

# Castle Point Borough Council Local Development Scheme (LDS) January 2024

## 1 Introduction

1.1 On 30th November 2022, the Council approved for the preparation of a new local plan for the Borough – the “Castle Point Plan”.

1.2 The Local Development Scheme (LDS) is the Council’s project plan and timetable for preparing the Castle Point Plan (a new Local Plan) and supplementary planning documents (SPD). The new plan will replace the Local Plan Saved Policies 1998.

1.3 The approval and publication of an LDS is a requirement of the Planning and Compulsory Purchase Act 2004. It is that Act under which the new Castle Point Plan will be prepared. Therefore, this LDS will fulfil the statutory requirements of that act, as set out in Section 15, namely:

- (a) the local development documents which are to be development plan documents;*
- (b) the subject matter and geographical area to which each development plan document is to relate;*
- (c) [deleted]*
- (d) which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;*
- (e) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;*
- (f) the timetable for the preparation and revision of the development plan documents;*
- (g) such other matters as are prescribed.’*

1.4 This version replaces the November 2022 version of the LDS.

1.5 In response to the requirements in Section 15 the proposals are:

<b>S15 Requirement</b>	<b>Proposal</b>	<b>Progress</b>
<i>‘the local development documents which are to be development plan documents’</i>	The Castle Point Plan	Underway with submission in April 2025 and target adoption in 2026.
	Essex Minerals Plan	Note: that this is prepared by Essex County Council in

		collaboration with partners, and will be subject to a LDS produced by Essex County Council the timetable for the preparation and revision of the development plan documents.
	Essex and Southend on Sea Waste Local Plan	Note: that this is prepared by Essex County Council in collaboration with partners, and will be subject to a LDS produced by Essex County Council the timetable for the preparation and revision of the development plan documents
the subject matter and geographical area to which each development plan document is to relate	<p>The development plan relates to the whole of Castle Point Borough</p> <p>The Castle Point Plan will set out:</p> <ul style="list-style-type: none"> <li>• The quantum and spatial strategy to meet local housing, employment, infrastructure and community needs.</li> <li>• Policies to management development</li> <li>• Policies that identify areas where development will be restricted</li> </ul>	Underway with submission in April 2025 and target adoption in 2026.
which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities	At the present time, none	N/A
any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29	At the present time, none	N/A
the timetable for the preparation and revision of the development plan documents		

## **2 The scope of the Local Development Scheme**

2.1 The Local Development Scheme has two principal purposes:

- To inform the public and stakeholders about the Castle Point Plan and Supplementary Planning Documents for Castle Point Borough Council; and
- To set out a suitable timetable to prepare or review these documents.

2.2 Appendix 1 sets out information relating to the Supplementary Planning Documents being prepared by the Council. Appendix 2 sets out a risk assessment for the preparation of the documents.

## **3 Duty to Cooperate and Collaboration**

3.1 As the Castle Point Plan is being prepared under the 2004 Act the requirement for Duty to Cooperate remains.

3.2 The Council has been co-operating with neighbours and statutory bodies to maintain a robust evidence base to support local decision making.

3.3 South Essex authorities have been working together on evidence towards a framework for growth on the sub-region. That evidence is jointly commissioned and can be used for to support the preparation of local plans, although Council's can opt out and produce their own evidence.

3.4 By working with the South Essex Councils work, the Council has a forum for the discussion of strategic matters which affect the borough, such as transport, the impact of growth and economic development. It is also a forum for the consideration of issues that arise as new local plans are prepared.

3.5 On an Essex wide level the Essex Planning Officers Association (EPOA) has been working across Essex to develop shared evidence base work such as around parking requirements and the accommodation needs of Gypsies and Travellers. These documents will be a consideration in the preparation of the Castle Point Plan.

3.6 A key project delivered through the EPOA is the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS) to help prevent disturbance to protected species along the Essex coastline. This project has delivered a Supplementary Planning Document (SPD) (approved 2020) that is now being delivered through a shared resource. The Castle Point Plan will need to integrate this joint working approach.

3.7 Essex County Council (ECC) is a key partner and is responsible for the delivery of many elements of infrastructure and key community services in Castle Point. ECC are

aligning their work to localities, to ensure that what they are delivering responds to local needs. The opportunity will be taken to work with ECC to align the Castle Point Plan with ECC's Locality Plan for Castle Point, to ensure that deliverable outcomes arise.

- 3.8 Castle Point Borough Council has a wide range of partners in the public and third sectors who each have a role to play in delivering infrastructure and services in Castle Point.
- 3.9 These partners will have an important role to play in developing the Castle Point Plan through shaping policy and delivering its proposals. These organisations include the Environment Agency, Homes England and the RSPB, and are all Members of the Castle Point Place Partnership. The Place Partnership will have a critical role to play in the development and delivery of the Castle Point Plan.
- 3.10 The Council will also work through topic specific forums and groups, such as the Flood Resilience Forum, to ensure a joint approach to infrastructure planning.
- 3.11 the Council will engage with partners at all stages of the plan making process. If local needs cannot be met within the Borough the Council will request whether nearby Councils will be able to accommodate unmet need and seek to find a solution. In addition, the Council will respond to request to cooperate from nearby Councils.

## **4 Minerals and Waste Planning**

- 4.1 Essex County Council is the Minerals and Waste Planning Authority for Castle Point Borough. The Essex Minerals Plan was adopted by the County Council in 2014. The Waste Local Plan was adopted in July 2017. These documents constitute part of the Development Plan for the Borough.
- 4.2 The Minerals Plan is in the process of being reviewed.
- 4.3 Further information on the Essex Minerals Plan and the Waste Local Plan can be found by visiting the Essex County Council website: <https://www.essex.gov.uk/planning-land-and-recycling/planning-and-development/minerals-and-waste-planning-policy/minerals-1>

## **5 Monitoring and Review**

- 5.1 The Castle Point Plan making process is designed by legislation to be a continuous process of preparation, monitoring and review. Since 2004, the monitoring and review elements of the process have been undertaken through the Authority Monitoring

Report (AMR). LPAs (Local Planning Authorities) are required to report at least annually on their planning activities, including monitoring the delivery of development and the effectiveness of local policies. AMRs can trigger the need for a full or partial review of the Local Plan should delivery performance or outcomes vary from what is planned and anticipated.

## **6 Evidence Base**

- 6.1 The Council will collect, analyse, and publish the evidence it is using to prepare the Castle Point Plan. This evidence may be prepared either individually for Castle Point or with other local planning authorities or partners. See Section 7 below.
- 6.2 A library of evidence base material will be maintained on the Council's website for local residents and other stakeholders to view:

<https://www.castlepoint.gov.uk/castlepointplan/evidence>

## **7 Castle Point Plan**

- 7.1 The Castle Point Plan will set out the framework and policies for place-making in Castle Point, ensuring that the needs of each of the four settlements of Canvey Island, Hadleigh, South Benfleet and Thundersley are addressed whilst protecting what is special about the character of those places.
- 7.2 It will be underpinned by thematic strategies which deliver both the spatial requirements of the plan, and those non-spatial measures which will also be necessary to help the borough's communities and places to thrive.
- 7.3 The plan will set out a vision and strategy to 2050. However, it will be adaptive to deal with the inevitable changes that will occur over a 25-year period. This means that it will include a monitoring framework so that both the Council and the community and other stakeholders will know when it is time to review the plan and the proposals within it.
- 7.4 The Castle Point Plan will be developed over the period to 2025 in conjunction with the community, with local businesses, with delivery partners and with other stakeholders. Engagement forms a significant component of the programme. When the Council is not asking people their views, it is intended that the engagement will continue through the Council providing feedback on what it is doing in response to the issues that have been raised.
- 7.5 The Castle Point Plan will be a widely accessible document with an associated web resource. It is also the Council's intention to develop its evidence in a way which is accessible and capable of interrogation by people from all walks of life, so that as many

people as possible can engage in the development of the local plan and the debate around options that arise.

7.6 Progress to date is set out below:

Item	Progress	Next Steps
Review of existing evidence (including Stage One Green Belt Assessment) and data to test compliance with tests of soundness and relevance	COMPLETE	Will be used to support the plan. If required updates and Topic papers will be prepared
Stage One engagement with the local community and businesses to identify key issues	COMPLETE	Helps inform the issues and options
Engagement Through Art	UNDERWAY and will be ongoing to Regulation 19	Supports engagement and some artwork will be used to illustrate the plan to support community ownership
Local Housing Needs assessment, including interviews with local residents	COMPLETE	Evidence
Urban Capacity Assessment, including the use of AI to identify and assess an additional 375 sites in the urban area – Stage One  Stage Two – site capacity assessments and working with landowners on deliverability	COMPLETE  UNDERWAY to be completed in March 2024	Essential evidence to test the urban capacity in the borough and used for options
Call for Sites	UNDERWAY to be completed in March 2024	Options
Playing Pitch and Sports Facilities Strategy review	COMPLETE	Evidence
Local Cycling and Walking Improvement Plan	UNDERWAY to be completed in March 2024	Evidence and action plan
Open Space Assessment	COMPLETE	Evidence
Economic Development Strategy	UNDERWAY to be completed April 2024	Evidence
Local Wildlife Site review	UNDERWAY to be completed April 2024	Evidence

Item	Progress	Next Steps
Strategic Flood Risk Assessment Part One	UNDERWAY to be completed May 2024	Evidence and baseline for the Part Two assessment based on the spatial strategy
Design Codes, including for a conservation area	UNDERWAY to be completed by Summer 2024	Part of plans policies
Gypsy and Travellers Accommodation Assessment	UNDERWAY to be completed March 2024	Evidence
Transport Assessment	UNDERWAY to be completed by June 2024	Evidence

7.7 In addition, we are working with Essex County Council (ECC) on net zero housing development and testing options for Biodiversity Net Gain. ECC has also completed a Climate Action Plan and an Economic Sector Growth Strategy which will also feed into the plan.

7.8 Working with partners across South Essex, there is a completed Strategic Housing Market Assessment, a Green and Blue Infrastructure Study and Strategy, Economic Development Needs Assessment and an Employment Land Availability Study.

7.9 The Infrastructure Delivery Plan will use the sound model and baseline of the Plan used for our CIL, which we adopted in 2023.

7.10 The viability appraisals will be commissioned when we have developed the options for the spatial strategy. These will also use the sound appraisals as a baseline used for CIL.

7.11 The integrated impact assessment will be procured by March 2024.

7.12 The Habitats Regulations Assessment can only be commissioned later when the spatial strategy emerges and that will complete the evidence for the plan.

## 8 Revised Timetable

8.1 The Secretary of State wrote to the Council in December 2023 requesting that the Council review its LDS and to assess whether the plan could be submitted earlier than June 2025, which is the deadline for plans to be submitted under the 2004 Act.

8.2 The new timetable for preparing the Castle Point Plan is set out below. The Council is in control of the process up until submission. Beyond that point, the timescales are estimated as the Planning Inspectorate are in control of the examination process.

<b>Stage</b>	<b>Time Period</b>	<b>Engagement Activity</b>	<b>Progress</b>
<b>Issues Identification</b>	January 2023 – August 2023	4 - 6 months engagement on issues with partners, the community, local businesses and other stakeholders.	COMPLETE
<b>Options Development</b>	September 2023 – June 2024	Feedback on how the Council is addressing the issues raised. Some informal engagement may occur.	Underway including evidence documents
<b>Developing The Plan (Formal regulation 18)</b>	June 2024 – December 2024	8 weeks Options Engagement with partners, the community, local businesses and other stakeholders in Summer 2024.  This will be followed by a period when the submission plan will be drafted.	
<b>Publication (Formal Regulation 19)</b>	January 2025 – March 2025	6 weeks formal consultation with partners, the community, local businesses and other stakeholders.  During this period the suite of submission documents will be assembled ready for submission and a statement of community development will be prepared	
<b>Submission</b>	April 2025		



Stage	Time Period	Engagement Activity	Progress
<b>Examination</b>	June 2025 – December 2025	Those who have made formal comments at the Publication Stage may be invited by the Inspector to participate in the Examination.	
<b>Adoption</b>	March 2026	Dependent on the Examination	

## 9 Statutory and Non-Statutory Assessments

### *Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)*

- 9.1 Section 19 of the Planning and Compulsory Purchase Act 2004 requires Councils to carry out a 'sustainability appraisal' of the proposals in a Local Plan during its preparation. Many of the requirements for sustainability appraisal are similar to the requirements set out in the Environmental Assessment of Plans and Programmes Regulations 2004, which require an assessment of the plan on the environment. Assessments carried out under these regulations are known as Strategic Environmental Assessment and are normally incorporated within the wider Sustainability Appraisal process and reporting.

### *Habitat Regulation Assessment (HRA)*

- 9.2 A Habitat Regulation Assessment is required in accordance with the Habitats Regulations 2017. This requires the Local Planning Authority to undertake an assessment of the policies and proposals set out within its Local Plan on sites of International and European importance in terms of nature conservation i.e. Ramsar sites; Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

### *Equality Impact Assessment*

- 9.3 The Equality Act 2010 provides a statutory duty on the Council to have "due regard", as part of any decision-making process and before reaching a decision, to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act.
- 9.4 To this end, development plan documents that affect how people access services will be subject to an Equality Impact Assessment.
- 9.5 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation.

### *Viability Assessment*

- 9.5 The NPPF expects local planning authorities to consider the viability impact of policy requirements on the delivery of development when preparing local planning policies.
- 9.5 As part of the evidence base, it is expected that a Viability Assessment will be prepared testing the impacts of various policy options such as affordable housing provision and any developer contribution requirements on the viability of development proposals. This will be used to ensure that economic viability has been considered when the Castle Point Plan.

## **10 Infrastructure Delivery Plan**

- 10.1 The Council will produce an infrastructure delivery plan (IDP) alongside the new plan. This will set out in the infrastructure requirements for the Borough, based on the level of growth proposed and its spatial distribution, and other infrastructure requirements (identified by the collaboration with partners). It will set out the proposed costs, mechanism for delivery and timetable.

## **11 Statement of Community Involvement**

- 11.1 Section 17 (1) (b) of the Planning and Compulsory Purchase Act 2004 stipulates that the Local Planning Authority's Statement of Community Involvement (SCI) must be specified in the Local Development Scheme. The SCI sets out how and when anyone with an interest in planning in the Borough can have their say on:
- Applications for planning permission for development
  - Planning appeals (where permission is refused by the Council, but an applicant appeals to the Secretary of State
  - Planning enforcement; and
  - Local Plans.
- 11.2 The latest Castle Point Borough Council's SCI was adopted in November 2020.

## Appendix 1 – Supplementary Planning Documents (SPDs)

Detailed guidance on policy matters is normally set out in supplementary planning documents (SPDs) if there is a clear link to policies in an approved development plan document. The requirement for additional guidance on a topic determines the need for such documents to be prepared.

There are currently five SPDs adopted in Castle Point. Due to the passage of time, updates that have occurred to national policy, and because of the new policy requirements of the emerging Local Plan these will need updating. The table below details the existing SPDs:

SPD	Action	Notes
Developer Contributions Guidance (2023)	No change	Major review and update adopted in March 2023
Residential Design Guidance (2013)	Replace	The LURA introduces a requirement for a design code to be prepared. Work is underway to prepare a design code which will inform density decisions in the Castle Point Plan and sit alongside the Castle Point Plan replacing the current residential design guidance but incorporating any parts still relevant and useful.
Essex Design Guide Urban Place Supplement (2008)	Revoke	
Essex Vehicle Parking Standards (2010)	Revoke	The NPPF establishes that parking standards should be set in policy. Work is underway on a review of the Essex Parking Standards which can be incorporated into the Castle Point Plan.
Canvey Town Centre Masterplan (2012)	Update	An updated masterplan is needed to stimulate regeneration in Canvey Town Centre.
Essex Coast Recreational disturbance and Avoidance Strategy (RAMS) SPD	No change	To mitigate the impacts of housing growth on recreational disturbance at Habitat Sites, ensuring that there is no unmitigated harm arising from development in Castle Point at these sites.

In support of the Castle Point Plan it is anticipated that the following additional Supplementary Planning Documents may be required:

<b>SPD</b>	<b>Reason for Requirement</b>
Green Infrastructure Strategy and SPD	To deliver green infrastructure enhancements and biodiversity net gain across Castle Point in a coordinated way that delivers wider benefits to residents and the natural environment.
Masterplans to promote regeneration	Whilst not essential in all cases, where regeneration may be delivered over an extended period, a masterplan may benefit from adoption as an SPD to ensure consistency in decision making.

## Appendix 2 – Risk Management

The key risks to the successful production of the local plan documents are:

Threat	Level of risk	Comment and proposed mitigation	Managed risk
Significant public opposition to the Castle Point Plan	High	<p>The Castle Point Plan will deal with how the four towns in Castle Point will change over the period to 2050. Not everyone is comfortable with change, especially as the Council will need to tackle contentious issues such as housing need and economic growth as the plan is developed. There is therefore the potential for significant public opposition which could cause the plan to falter.</p> <p>Logistically this could also cause a higher volume of work in the processing and analysis of representations than accounted for in the LDS timetable, which could set it back.</p> <p>To help reduce this risk, early and ongoing public engagement will form the basis of work on the Castle Point Plan and will then be ongoing through the development of the plan. Every effort will also be made to make evidence base work accessible to all stakeholders to widen engagement.</p>	Medium
Legal Challenge	High	<p>A legal challenge can be lodged to any Local Plan document within 6 weeks of its adoption. The degree to which this could occur is uncertain as it will depend to a degree on the policies and proposals in the Castle Point Plan and how they have been derived.</p> <p>To reduce the risk of legal challenge Officers will:</p> <ol style="list-style-type: none"> <li>a) Follow legal requirements of the plan-making process.</li> <li>b) Ensure that a clear audit trail around decisions taken as part of the plan making process is maintained.</li> <li>c) Advise Members of any legal risks associated with the decisions they are seeking to take throughout the process.</li> </ol>	Medium
Inability of the Planning Inspectorate (PINS) to deliver	High	<p>Past experience shows that the Planning Inspectorate are not able to deliver examinations quickly. The timetable requires a 9-month turnaround, which is consistent with what over Council's put in their</p>	Medium/High

Threat	Level of risk	Comment and proposed mitigation	Managed risk
examinations / reports to timetable		<p>programmes. Previously the examination took 17 months. Colchester and Epping Forest have experienced examination periods extending over 2 years.</p> <p>This challenge can be mitigated through:</p> <ul style="list-style-type: none"> <li>a) Lobbying Government around this issue;</li> <li>b) Advising PINs in advance of submission so that an Inspector can be lined up;</li> <li>c) Through good engagement reducing the number of outstanding issues at the examination stage.</li> </ul>	
Staff resourcing	High	<p>The preparation of the Castle Point Plan in a way which achieves high levels of engagement will require dedicated staff resources. At this time, there is insufficient staffing to deliver the Castle Point Plan in this way, which will delay the timetable and reduce the effectiveness of engagement.</p> <p>A resource plan identifying the required staff resourcing has been prepared for approval by the Council.</p>	Low
Staff turnover, staff loss, long term sickness	Medium	<p>As with any organisation, from time-to-time staffing pressures such as sickness, maternity, paternity leave and staff loss need to be effectively managed. This will be undertaken in line with Council procedures for staff retention, as well as measures such as recruiting into vacancies as quickly as possible, using temporary staff and secondments, or Service Level Agreements with other Councils, where possible, to cover maternity/paternity leave.</p>	Low
Financial resourcing	High	<p>Local Plan document preparation is expensive due to the requirements for an effective evidence base, the need for effective engagement and then due to fixed costs such as the cost of examination. A local plan cannot be prepared in the absence of financial resources. A resource plan accompanies this Local Development Scheme.</p> <p>Examination costs may inflate due to the length or complexity of an examination and the hiring of expert witnesses to defend the Council's plan. Legal challenge could also</p>	Medium

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		<p>mean further unforeseen costs are incurred, such as legal fees.</p> <p>In order to manage the costs:</p> <ul style="list-style-type: none"> <li>a) Evidence sources have and will continue to be reviewed in order to prevent the need for commissioning separate work as far as possible;</li> <li>b) Where work or services are commissioned, they will be commissioned having regard to the needs of the Council as a whole e.g. an assessment of playing pitch need will culminate in a strategy that the Leisure Service can use;</li> <li>c) In commissioning work, officers will seek to achieve best value for money through procurement activities;</li> <li>d) The budget will be subject to regular monitoring and profiling by Financial Services to ensure that any budget pressures are identified early. The S151 officer is notified through this process should overspends be predicted in current or future years to ensure the budget remains on target.</li> <li>e) Any unspent budget will be carried forward across financial years to ensure that the programme for the preparation of the Castle Point Plan remains financially supported.</li> </ul>	
Intervention by the Secretary of State	High	<p>In December 2023 the Secretary of State wrote to the Council placing the Council on notice that it was at risk of intervention which could lead to the plan being prepared by a third party.</p> <p>The basis of this notice was that the Council does not have an up to date local plan in place prepared under the Planning and Compulsory Purchase Act 2004.</p> <p>The Council responded to the Secretary of State setting out the exceptional circumstances to why he should not intervene. These included, a revised timetable that meets the June 2025 deadline for submission, the approach the council, progress to date and why intervention would not speed up progress.</p>	High

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		<p>It is not clear what form intervention will take and whether the Secretary of State would instruct that work to date is continued or a completely new start is made.</p> <p>The risk remains high unless the Council is informed by the Secretary of State that he does not intend to intervene. However, if he does not any slippage which puts the deadline for submission at risk, runs the risk of action by the Secretary of State.</p> <p>Therefore the Council will:</p> <ul style="list-style-type: none"> <li>• Monitor progress and risk</li> <li>• Invest additional resources at key stages</li> <li>• Work with partners to minimise the risk of delay caused by lack of information or understanding</li> <li>• Liaise with the Department for Levelling Up Housing and Communities, the Planning Advisory Service and Local Government Association for support in the plan making progress</li> </ul>	