net gain in biodiversity including enhancements of adjoining land in the Green Belt and safeguarding Habitats sites, and for sustainable drainage, foul and surface water drainage, vehicular access and contributions to sustainable travel so as to be effective (**MM18**).

Local Policy HO15 Land at Scrub Lane, Hadleigh

96. The allocation is situated in the urban area and consists of open land adjoining a school. The Policy and text should be amended to set out the sustainable travel requirements and to ensure that Habitats sites are safeguarded so as to be effective. Additionally, to be consistent with national policy as set out in the NPPF in paragraph 99, the Policy should be amended to ensure that the loss of land formerly used as playing fields is mitigated appropriately (**MM19**).

Local Policy HO16 Land at Oak Tree Farm Hadleigh

97. The proposed allocation is situated to the east of Hadleigh and is close to the ancient woodland protected as the Great Wood and Dodd's Grove SSSI. The Policy and text should be amended so as to be consistent with paragraph 179 of the NPPF and to be effective in safeguarding the SSSI and Habitats sites. There was some discussion at the hearing about the access to the site. Subsequently, from the MM consultation I have become aware that some dwellings have been granted prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order, with access off Poors Lane. However, given the proximity of the SSSI, the Policy should be amended to be clear that vehicle access to the proposed allocation will be taken from Central Avenue only (**MM20**).
98. A small part of the site falls within Flood Zones 2 and 3 and the site has been considered through the sequential and exceptions tests. I am satisfied that the sequential test is met and that the exceptions test is capable of being met. The Policy and text should be amended so that they are consistent with national policy on flood risk as set out in the NPPF. The Policy should also be amended so that it is effective in respect of the provision of sustainable drainage (**MM20**).
99. The site would need to be released from the Green Belt. Whilst there would be some loss of openness and harm to some Green Belt purposes, including the encroachment of development into the

countryside, the provisions of the Policy would minimise that harm. The new boundaries of the Green Belt would be formed by existing field boundaries to the north and east and Poors Lane to the south, and would provide a physical screen to limit harm to the Green Belt. These would be readily recognisable and likely to be permanent. Notwithstanding the harm to the Green Belt, given the need for housing which cannot be accommodated within existing urban areas, exceptional circumstances exist to remove this site from the Green Belt for development.

Local Policy HO17 Hadleigh Island, Hadleigh

100. The site situated in Hadleigh town centre is currently occupied by a number of buildings. To be effective Policy HO17 should be amended so that the development brief requirements include sustainable transport provisions, access to natural greenspace to divert and deflect visitors from Habitats sites, and the safeguarding of access for the maintenance of drainage and utility infrastructure at the site (**MM21**).

Local Policy HO18 Land north of Grasmere Road and Borrowdale Road, Thundersley

101. The allocation site consists primarily of open land with hedges and trees within the Green Belt. The new boundaries of the Green Belt would be formed by existing field boundaries to the north and west, with the site being adjacent to the urban area to the south and east. The new Green Belt boundaries would be readily recognisable and are likely to be permanent. Whilst the development would cause loss of openness and some harm to Green Belt purposes, this harm would be reduced by the policy requirements to retain hedges and tree lined field boundaries wherever possible. Consequently, given the need for housing which cannot be accommodated within existing urban areas, there are exceptional circumstances for altering the Green Belt boundaries.
102. The Policy should be amended to ensure that the criteria relating to sustainable drainage, biodiversity net gain, access to natural greenspace to divert and deflect visitors from Habitats sites, and access and sustainable transport are clear and effective. Additionally, for effectiveness the Policy and text should be altered to address the retention of the public right of way which passes through the site (**MM22**).

Local Policy HO19 Land at Glebelands, Thundersley

103. The allocation relates to an area of open field and scrub land situated between the A130 road, and the urban area in Thundersley. The land is currently in the Green Belt. The removal of the site from the Green Belt would cause some loss of openness and minor harm to Green Belt purposes through the extension of the urban area and eroding the gap between South Benfleet and North Benfleet. However, a new boundary to the Green Belt would be formed by the A130 road representing a strong and recognisable boundary which is likely to be permanent, preventing further encroachment into the countryside and coalescence with North Benfleet. The existing schools to the north of the site consist of largely developed land which would also be removed from the Green Belt, along with some otherwise isolated areas of Green Belt comprising domestic gardens between the existing urban area and the proposed allocation site. Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for changing the Green Belt boundaries as proposed.
104. There was some discussion at the hearings concerning the vehicular access to the site and the effect of the development on the wider highway network. I am satisfied that the transport modelling for the Plan is robust and that there is no specific evidence that the proposed allocation would not have a safe or suitable access, nor that any significant impacts on the highway network could not be cost effectively mitigated to an acceptable degree. To be effective however, the Policy and text should be amended so that the requirements for sustainable transport, including that the transport assessment for the development of the site should include Tarpots Junction, are clear. This is to ensure that any significant impacts from the development on the transport network are assessed and appropriately mitigated. I have made a minor change to the MM to paragraph 10.65 as it was published for consultation, so that it would be clear and effective in this regard.
105. Additionally, the Policy should be amended to confirm the requirements for master planning, biodiversity net gain and to divert and deflect visitors from Habitats sites (**MM23**).

Local Policy HO20 The Chase Thundersley

106. The site consists of open fields, playing fields and some wooded areas, broadly situated between Hart Road and Kiln Road. Although

the land is largely enveloped by the existing urban areas of Thundersley, it is currently designated as Green Belt. It is proposed that the land is removed from the Green Belt which would cause some limited harm to the Green Belt through the loss of openness, increasing urban sprawl and loss of countryside. The site would have a short boundary with the Green Belt on the A129 Rayleigh Road which would be readily recognisable and is likely to be permanent. In addition, the Council has taken into account the need to promote sustainable patterns of development, which is reflected in the policy requirements. Given the need for housing which cannot be accommodated within the existing urban area and the limited harm to the Green Belt, I find that there are exceptional circumstances for removing this site from the Green Belt.

107. The NPPF sets out in paragraph 125 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The Council's Large Site Capacity Study update (H-013) identifies a potential capacity for the site of about 430 dwellings (gross). I am not convinced that a lower site capacity as proposed in the submitted Plan is justified on the basis of the site constraints and policy requirements, which do not appear to have been applied consistently with other proposed site allocations. The site capacity should be amended taking into account existing commitments, to be around 412 new homes net (**MM24**). The actual number of new homes provided however will be determined through the master planning and development management processes having regard to factors such as the site characteristic, infrastructure needs and the housing mix.

108. The proposed allocation would be subject to the preparation of a master plan, which is necessary given the complexities of the site. To ensure that the master plan would be prepared in a timely way so that the proposed development is able to come forward in support of the Government's objective of significantly boosting the supply of homes, the Policy should be amended so that the master plan requirements and the timescales for its preparation are clear, this is so that it would be effective. Additionally, the Policy should also be amended so that it is clear how the master plan would be used in the development management process (**MM24**). The increase in potential site capacity has implications for infrastructure provision, such as for education need arising from the development. This would be determined through the development management process when an assessment of need can be made at that point in

time. I have made a minor change to criterion 4 of the MM to the Policy to clarify that any applications received in advance of the master plan must incorporate the requirements of criterion 3 of the Policy as appropriate to any such proposals. This is to ensure that the Policy is consistent with national policy.

109. Given the character and appearance of the area, for effectiveness the Policy should be amended to be clear as to the urban design approach required in order to create an attractive, green, parkland environment, integrated into the existing landscape, whilst making effective use of land (**MM24**).
110. The Policy and text should be amended so that the necessary relocation of sports pitches would be consistent with national policy for existing open space, sports and recreational buildings as per paragraph 99 of the NPPF. To be effective, the Policy should be amended so that the requirements for contributions to community facilities and infrastructure, regarding net gain in biodiversity, the safeguarding of Habitats sites, and to retain public rights of way, are clear (**MM24**).
111. There was some discussion at the hearing regarding vehicular access to the various parcels of land which make up the site. For effectiveness in guiding planning decisions, the Policy and text should be altered so that it is clear that the main vehicular access would be from Kiln Road to the south of The Chase, and from Runnymede Chase or Rayleigh Road to the north of The Chase, but that there may be limited access taken from other roads to small pockets of development as appropriate (**MM24**). Taking limited access in this way from roads such as Hart Road could be considered in the development management process.

Local Policy HO21 Land fronting Rayleigh Road, Thundersley

112. This site is located within the urban area and is served by public transport. However, due to its location on Rayleigh Road, close to its junction with the A127 and opposite a retail park, there are high traffic flows in the area. As such there is a need for development on this site to support localised improvements to active travel and enable mode shift to public transport. To be effective therefore, the Policy and text should be amended so that the sustainable transport requirements are clear. For effectiveness and consistency with national policy, the Policy also requires reference to measures to

provide access to natural greenspace to safeguard Habitats sites (**MM25**).

Local Policy HO22 Land at Thames Loose Leaf, Kiln Road, Thundersley

113. Given the location of the site in the urban area, and the traffic flows in the area, the Policy and text should be altered so that the sustainable transport and surface water drainage requirements are clear and effective, and to ensure that the Policy would be effective in safeguarding Habitats sites (**MM26**).

Local Policy HO23 Land east of Canvey Road, Canvey Island

114. The site is situated on the western side of the urban area at Canvey Island in the Green Belt and is made up of open grassland and scrub. It is largely enclosed by the existing urban area and Canvey Road, with open land to the north. The site immediately adjoins the Scheduled Monument 'Roman saltern 260m southeast of Great Russell Head Farm, Canvey Island'.

115. The Roman Saltern is one of only four scheduled Roman salterns in the country and is one of two with upstanding archaeological remains. Whilst the principal significance of the heritage asset is from its archaeological interest, its setting makes an important contribution to its significance. It is situated within a landscape of open, former grazing marsh and open countryside to the west and north, allowing long distance views to the grazing marsh beyond the A130.

116. The inclusion of land immediately to the west and north of the scheduled monument within the proposed allocation would erode the appreciation of the saltern in an agrarian setting and obscure views to the grazing marsh, severing it from its landscape context. Given the role of tidal water in Roman salt production it is clear that this change in setting would result in a loss of significance. The site allocation should be altered by the removal of the northern field to safeguard the setting of the scheduled monument and the Policies Map altered accordingly. I am satisfied that the removal of this land would not affect the indicative dwelling capacity of the site, as that had assumed that this land would be used for public open space.

117. The proposed development however gives an opportunity to provide for the preservation and enhancement of the scheduled monument

and its setting, such as through a conservation strategy, archaeological work and the provision of interpretation. For effectiveness and consistency with national policy, the policy and text should be altered so that the protection and enhancement of the scheduled monument and its setting are secured through the master planning process (**MM27**).

118. The proposed access to the site would be from a new junction on the A130 Canvey Road, with access to the existing urban area being for non-vehicle modes of travel and emergency vehicles only. The provision of the access to the site west to Canvey Road should be undertaken in a way which would preserve the setting of the Scheduled Monument. Whilst not all of the land necessary for the provision of the access may be within the control of the site promoter, I am satisfied that the site can be delivered, using if necessary, the Council's statutory compulsory purchase powers. The Policy as submitted includes provision of a new vehicular access to the adjacent secondary school. Whilst the need for this access has been questioned at the MM stage, this matter can be dealt with through the master planning and development management processes. The policy should be amended so that the provision of access is considered through the master planning process (**MM27**).
119. There was some discussion at the hearings concerning flood risk as the site falls within Flood Zone 3, and is protected from tidal flooding by the presence of flood defences. I am satisfied that the sequential test is passed for the site and that the exceptions test is capable of being met.
120. The Policy and text should also be amended so that the provisions of the master plan in respect of biodiversity and designated sites, public open space, foul and surface water drainage and provision for community uses and infrastructure would be clear and effective (**MM27**). In addition, the phasing requirement set out in the submitted Policy as criterion 2 is not consistent with the NPPF in terms of the sequential and exceptions tests and should be deleted.
121. The inclusion of the northern field within the allocation is not justified as it would give rise to unacceptable harm to the Green Belt, through loss of openness and sprawl into the open countryside to the north of the urban area. For consistency with national policy, it should be removed from the allocation and be retained in the Green Belt. The provision of public open space on land to the north of the site allocation however would be compatible with the

purposes of the Green Belt and ensure that the land remains open. The scheduled monument and the existing field boundary would represent readily recognisable physical features to provide a clear new Green Belt boundary on the northern side of the site which, if strengthened by a landscape buffer, is likely to be permanent.

122. Whilst the development (as amended) would clearly reduce the openness of the area and encroach into the countryside, it would be mostly well contained by the existing built-up area. The removal of the northern field and the requirements of the policy for a strong landscaped buffer on the northern boundary and provision of public open space and new greenways would limit and mitigate impacts on other Green Belt purposes. Compensatory improvements would be provided to the Green Belt land to the north consistent with paragraph 142 of the NPPF. Given the need for housing which cannot be accommodated within the existing urban area, subject to the MMs recommended, there are therefore exceptional circumstances for altering the Green Belt boundaries in respect of the allocation.

Local Policy HO24 Land west of Canvey Road, Canvey Island

123. The proposed allocation is a broadly triangular area bound by Canvey Road, Northwick Road and Roscommon Way. The site is proposed for removal from the Green Belt. It is largely open with some existing development along Northwick and Canvey Roads. The site is also adjacent to the Grade II listed Dutch Cottage.
124. A proposed new Green Belt boundary would be formed by Roscommon Way. The Policy includes within the master plan requirements that a strong landscaped buffer would be formed on this boundary. The Green Belt boundary should therefore be well defined and is likely to be permanent. The proposal would give rise to some harm to the Green Belt as discussed in the Green Belt Review in terms of sprawl, and encroachment on the countryside and loss of openness. The site is however well contained by the road network and the impact on the wider Green Belt would be limited. Given this and the need for housing which cannot be accommodated within the existing urban area, there are therefore exceptional circumstances for altering the Green Belt boundaries.
125. The submitted Policy contained a phasing requirement relating to flood risk. This is not consistent with the NPPF in terms of the sequential and exceptions tests and should be deleted (**MM28**).

The Policy and text should be amended so that detailed heritage assessment work is secured through the master planning process and to ensure that the significance of the Grade II Listed Dutch Cottage and any archaeological remains would be safeguarded. In addition, the master plan provisions in respect of biodiversity and Habitats sites should be amended to make them effective (**MM28**).

126. For effectiveness, the Policy should also be amended to ensure adequate space is retained to allow for the maintenance of the Hill Hall Dyke and to allow for enhancements to flood defences (**MM28**).

Local Policy HO25 Land at Thorney Bay Caravan Park, Canvey Island

127. The proposed allocation relates to an existing caravan park. The park is in the process of being redeveloped from static caravans to park homes under existing consents. The proposed allocation is made to deal with any proposals that fall outside of the existing consents. In this regard, the Policy and text should be amended to be effective and so that the purpose of the Policy is clear.
128. Amendments to the Policy and text are also necessary so that it is effective in dealing with the following matters. The site is within close proximity to a Calor Gas terminal and parts of it are within an area where new development falling outside of the existing consents would not be permitted on safety grounds. The site also falls within 400 metres of the Canvey Water Recycling Centre and any new development should not be subject to unacceptable odour nuisance or prejudice the continued operation of the Water Recycling Centre consistent with the agent of change principle set out in the NPPF. There is also sewerage infrastructure which should be taken account of in new development. The site is in an area of flood risk and is adjacent to the existing sea defences and provision should be made for access to the sea wall for maintenance and any upgrading, and for the provision of sustainable drainage. New homes should be resistant and resilient to flooding. In addition, the Policy and text should be amended to clarify the requirements for biodiversity net gain, safeguarding Habitats sites, and the need for affordable housing and infrastructure contributions. The recommended amendments are set out in **MM29**.

Local Policy HO26 Land at the Point, Canvey Island

129. The proposed allocation relates to an area of existing employment land within the urban area. The site falls within Flood Zone 3, and is

protected from tidal flooding by the presence of flood defences. I am satisfied that the sequential test is passed and that the exceptions test is capable of being passed for the site. To be consistent with national policy, the Policy should also secure sufficient space for any future enhancements to the sea defences as per Local Policy CC2 and access for maintenance to existing infrastructure (**MM30**). In addition, to be effective, the Policy and text should be amended in terms of a requirement for a project level HRA and to safeguard Habitats sites, to reflect the findings of the HRA. To be effective, the Policy should be amended so that it is clear about the requirements for sustainable transport and links to green infrastructure and the coast (**MM30**).

Local Policy HO27 Walsingham House, off Lionel Road, Canvey Island

130. The site falls within Flood Zone 3 and is protected from tidal flooding by the presence of flood defences. I am satisfied that the sequential test is passed and that the exceptions test is capable of being passed for the site. To be effective, the Policy should be amended to be clear that sustainable drainage measures take into account the Canvey Island Six Point Plan and that suitable access is provided for maintenance of drainage and utility infrastructure. In addition, to be effective, the Policy should be amended so that it would safeguard Habitats sites through provision of access to natural green space (**MM31**).

Local Policy HO28 Land at the Admiral Jellicoe, Canvey Island

131. The allocation relates to the site of a former public house in the urban area. To be justified, the Policy and text should be amended so that the site capacity is changed from 40 homes to around 14 homes to reflect the changed planning status of the site. In addition, the requirements for a planning and development brief for the site are not justified and should be deleted. To be effective, the Policy should be amended so that suitable access is provided to foul water infrastructure and mitigation of any adverse impacts of the proposal on the foul water pumping station on future residents is provided (**MM32**). Additionally, to be effective, the Policy should also be amended to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan and so that it would safeguard Habitats sites through provision of access to natural green space (**MM32**).

Local Policy HO29 Land south of Haron Close, Canvey Island

132. Since the Plan was submitted, the Council has resolved to grant planning permission for a sheltered accommodation scheme comprising 24 apartments at the site. To be effective, the Policy and text should be amended to reflect this increase in site capacity. For effectiveness, the Policy should also be amended to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan, and to safeguard Habitats sites through provision of access to natural green space (**MM33**).

Local Policy HO30 Land at Haystack car park, Canvey Island

133. To be effective, the text should be amended to clarify the current planning status of this site as planning permission has been granted for a mixed-use scheme comprising retail units at the ground floor and 14 apartments above (**MM34**). For effectiveness, the Policy should also be amended to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan and so that it would safeguard Habitats sites through provision of access to natural green space (**MM34**).

Local Policy HO31 Land to the east of Kings Park Village, Canvey Island

134. The allocation site is an area of open grassland adjacent to the Kings Park Chalet and Mobile Home Park, located within the Green Belt. The Green Belt Review identifies that if developed, there would be some minor harm to Green Belt purposes on this site in respect of checking unrestricted sprawl and safeguarding the countryside. However, the boundaries of the site are well defined by the coastal wall to the north and the Canvey Heights Country Park, a reclaimed landfill site, to the east and are likely to be permanent. Whilst there would be some loss of openness and minor harm in respect of some Green Belt purposes, the requirements of the Policy should ensure that the harm would be minor.
135. So that the Policy is effective and consistent with national policy, the following changes are required. The site is in an area of flood risk and is adjacent to the existing sea defences, so provision should be made for access to the sea wall for maintenance and any upgrading, and for the provision of sustainable drainage. In addition, the Policy and text should be amended to clarify the requirements for biodiversity net gain and for a project level HRA consistent with the findings of the HRA. The development should also provide access to

the adjacent country park to be consistent with national policy on achieving healthy, inclusive and safe places. To be effective, the Policy and text should be amended to address the issue of potential contamination at the site in relation to the adjacent restored landfill site, to be clear that sustainable drainage measures should have regard to the Canvey Island Six Point Plan and so that it would safeguard Habitats sites through provision of access to natural green space (**MM35**).

Local Policy HO32 Land at 244 – 258 London Road, Hadleigh

136. The site is situated within Hadleigh town centre and is opposite the Grade I listed St James the Less Church. To be effective, the Policy and text should be amended to confirm the requirements for the development brief for the site, which are not adequately set out in the submitted Policy. This should include enhancements to the setting of the Grade I listed St James the Less Church and the requirement for archaeological evaluation in the period between the demolition of the existing buildings and the construction of new development as per the Heritage Impact Assessment; and provision for contributions towards sustainable transport and to safeguard Habitats sites through provision of access to natural green space (**MM36**).

Conclusion

137. The Plan is capable of meeting the local housing need subject to the proposed Green Belt alterations to provide for housing development. These alterations would have relatively limited impacts on openness and would not cause severe or widespread harm to the purposes of the Green Belt. The Green Belt housing sites would be adjacent to the urban area and would have localised effects on openness.
138. Overall, therefore, for the strategic reasons set out earlier in this report and the site specific reasons referred to above, I am satisfied that there are exceptional circumstances to justify removing the following areas of land from the Green Belt to facilitate the development proposed in Policy HO1: Land west of Benfleet, Benfleet (Policy HO9), Land between Felstead Road and Catherine Road, Benfleet (Policy HO10), Land off Glyders, Benfleet (Policy HO11), Land east of Rayleigh Road, Hadleigh (Policy HO13), Land at Brook Farm, Hadleigh (Policy HO14), Land at Oak Tree Farm, Hadleigh (Policy HO16), Land north of Grasmere Road and Borrowdale Road, Thundersley (Policy HO18), Land at Glebelands, Thundersley (Policy HO19), The Chase, Thundersley (Policy HO20),

Land east of Canvey Road, Canvey Island (Policy HO23) as amended, Land west of Canvey Road, Canvey Island (Policy HO24), and Land to the east of Kings Park Village, Canvey Island (Policy HO31). Furthermore, subject to my recommended MMs, the Plan would be effective in ensuring that each site is developed in an acceptable way.

Issue 5 – Is the strategy and provision for employment development effective and justified?

139. The SEEDNA(ER-002) considers future employment growth in South Essex for the period 2016 – 2036. The total employment land requirement for Castle Point for the period, including a supply side adjustment to take account of historic development rates and offsetting losses of employment land to other uses, is 9 hectares.
140. Strategic Policy EC1 of the submitted Plan proposes that there should be an additional 24 hectares of employment land over the plan period. Of the three sites proposed to be allocated by Local Policy EC2, the proposed extension to the Charfleets Industrial Estate of 10.5 hectares is under construction and there has been a technical start to construction of the site south of Northwick Road which has an area of 9.7 hectares. Numerically therefore, the employment land need as identified in the SEEDNA could be said to be met in full, and indeed comfortably exceeded, from these two sites alone, which are both situated at Canvey Island.
141. The submitted Plan also proposes that 3.7 hectares of new employment land are allocated to extend the Manor Trading Estate in Thundersley. This land is proposed to be removed from the Green Belt.
142. I have had regard to the proposed distribution of new employment land between Canvey Island and the 'Mainland' part of the Borough, and that the Council considers that there is not a reasonable alternative to the extension of the Manor Trading Estate to provide additional employment land on the Mainland. I have also taken into account that over 50% of the planned housing growth would take place in the Mainland and that the NPPF promotes sustainable travel.
143. I understand that vacancy rates on existing employment sites are low, and that existing employment land provision is predominantly

located at Canvey Island, due in part to the gas and oil receptor and storage facilities. However, I am not convinced that there is a need to seek a greater balance in the distribution of employment land within Castle Point. I acknowledge nevertheless, that there is an issue with the quality of some of the existing industrial areas, which is a matter addressed by Strategic Policy EC1.

144. The proposed allocation at the Manor Trading Estate would be accessed via the existing estate. However, given what I have read, heard and seen of the condition of the existing infrastructure at the Trading Estate and the level of investment needed to make the necessary improvements, I have serious reservations as to whether the proposed allocation would actually be delivered within the plan period.
145. The level of existing commitments of employment land is such that there is no numerical or qualitative need for additional employment land provision at a strategic level for the plan period. Furthermore, whilst the planning system should actively manage patterns of growth in support of the transport objectives of the NPPF, the proposal at the Manor Trading Estate is modest in scale, and any such benefits which may arise in this regard would be limited. Consequently, I am not convinced that exceptional circumstances for the alteration of the Green Belt boundary to accommodate the extension to the Manor Trading Estate, is adequately evidenced and justified.
146. Therefore, Strategic Policy EC2 and its explanatory text should be amended by the deletion of the proposed extension to the Manor Trading Estate as that is not justified or consistent with national policy in respect of the need to alter the boundaries of the Green Belt (**MM38**). The Policies Map should be altered accordingly. To be effective, Policy EC2 should also be amended to reflect the current planning status of the other proposed allocations; the extension to the Charfleets Industrial Estate and South of Northwick Road and to reflect the amended Use Classes Order (**MM38**).
147. To be effective, Strategic Policy EC1 and the explanatory text should also be altered to reflect the amended Use Classes Order and permitted development rights, to seek the retention of port and port related facilities at Canvey, to secure access by sustainable transport modes, and to ensure that new development can be integrated effectively with existing businesses as per paragraph 187 of the NPPF. The explanatory text should be amended so that the

employment land and sector requirements reflect the latest available evidence so as to be effective and justified (**MM37**).

Conclusion

148. Subject to these MMs, the Plan makes adequate provision for new employment land for the plan period and the strategy and provision for employment land are justified.

Issue 6 – Is the Plan period of 2018 – 2033 justified?

149. The NPPF in paragraph 22 sets out that strategic policies should look ahead over a minimum of 15 years from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. The Plan has been prepared with a plan period of 2018 to 2033 and therefore the strategic policies would look ahead around 11 years from adoption.

150. The South Essex Economic Development Needs Assessment (SEEDNA) (ER-002) considers the period 2016 – 2036 and identifies the need for the provision of additional employment land over this period. The Plan is proposing a level of employment land provision in excess of that required to 2036. Consequently, the provision of employment land proposed in the Plan would in effect meet the projected needs of the area beyond the plan period.

151. Turning to housing, I have concluded under Issue 2 above that the Plan identifies an adequate supply of specific, deliverable housing sites for years one to five after adoption, and specific developable sites for years 6 to 10 consistent with paragraph 68 of the NPPF. Furthermore, adequate provision of housing is made to meet the identified LHN until the end of the plan period, with a small excess providing some modest headroom.

152. It is clear from the evidence before me that to address the question of the provision of housing beyond 2033 would require significant additional work to be undertaken by the Council. This would require, amongst other things, updating of key parts of the evidence base, including a further assessment of strategic transport infrastructure, and a Green Belt Review. The undertaking of such additional work would cause significant delay to the adoption of the Plan, having a knock-on effect on the efforts of the Council to significantly boost the supply of homes, in an area where the 2021 housing delivery test measurement was 49%. Furthermore, the

Council is working with neighbours on the preparation of the South Essex Plan. That plan is to provide a high-level strategic framework for the distribution of development across South Essex beyond 2033.

153. It has been argued that the Plan should be subject to a requirement for a prompt review. However, given the extent of the housing and employment land supply which is provided by the Plan, and the legal requirement for Local Plan Policies to be reviewed to assess whether they need updating at least once every five years¹, regardless of the future progress of the South Essex Plan, amending the Plan to require its early review is not necessary to make it sound, despite the housing land supply not looking ahead 15 years on adoption.

Conclusion

154. To conclude on this matter, I therefore consider it pragmatic for an otherwise sound Plan, with the recommended amendments set out in this report, to proceed to adoption with a plan period of 2018 – 2033, despite not being in line with paragraph 22 of the NPPF in regard to the provision of housing. The plan period proposed is justified.

Issue 7 – Are the development management policies clear, justified and consistent with national policy and will they be effective?

Strategic Policy SD1 Making Effective Use of Land and Creating Sustainable Places

155. As submitted, Strategic Policy SD1 is concerned with making effective use of land. To be effective and consistent with national policy set out in the Revised NPPF, the Policy and text should be amended so that it is also concerned with creating sustainable places. In this regard, amended placemaking criteria based on those set out in the submitted Strategic Policy HO1 Housing Strategy should be included in Policy SD1. The Policy should also be amended so that it sets out the requirements for development proposals in regard to Habitats sites, consistent with national policy, and as recommended in the HRA. In addition, to be effective, and consistent with national policy, the Policy should be amended to set

¹ Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

out that urban intensification and brownfield redevelopment are important land supply sources (**MM3**).

Strategic Policy SD2 Development Contributions

156. Policy SD2 and the text should be amended so that it is consistent with the tests for planning obligations as set out in paragraph 57 of the NPPF, and for effectiveness to clarify that the Infrastructure Delivery Plan identifies the infrastructure required to meet the demands of new development (**MM4**).

Strategic Policy HO2 Master Planning

157. Strategic Policy HO2 sets out a requirement for master plans, planning or development briefs. To be consistent with national policy as expressed in the revised NPPF, the Policy should be amended to refer to the National Design Guide and National Model Design Code, and to be effective, it should clarify that the Policy relates to those allocations made in the Plan. The Policy should also be amended to clarify the approach to be taken to the adoption of master plans/development briefs as Supplementary Planning Documents, and voluntary Planning Performance Agreements to be effective. These changes are set out in **MM6**.

Strategic Policy HO3 Housing Mix

158. Strategic Policy HO3 as submitted is not justified and would not be effective in specifying specific housing mix requirements by site size. The housing mix requirement for the area may change over time and a fixed proportion of 1 or 2 bedroom dwellings may not be suitable for particular sites, given their characteristics, viability considerations or local specific housing mix needs. Consequently, the policy would be inflexible and ineffective in addressing changing needs and requirements. The Policy and text should be altered so that it would be effective in providing for the housing needs of different groups in the community identified in the SHMA as, and when, it is updated throughout the plan period (**MM7**). Additionally, to be positively prepared and effective, the Policy should set out how the housing needs of older people would be met as part of the overall housing mix on sites (**MM7**).

Strategic Policy HO4 Securing more Affordable Housing

159. Strategic Policy HO4 sets out the approach to affordable housing. In order to address the affordable housing need identified in the SHMA,

the Policy sets out an affordable housing threshold of 40% for sites on the Mainland and different thresholds for different types of development at Canvey Island. The viability evidence indicates that it would not be justified to seek affordable housing provision from solely specialist accommodation for older people at Canvey Island, which should be made clear in the Policy. To be justified and effective, the affordable housing thresholds relating to Canvey Island should differentiate between flatted and non-flatted development to reflect the findings of the viability evidence. The affordable housing targets should relate to 10 dwellings or more, and be clear as to the mix between housing for rent and affordable home ownership, so as to be consistent with national policy as expressed in the NPPF. The text should be amended so that the Plan would be effective in respect of payment in lieu of on-site provision. These changes are set out in **MM8**.

Strategic Policy HO6 Caravan and Park Homes

160. There are several Caravan and Park Home sites in Castle Point which provide permanent residential accommodation. The Policy should be amended so that it includes a requirement for a project level HRA as appropriate to be consistent with national policy and to reflect the recommendations of the HRA for the Plan. To be effective and justified, the text should also be updated to reflect the present situation regarding the Thorney Bay site (**MM9**).

Local Policy HO8 Residential Annexes

161. Local Policy HO8 sets out development management criteria for the consideration of planning applications for residential annexes. The Policy as submitted would not be effective in respect of the provisions relating to ownership and is not consistent with national policy for the Green Belt, or planning obligations as set out in the NPPF. The Policy should be amended accordingly, so that it would be effective and consistent with national policy (**MM11**).

Local Policy EC3 Canvey Seafront Entertainment Area

162. Policy EC3 is concerned with the seafront area on Canvey Island which is a significant tourist attraction in the Borough. The Policy should be amended so that it is consistent with the Use Classes Order and include provisions for a project level HRA, for consistency with national policy, and to reflect the findings of the plan level HRA (**MM39**).

Local Policy EC4 Canvey Port Facilities

163. The ports on Canvey Island receive hazardous materials in the form of Liquid Petroleum Gas and BioLPG (Calor) and oil derived products, including aviation fuel. These port sites are designated as Control of Major Accident Hazards (COMAH) sites. I have no reason to dispute that these facilities are nationally significant and have an important role in securing national energy supplies. The current Health and Safety Executive (HSE) consultation zones show the potential scale and extent of any risk posed by the installations at present to the area. Parts of the residential area including areas of housing and the Thorney Bay Caravan Park fall within a HSE outer consultation zone.
164. Local Policy EC4 sets out to promote public safety in respect of hazardous materials handled at the port consistent with the NPPF in terms of safe places and public safety. The Policy also seeks to ensure that the level of hazard posed by the activities there does not unacceptably increase to local people. In doing so regard has been had to the prevention of major accidents and limiting their consequences, and whether additional measures for existing establishments are required so that risks to people in the area are not increased, as per the PPG.
165. The Policy seeks to make provision, where possible, to reduce risk in the future to local people, for example, where the nature of materials handled at the sites changes in the longer term, as may result from decarbonizing the economy. It does this by setting out that a change of hazardous materials handled should be in the national interest, and that there must be no unacceptable change in the level of hazard or risk. Such a scheme of national importance would fall within the Nationally Significant Infrastructure Projects consenting regime and be determined against the relevant National Policy Statements, rather than fall to the Council to determine against the provisions of this Plan. However, given the proximity of the facilities to the built-up area and the risk posed, I consider the national interest provision to be justified to promote public safety for local residents through the use of the land in the long term. I find no conflict with the NPPF in this regard.
166. Local Policy EC4 should be amended so that it is consistent with national policy in paragraph 188 of the NPPF to make it concerned with whether proposed development is an acceptable use of land, rather than the control of processes or emissions which are subject

to separate pollution control regimes. The Policy should also be amended to include provisions relating to the 'agent of change' principle as per paragraph 187 of the NPPF to be consistent with national policy. I have amended the proposed MM so that it correctly refers to Nationally Significant Infrastructure Projects.

167. For effectiveness, the Policy should be amended so that it is clear how proposals for development at the port relating to existing and new activities should be assessed. The Policy should include provision for a project level HRA consistent with national policy and to reflect the findings of the plan level HRA, and to be consistent with national policy in respect of flood risk. The references to the Nationally Significant Infrastructure Projects procedures should also be clarified. These changes to the Policy and text are set out in **(MM40)**.

Strategic Policy TC1 Town Centre Strategy, Local Policy TC3 Local Shopping Parades, Local Policy TC4 Out of Centre Retail Parks and Local Policy TC5 South Benfleet Leisure Quarter

168. The Borough experiences obesity levels appreciably higher than those nationally. To enable and support healthy lifestyles consistent with paragraph 92 of the NPPF, Policies TC1, TC3, TC4 and TC5 and the text should be amended to require health impact assessments for proposals for development involving the sale of foodstuffs. Also, to be effective and consistent with national policy, the Policies should be amended to reflect the recent changes to the Use Classes Order **(MM41, MM43, MM44, MM45)**.

Local Policy TC2 Canvey Town Centre and Hadleigh Town Centre Regeneration

169. To be effective, the reference to the Hadleigh Town Centre Master Plan should be deleted from part 3 of Policy TC2 **(MM42)**.

Strategic Policy TC6 Fast Food Outlets

170. Strategic Policy TC6 seeks to manage the provision of fast-food outlets within town centres and shopping parades. Having regard to the Council's Retail and Leisure Study (ER-008) and Shopping Frontages Assessment (ER-011), the thresholds set out in the Policy are justified and necessary to ensure the vitality of these centres. Whilst it is acknowledged that there is evidence that obesity levels in Castle Point are higher than the national average, there is not the Castle Point specific evidence to justify the exclusion of new hot

food takeaways within 400 metres of new and existing schools, colleges and youth centres outside of town centres. Accordingly, that requirement should be deleted. The Policy should however be amended to require Health Impact Assessments in respect of proposals for fast food outlets to enable and support healthy lifestyles consistent with paragraph 92 of the NPPF. These changes to the Policy and text are set out in **(MM46)**.

Strategic Policy HS1 Strategy for Healthy Communities

171. To ensure that the Policy is effective, it should be amended to refer to access to the coast which is a key amenity resource in the Borough. The Policy should be amended so that development has regard to Sport England's Active Design Principles, rather than incorporate them. To make the Policy effective, criterion dii should refer to Policy NE7. Whilst I find that the thresholds for Health Impact Assessments set out in the submitted Plan are sound, to be effective, the requirements for Health Impact Assessments should be extended to all development for the sale of foodstuffs, consistent with the Town Centre Policies. These changes to the Policy and text are set out in **(MM47)**.

Strategic Policy HS2 Opportunities for Indoor Leisure and Sport

172. To be effective, the Policy and text should be amended to clarify the community sports hall provision requirements, where community use agreements would be sought, and how provision for indoor leisure and sport would be secured **(MM48)**.

Strategic Policy HS3 Opportunities for Outdoor Recreation

173. To be effective, Policy HS3 should be altered to refer to the Council's Playing Pitch Assessment and Strategy which establishes the need for outdoor recreation facilities, to clarify the requirements for new and improved ancillary features, to ensure that residential amenity is considered in new development and to clarify the HRA requirements to safeguard Habitats sites **(MM49)**.

Strategic Policy HS4 Education, Skills and Learning

174. The Policy and text should be amended to ensure that it would be effective and clear in the provision of new or enhanced education facilities by clarifying when additional facilities would be sought **(MM50)**.

Strategic Policy HS5 Health and Social Care Provision

175. The Policy and text should be amended to ensure that it would be effective and clear in the provision of health and social care and the use of planning obligations (**MM51**).

Strategic Policy HS6 Community Facilities

176. The Policy and text should be amended to make it effective by making clear that the existing community facilities are illustrated on the Policies Map, referring to the requirements for planning obligations under Policy SD2, and to require project level HRA as appropriate to safeguard Habitats sites (**MM52**). For effectiveness, the Plan should be altered to include a schedule of the community facilities designated under the Policy. The Canvey Island Rugby Football Club was omitted from the schedule published for consultation in the MM consultation. I have amended the schedule to include the Rugby Club (**MM88**). The Policies Map should also be amended in this regard.

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

177. To be effective, Policy HS7 should be amended to make it clear that a reduction in open space should not have an unacceptable effect on the character of the area, and to require project level HRA as appropriate to safeguard Habitats sites. The Policy should also be altered so that the provisions relating to the development of open space, allotment garden or playing fields are consistent with national policy as set out in the NPPF. The text should be amended to refer to the Castle Point Playing Pitch Assessment and Strategy (2018) to be effective. These changes are set out in **MM53**. The schedule of open spaces set out in Appendix 3 should be amended to delete Runneymede Paddocks as its inclusion is not justified (**MM83**).

Strategic Policy TP1 Transport Strategy

178. Policy TP1 sets the overall transport strategy for the area. To be effective, it should be amended to require project level HRA as appropriate to safeguard Habitats sites (**MM54**).

Local Policy TP2 Improvements and alterations to Carriageway Infrastructure

179. The submitted Plan, in Local Policy TP2, identifies a number of transport schemes. Some of these would be delivered within the Plan period and are associated with development proposed in the Plan, whilst a number of others would be safeguarded. In addition, the text refers to other transport schemes which are not subject to Policy TP2.
180. I have read and heard much about the existing transportation issues facing the residents of Castle Point. This includes traffic congestion, the nature of the main road routes and the limited number of routes between Canvey Island and the Mainland, the limited provision of sustainable alternatives to the use of the private car, and the presence of two top tier COMAH sites at ports of national importance to fuel supply.
181. I am satisfied that given the technical evidence, the level of growth proposed in the Plan is such that any significant impacts which would arise from it on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. There is no convincing evidence to the contrary.
182. Some representors have argued for a higher level of provision of new housing through the Plan. However, it has not been demonstrated that a significantly higher level of growth can be accommodated within the plan period without causing significant impacts on safety and efficiency of the transport network, which could be successfully mitigated.
183. The submitted Plan is not clear in the way in which it addresses strategic highway improvements, containing both improvements necessary to support the growth proposed in the Plan, and a number of schemes, which whilst not actually proposed in the Plan, are included as long-term aspirations. The approach taken in the Plan to this matter is confused, unclear, is not justified, and would not be effective, as discussed below.

The Extension to Roscommon Way (Phase 3).

184. A route for this road scheme is shown on the submitted Policies Map and the Plan proposes to safeguard this through Local Policy TP2.

This scheme is not critical in developing infrastructure to widen transport choice or to realise opportunities for large scale development, and there is not robust evidence for the proposed route to be safeguarded in the Plan. Furthermore, I am not convinced by the evidence that the scheme as outlined would be achievable, especially given the existing land uses along the route. The scheme should be deleted from the Policy and a route for the scheme should not be included on the Policies Map.

185. To be effective, Policy TP2 and the text should be amended to relate to those schemes necessary to support growth during the plan period, set out how these would be secured and to require project level HRA as appropriate to safeguard Habitats sites (**MM55**).

New Access for Canvey Island

186. Table 14.1 of the Plan includes a scheme for a new access to Canvey Island, crossing Holehaven Creek to the Mainland. However, this scheme is not a proposal in this Plan and no safeguarding provisions are proposed. Consequently, it was not subject to SA or HRA. The inclusion of the scheme in the Plan in this way is not clear and has created some confusion and concern about its status. Although the scheme is listed in the Plan it is not proposed as a policy and I have not assessed its merits.
187. The Council has been having discussions with some DtC Bodies about new or improved access to Canvey Island for a number of years. There is also an agreement with ECC to undertake a Canvey Study to assess potential access arrangements and improvements to access for Canvey Island.
188. To make the Plan effective in respect of transport matters relating to Canvey Island, a new Strategic Policy concerned with achieving new and improved access to Canvey Island should be included in the Plan, to set out that the Council will undertake a feasibility study to identify options for improving access to and from, and within Canvey Island, in collaboration with DtC bodies. The results of that study would inform the future review of the Plan. The Policy should also set out the requirement for an assessment under the Habitats Regulations. These changes to Policy and the text of the Plan are set out in **MM56**. Following the MM consultation, I have amended criterion 4 of new Strategic Policy TP3 by deleting some wording so that it is consistent with the Habitats Regulations and to be effective. This matter was discussed at the hearings and reflects

the approach set out in Strategic Policy SD1. Consequential renumbering of Policies in the TP series resulting from this new Policy is necessary (**MM57** to **MM62**).

Local Policy TP3 Improvements to Footpaths, Bridleways and Cycling Infrastructure

189. To make the Policy effective, it and the text should be amended so that it relates to active travel infrastructure, clarifies that all routes should be attractive and well-designed consistent with the NPPF, clarifies cycling infrastructure requirements and require as project level HRA as appropriate to safeguard Habitats sites (**MM57**).

Strategic Policy TP4 Improvements to Public Transport Infrastructure and Services

190. To be effective, the Policy should be amended to confirm how schemes would be funded and to include a criterion regarding necessary improvements to Benfleet Railway Station (**MM58**).

Strategic Policy TP5 Highway Impact

191. The Policy and text should be amended so that the requirements relating to transport assessments and highway and junction capacity are consistent with national policy as set out in the NPPF, and to clarify how schemes would be funded, to be effective (**MM59**).

Strategic Policy TP6 Safe and Sustainable Access

192. To be effective in improving sustainable transport options, the Policy and text should be amended so that access to public transport should be provided within 400 metres of a site, equivalent to a five-minute walk, and encourage non-car modes of travel (**MM60**).

Strategic Policy TP7 Parking Provision

193. To be effective, the Policy should be amended to clarify how the need for parking provision would be assessed (**MM61**).

Strategic Policy CM1 Communications Infrastructure Strategy

194. Part 2 of the Policy as submitted is concerned with the provision of telecommunications infrastructure in new development. These matters are dealt with by the Building Regulations and should be deleted (**MM63**).

Green Belt Policies

195. A number of policies relating to the Green Belt are included in the submitted Plan. Strategic Policy GB1 Green Belt Strategy and the reasoned justification should be amended to remove duplication with national policy as set out in the NPPF and for it to be effective (**MM67**). Strategic Policies GB2 New Development in the Green Belt, GB3 Extensions and alterations to, and Replacements of Buildings in the Green Belt, GB5 Change of Use of Buildings and Land in the Green Belt and GB8 Enclosure and Boundary Treatment in the Green Belt and Local Policy GB6 Ancillary Buildings and Structures in the Green Belt, and the reasoned justification should be amended and combined as Strategic Policy GB2 Development in the Green Belt, so as to avoid unnecessary duplication, address inconsistency with national policy, and to make them effective (**MM68**). The NPPF in paragraph 142 includes that plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. This is achieved through specific policy requirements on a number of the proposed allocations, and through Strategic Policy GB3 Positive Uses in the Green Belt (as amended).
196. Local Policy GB4 Limited Infill and Self-Build – Special Policy Areas, would not be effective, as whilst the Policy would support new dwellings within the defined areas of the Green Belt, the submitted policy as worded is inconsistent with the NPPF, and given the character and pattern of development within the identified areas, in many cases, proposals for new buildings within these areas are likely to constitute inappropriate development as they would fall outwith the exceptions defined in paragraphs 149 and 150 of the NPPF. Local Policy GB4 should be deleted (**MM69**).
197. Strategic Policy GB7 Positive uses in the Green Belt is not clearly written and unambiguous so it is evident how a decision maker should react to development proposals, and it should be amended to make it effective and renumbered as a consequential change (**MM70**).

Strategic Policy DS1 General Design Principles

198. The Policy should be amended so that it is clear that part 1 of the Policy relates to the urban area, rather than the Green Belt, where the specific Green Belt policies apply, so that it is effective. The

Policy should also be amended so that it is consistent with national policy as set out in the NPPF in respect of beautiful and sustainable design, for effectiveness refers to the Essex Design Guide, and includes criteria on flood resilience and drainage and adjoining land uses. These changes and changes to the text are set out in **MM64**.

Strategic Policy DS2 Landscaping

199. To be effective and to be consistent with the NPPF, the Policy should be amended so that the requirements for the provision of trees and tree lined streets are clear. A criterion should be added in regard to tackling climate change so it is consistent with national policy as set out in the NPPF (**MM65**).

Strategic Policy DS3 Advertisements

200. To make the Policy effective, the policy requirements should be amended to make them clear, and to remove repetition between parts of the Policy (as set out in **MM66**).

Local Policy CC2 Tidal Flood Risk Management

201. Canvey Island falls within Flood Zone 3 and is protected from tidal inundation by sea defences. There is a very small probability that these defences may be breached or over topped. Whilst this probability is very small, it is however necessary for the Policy to be amended to ensure that safe refuge areas should be provided in development of self-contained residential accommodation at ground level, and that buildings are hydrostatically and hydrodynamically resistant to prevent damage to their structure to enable them to be brought back quickly into use after a flood event. These changes are necessary so that the Policy would be effective and consistent with the NPPF. The Policy should also be amended to include the need for the exceptions test to be passed where appropriate for consistency with national policy. These changes are set out in **MM71**.
202. The Thames Estuary 2100 Plan (CC-004) recognises the need to maintain and enhance the sea defences over the next 50 years to deal with the effects of climate change. To be effective, the Policy and text should be amended so that the requirements for land to be safeguarded for these purposes is clear, and to set out that specific land requirements would be determined on a case-by-case basis.

203. There was some discussion at the hearing about the identification of a safeguarded area in relation to the maintenance and improvement of the sea defences, and the size of that in relation to the separate requirements for Flood Risk Activity Permits. It is appropriate and justified to identify the 19 metre deep zone for this purpose, provided that the Policy is clear and sufficiently flexible that the actual requirements for land to access the sea defences for works would be determined through the development management process. To be effective, the text should explain the relationship between the Town and Country Planning and the Environmental Permitting requirements relating to works near sea defences (**MM71**).

Strategic Policy CC3 Non-Tidal Flood Risk Management

204. To be effective, Policy CC3 and the text should be amended to be clear that it relates to areas at risk of flooding in 1 in 100 year events and to clarify access requirements for maintenance in respect of main rivers and surface water drainage requirements. The sequential and exceptions test requirements should also be altered to be consistent with national policy as expressed in the NPPF (**MM72**).

Strategic Policy CC4 Sustainable Buildings

205. Policy CC4 includes that all new development should achieve high levels of water efficiency. At the hearing, the Council argued for the application of the optional water efficiency requirement set out in part G2 and Regulation 36(2)(b) of the Building Regulations, which is currently 110litres/person/day. The findings of the South Essex Water Cycle Study (CCC-003) highlight the need to achieve water efficiency and therefore reduce demand, to address a predicted future deficit in water supply. Whilst the study was prepared some time ago, there is no alternative evidence before me.
206. Although the application of the higher Optional Technical Housing Standard for water consumption would have a modest cost implication for developers, I am satisfied that it would not have a significant effect upon viability, given the low cost per home to achieve the standard. Therefore, the application of the higher Optional Technical Housing Standard for water consumption is justified. Policy CC4 should be amended so that it is consistent with national policy as expressed in the NPPF in respect of impacts on climate change, efficiency requirements and materials, and to be

effective, duplicated text within the Policy should be deleted. These changes are set out in **MM73**.

Strategic Policy NE1 Green Infrastructure and the Undeveloped Coast

207. To be effective, Policy NE1 and its supporting text should refer to blue infrastructure in addition to green, given that blue infrastructure is a fundamental part of the natural environment in Castle Point. To be consistent with national policy in the NPPF, the requirement for biodiversity net gain should be amended. In addition, the Policy should be amended to require a project level HRA to safeguard Habitats sites as per the findings of the HRA and to be effective (**MM74**).

Local Policy NE2 Protection of Historic Natural Landscape

208. For effectiveness, the Policy should be amended so that it is clear as to how it would be applied in the development management process in protecting and enhancing landscapes, and to ensure that the levels of protection afforded to heritage assets are consistent with national policy (**MM75**).

Local Policy NE3 The South Canvey Green Lung

209. The submitted Plan includes the 'South Canvey Green Lung', which Local Policy NE3 seeks to protect from development, and supports the creation of new habitats. The designation seeks to maintain separation between the existing Oil and Gas storage facilities and residential areas, and maintain the openness of the area and its landscape value, and identifies the area as a wildlife corridor.

210. I do not find that the designation is justified on landscape grounds. However, the area subject to Local Wildlife and Potential Local Wildlife Sites designations provides a wildlife corridor in South Canvey. As such, I am satisfied that the designation of the land as a wildlife corridor is justified and the Policy should be amended accordingly (**MM76**).

Local Policy NE4 Local Wildlife Sites

211. The submitted Plan identifies a number of proposed extensions to the existing designated Local Wildlife Sites. However, there is not robust evidence to justify the proposed sites/extensions to sites at Poors Lane, Kents Hill Wood, Coombe Wood and Brickhouse Farm.

The evidence however is sufficient to warrant the identification of these areas as Potential Local Wildlife Sites to be considered for designation at a later date, when more robust evidence may be available. The text should be amended accordingly (**MM77**). If Potential Local Wildlife Sites were to be considered suitable for designation in due course, they could be incorporated into the development plan through a review of this Plan. The Council has proposed the changes to the Policies Map which should be made on adoption of the Plan. The Policies Map changes consultation has revealed inaccuracies in respect of the boundary of the designated Brickhouse Farm LoWS which should be corrected by the Council on adoption of the Plan.

212. Policy NE4 should be amended so that it is consistent with the NPPF in respect of net gains in biodiversity. To be effective it should also be amended so that it is clear in respect of avoidance of harm to sites, mitigation and compensation requirements (**MM77**). The tables of Local Wildlife Sites and Potential Local Wildlife Sites in Appendix 4 should be altered as a consequence of MM77. This is set out in **MM84**.

Strategic Policy NE5 Ecologically Sensitive and Designated Sites

213. To be effective and consistent with national policy, the Policy and text should be amended to distinguish between the hierarchy of international, national and locally designated sites and afford the appropriate protection, and to provide for a measurable net gain in biodiversity (**MM78**).

Strategic Policy NE7 Pollution Control

214. To be consistent with national policy as expressed in the NPPF, the Policy should be amended to ensure that new development can be integrated effectively with existing businesses and community facilities as per the agent of change principle. The criterion regarding the use of S106 agreements should be altered so that it is consistent with the tests for planning obligations set out in paragraph 57 of the NPPF. To be effective in controlling pollution, the Policy should be amended to require major development proposals to be accompanied by a Construction Environment Management Plan and the text amended to refer to the Canvey Island Six Point Plan and the role of drainage provision in pollution control (**MM79**).

Local Policy NE10 Ensuring Capacity at Water Recycling Centres

215. To make the Policy effective, it and the text should be amended to include a requirement that new development should demonstrate that adequate foul water treatment and drainage already exists or can be provided to serve development, and to require a project level HRA to safeguard Habitats sites as per the recommendations of the HRA (**MM80**).

Strategic Policy HE1 Conserving and Enhancing the Historic Environment

216. The Policy as submitted is inconsistent with national policy for conserving and enhancing the historic environment as set out in the NPPF. The Policy and text should be amended so that they are consistent with national policy and effective through reference to both designated and non-designated heritage assets, and by addressing the significance of heritage assets and their settings. These changes are set out in **MM81**. To be effective, the schedule of listed buildings should also be updated in Appendix 5 to include buildings recently added to the statutory list (**MM85**).

Consequential changes

217. As a consequence of the MMs recommended to the Plan, a number of alterations are necessary to the Monitoring Framework as set out in **MM82**. The Glossary in Appendix 6 should be altered as a consequence of recommended MMs (**MM86**).

Conclusion

218. Subject to the MMs described above, the development management policies in the Plan are effective, justified and consistent with national policy.

Overall Conclusion and Recommendation

219. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

220. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude

that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the New Castle Point Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Philip Lewis

Inspector

This report is accompanied by an Appendix containing the Main Modifications.