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Chief Executive

A **MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on **WEDNESDAY, 23RD MARCH, 2016 at 7.30 p.m.**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

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

Chief Executive

AGENDA

PART I

(Business to be taken in public)

Before commencing the business of the meeting, prayers will be offered by the Chaplain.

1. Apologies for absence

2. Members' Interests

3. Minutes

To receive the following:

- Minutes of the meeting of the Ordinary Council held on 9th December 2015.
- Minutes of the meeting of the Special Council held on 27th January 2016.
- Minutes of the meeting of the Special Council (Council Tax Setting) held on 24th February 2016.
- Minutes of the meeting of the Special Council (Draft New Local Plan) held on 24th February 2016.

4. Mayor's Announcements

The Mayor will report at the meeting.

5. Questions from members of the public of which Notice has been received

There are none.

6. Questions from Members of the Council of which Notice has been received

There are none.

7. To deal with any business from the last Council Meeting

There is none.

8. Any explanations for urgent decisions taken by Cabinet

There are none.

9. Consideration of recommendations from Cabinet:

There are none.

10. Any References from the Scrutiny/Policy and Scrutiny or Regulatory Committees

There are none.

11. Report from the Leader of the Council

The Leader is to report at the meeting.

12. New Local Plan 2016

The Council is asked to consider the report attached to this agenda following the decision of the Special Council meeting held on 24.2.2016.

13. Notices of Motion

There are none.

14. Petitions submitted by Members of the Council of which Notice has been given.

Councillor Tucker has given notice of his wish to present a Petition to stop all large development on Canvey Island.



ORDINARY COUNCIL MINUTES

9TH DECEMBER 2015

MINUTES of the Ordinary Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 9th December 2015.

PRESENT:

Councillors: A.G.Sheldon (Mayor), S.Cole, (Deputy Mayor), A.J.Acott, J. Anderson A.J.Bayley, D.A. Blackwell, B.Campagna, D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan Mrs W.Goodwin, Mrs J.E.E.Govier, P.C.Grieg, S.Hart, N.R.Harvey, R.C.Howard, R. Hurrell, G.I.Isaacs, Mrs J.King, N.E.Ladzrie, C.W.Letchford, C.A.Maclean, P.J.May C.E.Mumford, B.A.Palmer, Mrs.J.Payne, A. Partridge, C.G. Riley, W.K.Sharp, T.F. Skipp, N.G. Smith, J.A.Stanley, M.J.A.Tucker, P.E.Varker, A.C.Walter, Mrs G.Watson, N. Watson and B.S.Wood.

Apologies for absence were received from Councillors A.J.Hudson and Mrs L. Wass.

47. MEMBERS' INTERESTS

The Mayor informed the meeting that he had been notified by the Monitoring Officer that a number of Councillors had interests which should be declared. The Mayor invited Councillors to make their declarations. The Members present made the following declarations in relating to Minute 57 Draft New Local Plan:

- Councillor Hart declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address is adjacent to a (green belt) Housing Site.
- Councillor Mrs. King declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as the owner of land adjacent to a proposals site shown as a business park (Roscommon Way) in the draft New Local Plan.
- Councillor Howard declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his daughter is the owner of a housing site in the new local plan.
- Councillor Stanley declared an interest under Part 2 of the Code of Conduct for Councillors as a Governor of Cornelius Vermuyden School which is a public appointment recorded in the Register of Interests held by the Council.
- Councillor Mrs. Goodwin declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors by reason of her personal friendship with owners of a Housing Site.
- Councillor Riley declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address is adjacent to a (green belt) Housing Site.

- Councillor Sharp declared a prejudicial interest under Part 2 of the Code of Conduct for Councillors. In making his declaration he sought to limit his declaration to his longstanding friendship with a particular family.

(Prior notification of any interest had been sent to each Member above by the Monitoring Officer)

48. MINUTES

The Minutes of the meeting of the Ordinary Council held on 29th September 2015 were taken as read and signed by the Mayor as a correct record.

49. MAYOR'S ANNOUNCEMENTS

- The Mayor with regret announced the death recently of former Councillor John Payne and extended sympathies on behalf of the Council to his family.
- The Mayor reported that he had written to the Mayor of Romainville (twinned with Benfleet) to express sympathy following the recent terrorist attacks in Paris.

50. QUESTIONS FROM MEMBERS OF THE PUBLIC OF WHICH NOTICE HAD BEEN RECEIVED

Ms Sharon Ainsley on behalf of the Jotmans Farm Action Group had given notice under Council Procedure Rule 8.3 of the following questions to the Leader of the Council regarding the Draft New Local Plan

1. Public Consultation -

'Listen carefully, then ignore completely'

I want to put on record that the lack of response to the Link Road in the Consultation, wasn't due to lack of interest, it was because it was left out of the paper version delivered to homes across Castle Point and only appeared on the website.

The Council is well aware that majority of the Residents of Jotmans estate are Elderly and have no access to or knowledge of the Internet. Therefore, to expect those residents to log onto the Council Website, to view the alternate version is unfair.

The Two versions of the Question are as follows:

A: Online –

*A new junction on the A130 Canvey Way to provide access to the west of Benfleet
compares with*

B: Paper Version - (Delivered to all Residents)

A new junction on A130 Canvey Way to access Benfleet

(- The online version specifically mentions the provision of access to the west of Benfleet, not mentioned on paper.)

Therefore, are you aware that the Public Consultation may lead to a legal challenge on the grounds that it was unfair and therefore unlawful?

Councillor Stanley Deputy Leader of the Council replied to questions to Councillor Riley Leader of the Council as Councillor Riley had declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors which precluded his participation in business concerning the Draft New Local Plan. Councillor Stanley responded as followed:

The public consultation by the Council on its Draft New Local Plan was carried out in accordance with its Statement of Community Involvement.

This Statement describes how the Council will engage with local people on planning matters. It was originally approved following independent examination by a Planning Inspector in May 2006. An updated Statement was approved in January 2012.

The leaflets delivered to addresses in the Borough replicated the information published on the Council's website in all material respects, but given the different nature of both media types, could not reasonably be expected to be identical.

It is evident from an examination of the responses received that there was an understanding of the proposals in the Draft New Local Plan to create an access to the A130 Canvey Way, and there were both supporters and opponents of that concept.

The Council's Task & Finish Group has given very careful consideration to the representations received concerning proposed housing sites over a series of three meetings.

2. Are you aware that of the Consultation responses returned to CPBC by residents, a large proportion of the respondents objected to any Development on Greenbelt?

Councillor Stanley responded as followed:

In response to the Draft New Local Plan question "Has the Council retained enough Green Belt through the review of the local plan", 4,619 respondents replied. 26% said yes, 3% said no, too much, and 71% said no, not enough.

The Draft New Local Plan has clear policies which protect 92% of the existing Green Belt.

This information had already been considered by the Council's Task & Finish Group.

3. Ms Susan Buhr had given notice under Council Procedure Rule 8.3 of the following question to the Leader of the Council and the Mayor regarding the Draft New Local Plan.

'Where in the draft local plan do you feel that you have adhered to your pledges as to the involvement of residents of Castle Point?'

Councillor Stanley responded as followed:

The public consultation by the Council on its Draft New Local Plan was carried out in accordance with its Statement of Community Involvement.

This Statement describes how the Council will engage with local people on planning matters. It was originally approved following independent examination by a Planning Inspector in May 2006. An updated Statement was approved in January 2012.

The publication of the Draft New Local Plan was preceded by an Issues Consultation involving local residents in 2012.

A full report on the outcome of that consultation was published in May 2012. This was referred to in the Introduction of the Draft New Local Plan, in paragraph 2.3 at page 8.

The results make clear that local residents value green and open space very highly – and the Draft New Local Plan has clear policies which protect 92% of the existing Green Belt.

Local residents are also concerned with traffic congestion, town centre viability and shops, and so the Draft New Local Plan has a series of policies which promote sustainable travel as well as highway infrastructure improvements, and policies which promote town centres to ensure their vitality.

51. QUESTIONS FROM MEMBERS OF THE COUNCIL OF WHICH NOTICE HAD BEEN RECEIVED

There were none.

52. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING:

There was none.

53. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

54. CONSIDERATION OF RECOMMENDATIONS FROM CABINET: LOCAL COUNCIL TAX SUPPORT SCHEME

Council considered recommendations from the Cabinet meeting held on 18.11.2015 in respect of the results of consultation on proposed changes for the 2016/17 scheme and recommended changes to the Local Council Tax Support scheme for 2016/17.

Resolved:

1. To note the summary of responses to the consultation.
2. That there are no changes to the Local Council Tax Support Scheme for 2016/2017.

55. ANY REFERENCES FROM THE SCRUTINY, POLICY & SCRUTINY OR REGULATORY COMMITTEES:

There were none

56. REPORT OF THE LEADER OF THE COUNCIL

The Leader of the Council reported to the Council on Devolution and progress of the Greater Essex bid to Government which was on track and was to be included in the second round for consideration by the Treasury in 2016. The bid enjoyed the support of all Essex Leaders.

The Leader offered reassurance that the governance processes provided that there would be no loss of the services provided by the Council and individual councils would have an ability to opt out if they wished.

A copy of the first news letter had been circulated to update all Members and Officers. A web site would be available shortly which would be accessible to all Essex residents.

The Leader referred to recent meeting arranged by the MP and the Environment Agency with the Minister with responsibility for flooding attended by Council representatives and his suggestion that a bid should be made through the SELEP Board for additional European Funds to secure support for projects which the Leader had actioned.

In noting that information was still awaited on the funding review – the Leader thanked all those who had challenged the proposal to reduce funding for the Police noting the Chancellor appeared to have responded to the concerns by not reducing the operational budgets across the country. Reporting on local matters the Leader advised that Canvey Police Station would not close and would continue to be used as part of the policing arrangements for Castle Point and Rochford.

The Leader thanked the Mayor, Deputy Mayor, Members and Officers for their help and support during 2015 and wished all a merry Christmas and a Happy New Year.

57. DRAFT NEW LOCAL PLAN

The Chief Executive introduced the report before the Council which included as an addendum the separate report of the Draft New Local Plan Task & Finish Group on the responses to consultation. The Chief Executive drew attention to paragraphs 7.1 to 7.28 which set out the serious legal, reputational and financial risks in failing to have in place a sustainable Draft New Local Plan.

The Deputy Leader of the Council emphasised the importance of the decision for the Borough and the need to ensure that Councillors took the decision with full knowledge of all the facts. Mindful that a number of Councillors had expressed views that they did not fully understand the SHLAA sites and were concerned that the sites had not been fully assessed; the Deputy Leader moved that consideration of the report be deferred to a Special Meeting of the Council to be arranged at the end of January to allow all Councillors to review the SHLAA sites. Cllr Smith seconded the Motion.

Cllr Dick moved an amendment which was seconded that in view of the majority recommendation from the Task & Finish Group that they were unable to agree to development on Green Belt. This Council therefore recommends we delete the controversial Green Belt sites from the Plan and reinvestigate the SHLAA. This documentation to be used as the basis for producing our housing numbers using sites identified for development in this documentation.

The Mayor noting that Councillor Dick's amendment could not be properly considered without the benefit of a report on the implications of the amendment exercised his discretion as the Chairman of the meeting to refer the matter for report to the Special Council Meeting.

Resolved:

1. To defer consideration of the reports on the Draft New Local Plan to a Special Meeting of the Council to allow all Councillors to review the SHLAA (Strategic Housing Land Availability Assessment) sites.
2. To refer for report at the Special Council meeting on the implications of the following amendment:
In view of the majority recommendation from the Task & Finish Group that they were unable to agree to development on Green Belt. This Council therefore recommends we delete the controversial Green Belt sites from the Plan and reinvestigate the SHLAA.

This documentation to be used as the basis for producing our housing numbers, using sites identified for development in this documentation.

(Councillors Hart, Mrs Goodwin, Mrs King, Howard, Riley and Sharp each having declared a prejudicial /discloseable interest Minute 47 referred left the Chamber and were not present for consideration and vote on this item.)

58. NOTICES OF MOTION

Councillor Sharp had given notice of the following:

‘This Council wish it made clear that they support the withdrawal of Great Britain from the European Union on simple economic grounds.’

The Motion was MOVED and Seconded. An amendment to delete ‘*on simple economic grounds*’ was accepted and the following became the substantive Motion on which debate took place.

This Council wish it made clear that they support the withdrawal of Great Britain from the European Union ’

During the debate a number of Members expressed the view that the Motion was premature. Councillor Sharp withdrew the Motion.

59. PETITIONS SUBMITTED BY MEMBERS OF THE COUNCIL OF WHICH NOTICE HAS BEEN GIVEN

There were none.

There being no other business the Mayor wished everyone present a Happy Christmas and New Year

Mayor



SPECIAL COUNCIL MINUTES

27TH JANUARY 2016

MINUTES of the Special Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 27th January 2016.

PRESENT: Councillors A.G.Sheldon (Mayor), S.Cole, (Deputy Mayor), A.J.Acott, J. Anderson A.J.Bayley, D.A. Blackwell, B.Campagna, D.T. Cross, W.J.C. Dick, MrsB.Egan,E.Egan,MrsW.Goodwin,P.C.Grieg,N.R.Harvey,R.C.Howard,R.Hurrell ,G.I.Isaacs,MrsJ.King,N.E.Ladzrie,C.W.Letchford,C.A.Maclean,P.J.May, C.E.Mumford, B.A.Palmer, Mrs.J.Payne, A. Partridge, C.G. Riley, T.F. Skipp, N.G. Smith ,J.A.Stanley, M.J.A. Tucker, P.E.Varker, A.C.Walter, Mrs L. Wass. Mrs G.Watson, N. Watson and B.S.Wood.

Apologies for absence were received from Councillors Mrs J.E.E.Govier, S.Hart, A.J.Hudson and W.K Sharp.

The Council offered best wishes to Councillor Mrs. Govier who was unable to attend the meeting due to illness.

60. MEMBERS' INTERESTS

The Members present made the following declarations in relating to Minute 61 Draft New Local Plan:

- Councillor Mrs. King declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as the owner of land adjacent to a proposals site shown as a business park (Roscommon Way) in the draft New Local Plan.
- Councillor Howard declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his daughter is the owner of a housing site in the new local plan.
- Councillor Mrs. Goodwin declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors by reason of her personal friendship with owners of a Housing Site.
- Councillor Tucker declared a discloseable interest under Part 2 of the Code of Conduct for Councillors by reason of his overt support for a protest group to save the Green Belt as a campaigner for Green Belt on Canvey Island and signatory of a petition to save Green Belt.

- Councillor Mrs Wass declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as her home address is adjacent to a (green belt) Housing Site.
- Councillor Riley declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address is adjacent to a (green belt) Housing Site.

Having made these declarations these Councillors left the Chamber and took no further part in the meeting.

- Councillor Mumford declared that his home and private address relevant details of which were shown in the Register of Interests had been shown in the latest SHLAA published by the Council. He had no intention of moving from his home address or using the land as a housing site and the site was not put forward by him. His property was not an available housing land site and accordingly his ability to exercise his judgement of the public interest with respect to the main item under report before Council was not compromised.

(Prior notification of any interest had been sent to each Member above by the Monitoring Officer)

61. DRAFT NEW LOCAL PLAN

At the meeting of the Ordinary Council on 9.12.2015 consideration of the reports on the Draft Local Plan was deferred to a Special Meeting of the Council to allow all Councillors to review the SHLAA (Strategic Housing Land Availability Assessment) sites.

Councillor Dick moved an amendment which was referred for a report on the implications to the Special Meeting.

The following reports were before the Council for Members 'consideration:

- (a) Item 3(a) Draft Local Plan Report on Actions following Ordinary Council 9.12.2015.
- (b) Item 3(b) Amendment - Report on Implications
- (c) Item 12 Report Item Deferred from 9.12.2015

Report on Actions following Ordinary Council 9.12.2015.

All Councillors were provided with a full copy of the SHLAA together with a user guide and enquiry form for Members use. Members were also advised of arrangements for two drop-in sessions on 6th and 7th January 2016 to give Members the opportunity to discuss directly with Planning Officers any queries regarding the SHLAA. Members were also given preliminary notification regarding a Briefing Workshop on 13th January 2016.

Six members of the Council attended the drop in sessions and thirty five members of the Council attended the Member Workshop.

At the Briefing Workshop Members received a presentation addressing the plan making process and the purpose of the SHLAA.

The SHLAA was a technical exercise conducted to assess the amount of land that could be made available for housing development. It was part of the evidence base that local authorities used to inform the plan making process. The assessment identified a pool of sites within the local authority's area that were suitable available and achievable; gives information on what the likely timescales for delivery may be and the potential capacity of each site. It did not determine whether a site should be allocated.

Members were reminded of background to the Draft New Local Plan and in particular the advice contained in the letter from the Planning Inspector leading to the withdrawal of the Council's Core Strategy.

Members had the opportunity to ask questions concerning the assessment of sites in the SHLAA.

In responding to questions Members were reminded that while the Government had abolished housing targets, the Government had specified the formula to be followed by councils in assessing their housing numbers. Members were reminded that in order to produce a robust credible plan both large green belt sites and small sites were required.

Councillor Partridge had put forward an alternative proposal for a local plan excluding all Green Belt sites included in the SHLAA and relying on small sites. The Head of Regeneration and Neighbourhoods explained that Councillor Partridge's proposal was not viable. The sites identified were not available. The proposal relied on the Council using compulsory purchase powers to deliver the plan. Members were reminded that the use of Compulsory Purchase powers was complex and costly

In responding to a question as to what would happen if the current draft local plan was rejected or a flawed plan progressed, the Chief Executive drew Members' attention to the reputational, legal and financial implications set out in the report to Council in December.

Members were reminded by the Chief Executive of the advice from the Planning Inspector Laura Graham of the risk of development by appeal and the risks to the Council of intervention should the Council not progress the Draft New Local Plan or decided to go forward with a flawed plan.

Members were reminded that while there was no clear picture as to how Government intended to deal with intervention for those councils who failed to make progress with a local plan by 2017, the Council had experience of Government intervention. Councillors had no part in this process which involved a Government official directing Council Officers as to actions to be taken. In the case of the Local Plan it was likely that this would require a local plan to be prepared to meet in full the Council's objectively assessed housing needs of 400 home a year rather than the Draft New Local Plan target of 200 homes.

At the Work Shop a Member asked what was the population of Castle Point and how many had responded to consultation on the Draft New Local Plan. The information was not to hand at the briefing. Members were advised that the population was in region 88,500 residents of which approximately 5,000 had responded to the Draft New Local plan. The main representations from residents were concerned with the lack of infrastructure. Members' attention was drawn at the Workshop to provisions for infrastructure improvement contained in the Draft Local Plan and the ability to secure funding for infrastructure improvements through the CIL.

Amendment - Report on Implications

Councillor Dick had moved the following amendment:

In view of the majority recommendation from the Task & Finish Group that they were unable to agree to development on Green Belt. This Council therefore recommends we delete the controversial Green Belt sites from the Plan and reinvestigate the SHLAA.

This documentation to be used as the basis for producing our housing numbers, using sites identified for development in this documentation.

The report before Council advised that the amendment was flawed first of all for uncertainty. It was not clear what was meant by the subjective term 'controversial' – which could be interpreted to mean some or all green belt sites.

The second flaw was an error regarding the purpose of the SHLAA. The wording suggested the SHLAA was used as the basis for producing housing numbers.

There was also a procedural difficulty with the amendment. The amendment was moved to the Motion to defer consideration of the reports on the Draft New Local Plan to a Special meeting of the Council to allow all Councillors to review the SHLAA (Strategic Housing Land Availability Assessment) sites. The review having taken place, the amendment was superfluous.

(The Council's procedure rules did not allow for this amendment to be put to a Motion to approve the recommendations in the original report to Council as it would have a negative effect.)

Item 12 Report Item Deferred from 9.12.2015

Having considered both reports Council resumed consideration of the report Item 12 Draft Local Plan deferred from the Council meeting held on 9.12.2015 on the next steps to be taken on the Draft Local Plan after consideration of the report and recommendations of the Task and Finish Group.

The report before the Council included as an addendum the separate report of the Draft New Local Plan Task & Finish Group on the responses to consultation.

With the exception of Chapter 13 (Housing), the Task and Finish Group had considered the representations on the Draft New Local Plan and had accepted the responses set out in the Report of Consultation Responses in respect of Chapters 3 to 21 of the Plan.

The Group was unable to reach agreement in relation to the release of Green Belt sites and other constraints, the Task and Finish Group referred the Draft New Local Plan to Council for decision.

The following recommendations were moved and seconded.

1. To note the findings of the Task & Finish Group following its detailed and thorough examination of the responses to the consultation on the Draft New Local Plan and related planning policy matters.
2. To approve the incorporation of the changes to the Draft New Local Plan set out in the Consultation Report and accepted by the Task & Finish Group.
3. Pursuant to Section 20 of the Planning & Compulsory Purchase Order Act 2004, and Regulations 19 and 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, to approve the publication of the Castle Point New Local Plan 2015 for consultation and submission to the Secretary of State.

Debate took place during which the majority of Members speaking indicated not withstanding professional officers' advice they could not support the Draft New Local New Local Plan in its current form using green belt sites for housing.

In response to a question from a Member the Chief Executive reminded Council of the serious legal, financial and reputational risks outlined in the report (paragraphs 7.1 to 7.28 referred) of failing to support a sound draft New Local Plan. The Chief Executive explained the consequences of the Council being designated in dealing with major planning applications .This could result in these applications being determined by the Planning Inspectorate with Councillors having no say in the decisions on major planning applications in the Borough.

Referring to the risk of intervention by the Secretary of State, Members were reminded of the Council's previous experience of Government intervention. Councillors would have no control over the local plan process .Officers would be directed by Government Officials.

At the conclusion of the debate voting on the Motion was recorded as follows:

For:

Councillors: Mrs B Egan, Letchford, Maclean, Mumford, Smith, Stanley. (6)

Against:

Councillors: Acott, Anderson, Bayley, Blackwell, Campagna, Cole, Cross, Dick, E. Egan, Greig, Harvey, Hurrell, Isaacs, Ladzrie, May, Palmer, Partridge, Mrs. Payne, Sheldon, Skipp, Varker, Walter Mrs. Watson, N. Watson, Wood. (25)

The Motion was lost.

Council was requested to give direction as to the next actions to be taken to progress a draft Local Plan.

Two Motions were put to Council.

Motion 1

To alter the draft Local Plan to prioritise protecting Green Belt over meeting our objectively assessed housing needs and

- remove all virgin green belt sites listed without current planning permission, including sites listed in the Castle Point SHLAA 2014 listed on lines 3,5,9,14,15,17,57,60,76,78,89,97,104,107,108,11,143,155,160,161,257 & 258
- investigate other constraints (including drainage ,transport infrastructure flood risk and hazardous sites)

And that the draft Plan as altered be resubmitted for public consultation.

Motion 2

To alter the draft Local Plan to prioritise protecting Green Belt over meeting our objectively assessed housing needs and remove all Green Belt sites and that the draft Plan as altered be resubmitted for public consultation.

Both reports would require a further report to Council.

Resolved:

To defer consideration of these Motions to a Special Meeting of the Council to allow a report to be prepared to explain their effect.

Mayor



SPECIAL COUNCIL MINUTES (Council Tax Setting)

24TH FEBRUARY 2016

MINUTES of the Special Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 24th February 2016.

PRESENT: Councillors A.G.Sheldon (Mayor), A.J.Acott, J. Anderson A.J.Bayley, D.A. Blackwell, B.Campagna, D.T. Cross, W.J.C. Dick, E.Egan, MrsW.Goodwin, P.C.Grieg,S.Hart,N.R.Harvey,A.J.HudsonR.C.Howard,R.Hurrell,G.I.Isaacs,MrsJ. King,N.E.Ladzrie,C.W.Letchford,C.A.Maclean,P.J.May,C.E.Mumford,B.A.Palmer Mrs.J.Payne, A. Partridge, C.G. Riley, W.K Sharp, T.F. Skipp, N.G. Smith ,J.A.Stanley, P.E.Varker, Mrs G.Watson, N. Watson and B.S.Wood.

Apologies for absence were received from Councillors S.Cole, Mrs B.Egan, M.J.A. Tucker, Mrs L. Wass and A.C.Walter.

62. COUNCILLOR MRS J.E.E GOVIER RIP.

The Mayor led tributes to Councillor Mrs Govier who died on 15th February 2016. Cllr Mrs. Govier served as Mayor of Castle Point for two terms in 2011 to 2012 and last year 2014 to 2015. Mrs Govier was first elected as Ward Councillor for St. George's Ward in May 2003 and served continuously. An active Ward Councillor Mrs. Govier was tireless in her efforts for the residents of St George's Ward.

Councillors Riley Leader of the Council and Councillors Skipp, Isaacs, May, Mrs Goodwin, Blackwell, N.Watson, Mrs Watson and Dick also spoke to pay tribute to Councillor Mrs Govier. At the conclusion all present stood in silence in memory of Councillor Mrs. Govier.

63. MEMBERS' INTERESTS

There were none.

64. POLICY FRAMEWORKAND BUDGET SETTING FOR 2016/17

This Special Meeting of the Council had been scheduled to determine the budget requirement and the level of Council Tax for 2016/2017.

At the Cabinet meeting held earlier that evening, the Cabinet considered the report on the Policy Framework and Budget Setting for 2016/17.

The Council was required to make certain statutory calculations in relation to the budget requirement and these were set out in full in the report submitted to the Cabinet.

Special Council (Council Tax Setting 24.2.2016)

The Council was asked to consider and resolve the recommendations 1 to 27 as set out in the report to Council.

In moving the recommendations the Deputy Leader of the Council, Cabinet Member for Finance and Resources drew attention to the key features of the budget. For the first time in four years an increase in Council Tax was being proposed of less than 2% or 9p per week to maintain all council services.

The Deputy Leader drew attention to the continuing effects of austerity. Over the past five years the Council had seen a reduction of £3 million in grant. While the budget gap had been met for this year in future years there was an increasing funding gap. The Deputy Leader referred to the action taken to date which would continue to manage council finances to address the funding pressures. This included the review of council assets; maximising income from fees and charges and reviewing the delivery of council services.

The Deputy Leader mentioned the consultation on changes to New Homes Bonus which could result in no new homes bonus for councils without a Local Plan or a reduction in new homes bonus for developments allowed on Appeal.

The Deputy Leader highlighted the positive features in the budget. Notwithstanding the pressures on budgets the Council was continuing to provide support for the voluntary organisations including, the CAB, CAVs and Carers Choice.

The Leader of the Council seconded the recommendations. Discussion took place on the recommendations during which the Deputy Leader, Cabinet Member was questioned concerning details within the budget.

Members acknowledged and thanked the hard work and dedication of the officers mentioning specifically the Head of Resources, the Council's Section 151 Officer and her colleagues for their work in preparing the budget.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 which had come into effect on 24 February 2014, a recorded vote was taken on the recommendations of the Cabinet meeting held earlier in the evening and the Members present voted as follows:

For:

Councillors: Bayley, Cross, Dick, E. Egan, Mrs Goodwin, Hart, Howard, Hudson, Hurrell Isaacs, Mrs. King, Ladzrie, Letchford, Maclean, Mumford, Partridge, Riley, Sharp, Sheldon, Skipp, Smith, Stanley, Varker, Wood. (24)

Against:

Councillors: Acott, Anderson, Blackwell, Campagna, Greig, Harvey, May, Palmer, Mrs. Payne, Mrs. Watson, N. Watson (11)

Abstained:

None

Resolved:

Implementation of Council policies and related spending plans

1. That Council note the efficiency savings, cost reductions and additional income summarised in table 2.1.
2. That Council approves the continued funding of priority projects and other items of discretionary expenditure, as set out in table 9.1.
3. That Council notes the cost pressures and other budget increases (growth) as set out in table 9.2.
4. That subject to recommendations 1 to 3 above, the revenue spending plans for 2015/16 (revised) and 2016/17, set out in section 9, tables 9.3 (summary) and 9.4 (net services expenditure) of the accompanying report, are approved.

Capital spending plans and prudential indicators

5. That the capital spending plan described in section 11 of the accompanying report (tables 11.2 and 11.3) is approved in respect of 2015/16 (revised) and 2016/17.
6. That it is noted that as stated in paragraph 21 of section 11 of the accompanying report, and based on current plans and proposals, gross external borrowing is not expected to exceed the capital financing requirement in the current or forthcoming two financial years.
7. That as required by section 3 of the Local Government Act 2003 and the Prudential Code for Capital Finance in Local Authorities, the following Prudential Indicators are approved as set out in the appropriate sections of the accompanying report:

Prudential Indicator - Reference to sections 11, 12 and 13 of accompanying report	
Capital expenditure	Tables 11.2 and 11.3
Ratio of financing costs to net revenue stream	Table 11.4
Capital financing requirement	Table 11.5
Authorised limit for external debt	Table 11.6
Operational boundary for external debt	Table 11.7
Incremental impact of capital investment	Table 11.8
Housing Revenue Account limit on indebtedness	Section 11 para 33
Maturity structure of fixed rate borrowing - upper and lower limits	Table 12.2
Upper limits of fixed and variable interest rate exposures	Table 12.3
Maximum period and counterparty limits for specified investments	Table 13.1

Special Council (Council Tax Setting 24.2.2016)

8. That the Statement of Minimum Revenue Provision for 2016/17, as stated in paragraphs 34 to 36 of section 11 of the accompanying report is approved.
9. That no new capital proposals are allowed until:
 - the proposal has been evaluated in accordance with all relevant evaluation criteria;
 - the Cabinet has confirmed affordability and compliance with the Prudential Code for Capital Finance in Local Authorities;
 - the Cabinet has considered and approved details of the proposal.
10. That the policies and strategies supporting the budget framework and contained within the accompanying report are approved:
 - Financial Planning and Capital Strategy including key principles, requirements and actions to support the Strategy.
 - Austerity and Commercial Strategy including efficiency programme. Work planned for 2016 /17 – service reviews; use of technology; sales fees and charges; asset management review.
 - Charging Policy including income generation principles; the annual process; publication and communication; variation in standard fees and periodic full review of charges.
 - Pay Policy including general policies relating to all staff; waiver of any cap imposed on flexible retirements or exit payments; remuneration; publication of access to information relating to remuneration of Chief Executive and Chief Officers; the use of performance related pay and bonuses.
 - Treasury Management including Treasury Management Strategy for 2016/17; Borrowing Strategy including borrowing objectives.
 - Investment Strategy including investment principles; treasury management adviser; investment activity reporting and publication

Statutory report of the Head of Resources

11. That as required by section 25 of the Local Government Act 2003, the report of the Head of Resources set out in section 16 of the accompanying report in respect of robustness of the estimates is noted.
12. That as required by section 25 of the Local Government Act 2003, the report of the Head of Resources set out in section 8 of the accompanying report in respect of the adequacy of proposed financial reserves is noted.

Statutory calculations in respect of the budget requirement & Council Tax as required by the Local Government Finance Act 1992, as amended (“the Act”)

13. That as set out in section 5 of the accompanying report it is noted that acting under delegated authority and in consultation with the Cabinet Member responsible for Finance & Resources and the Head of Resources has calculated

Special Council (Council Tax Setting 24.2.2016)

- a) a tax base for the Borough of Castle Point of **29,722** being the amount **T** required by section 31B of the Act; and
 - b) a tax base for Canvey Island to which a Town Council precept applies as **11,448**.
14. That the following amounts be calculated for the year 2016/17 in accordance with sections 31 to 36 of the Act:

Ref	Amount £	Item
(a)	60,219,900	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish (Town) Councils.
(b)	52,889,910	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	7,329,990	being the amount by which the aggregate at 20(a) above exceeds the aggregate at 20(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the act)
(d)	246.62	being the amount at 20(c) above (item R), divided by item T (19(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish (Town) precepts.
(e)	235,943	being the aggregate amount of the (Parish (Town) precepts) referred to in Section 34(1) of the Act.
(f)	238.68	being the amount at 20(d) above less the result given by dividing the amount at 20(e) above by item T (19(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

15. That in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, Council sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2016/17 for each part of its area and for each category of dwelling. This information is included within section 17 of the accompanying report:

Special Council (Council Tax Setting 24.2.2016)

Castle Point Borough Council Tax 2016/17, including and excluding Town Council precept, for each of the following categories of dwelling:

Band	Council Tax Including Town Council £	Council Tax Excluding Town Council £
A	172.86	159.12
B	201.67	185.64
C	230.48	212.16
D	259.29	238.68
E	316.91	291.72
F	374.53	344.76
G	432.15	397.80
H	518.58	477.36

16. To note that the County Council, the Policy Authority and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area, as indicated in the table below:

Band	Castle Point Borough Council £	Essex County Council £	Essex Fire Authority £	PCC for Essex £	Total Excluding Town Council £	Canvey Island Town Council £	Total Including Town Council £
A	159.12	753.42	45.12	101.40	1,059.06	13.74	1,072.80
B	185.64	878.99	52.64	118.30	1,235.57	16.03	1,251.60
C	212.16	1,004.56	60.16	135.20	1,412.08	18.32	1,430.40
D	238.68	1,130.13	67.68	152.10	1,588.59	20.61	1,609.20
E	291.72	1,381.27	82.72	185.90	1,941.61	25.19	1,966.80
F	344.76	1,632.41	97.76	219.70	2,294.63	29.77	2,324.40
G	397.80	1,883.55	112.80	253.50	2,647.65	34.35	2,682.00
H	477.36	2,260.26	135.36	304.20	3,177.18	41.22	3,218.40

17. To note that, in accordance with the requirements of section 52ZC of the Act the Council has determined whether its Relevant Basic Amount of Council Tax for 2016/17 is excessive.

For 2016/17, the relevant basic amount of council tax for Castle Point would be deemed excessive if the authority's relevant basic amount of council tax for 2016/17 is:

- (a) 2%, or more than 2%, greater than its relevant basic amount of council tax for 2015/16; and
- (b) more than £5.00 greater than its relevant basic amount of council tax for 2015/16.

Special Council (Council Tax Setting 24.2.2016)

Ref	Amount £	Item
(a)	234.09	being the Relevant Basic Amount of Council Tax for 2015/16, excluding local precepts.
(b)	2.0%	being the percentage increase above which the Secretary of State has determined the Relevant Basic Amount of Council Tax for 2015/16 would be excessive.
(c)	238.77	being the amount above which the Relevant Basic Amount of Council Tax for 2016/17, excluding local precepts, would be excessive (rounded down to the nearest penny).
(d)	238.68	being the Relevant Basic Amount of Council Tax for 2016/17, excluding local precepts.

The Relevant Basic Amount of Council Tax for 2016/17 is therefore, not excessive and the duty to make substitute calculations and hold a referendum does not apply (Chapter 4ZA of Part 1 of the Act).

Mayor



SPECIAL COUNCIL MINUTES (Draft New Local Plan)

24TH FEBRUARY 2016

MINUTES of the Special Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 24th February 2016.

PRESENT: Councillors A.G.Sheldon (Mayor), S.Cole, (Deputy Mayor) A.J.Acott, J. Anderson A.J.Bayley, D.A. Blackwell, B.Campagna, D.T. Cross, W.J.C. Dick, E.Egan, Mrs W.Goodwin, P.C.Grieg, S.Hart, N.R.Harvey, A.J.Hudson R.C.Howard, R.Hurrell, G.I.Isaacs, Mrs J.King, N.E.Ladzrie, C.W.Letchford, C.A.Maclean, P.J.May, C.E.Mumford, B.A.Palmer, Mrs J.Payne, A. Partridge, C.G. Riley, W.K Sharp, T.F. Skipp, N.G. Smith, J.A.Stanley, P.E.Varker, Mrs G.Watson, N. Watson and B.S.Wood.

Apologies for absence were received from Councillors Mrs B.Egan, M.J.A. Tucker, Mrs L. Wass and A.C.Walter.

65. MEMBERS' INTERESTS

The Mayor invited Councillors to make their declarations. The following Members made declarations in relating to Minute 66 Draft New Local Plan:

- Councillor Howard declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his daughter is the owner of a housing site in the new local plan.
- Councillor Mrs. Goodwin declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors by reason of her personal friendship with owners of a Housing Site.
- Councillor Hart declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address is adjacent to a (green belt) Housing Site.
- Councillor Mrs. King declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as the owner of land adjacent to a proposals site shown as a business park (Roscommon Way) in the draft New Local Plan.
- Councillor Sharp declared a prejudicial interest under Part 2 of the Code of Conduct for Councillors. In making his declaration he sought to limit his declaration to his longstanding friendship with a particular family.
- Councillor Hudson declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address is adjacent to a (green belt) Housing Site.

- Councillor Riley declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address is adjacent to a (green belt) Housing Site.
- Councillor Stanley declared an interest under Part 2 of the Code of Conduct for Councillors as a Governor of Cornelius Vermuyden School which is a public appointment recorded in the Register of Interests held by the Council.

(Prior notification of any interest had been sent to each Member above by the Monitoring Officer)

66. DRAFT NEW LOCAL PLAN

(Having made their declarations of interest Councillors Howard, Mrs Goodwin, Hart, Mrs King, Sharp, Hudson and Riley left the Chamber and took no part in the Draft Local Plan item. (Minute 65 referred))

At a Special meeting on 27th January 2016, Council considered reports on the Draft New Local Plan. The recommendations to note the findings of the Task & Finish Group, to incorporate the changes to the Plan accepted by the Group, and approve the publication of the Plan, were not agreed.

Two alternative Motions were put to Council. Consideration of these Motions was deferred to allow a report to be prepared to explain their effect. The report before the Council set out the Motions explained their consequences and sought direction from Council on the next steps for the Plan.

The Motions shared a common principle. It was clear that Members did not wish to see Green Belt allocated for housing development in the draft New Local Plan placing the protection of the Green Belt above meeting the objectively assessed housing needs of the Borough.

Motion 1 was unclear, inconsistent and contradictory suggesting that it was acceptable to leave certain Green Belt Sites within the Draft Local Plan but excluding others. Council was reminded any attempt to remove sites that was not supported by evidence would result in the Council's approach to meeting its housing needs being found unsustainable.

The Motion also required investigation of other constraints to include drainage, transport infrastructure, flood risk, and hazardous installations.

At the time Council approved the Draft New Local Plan for consultation, reference was made to the considerable body of background evidence on constraints which had been prepared to support the Plan. This included:

- Transport Evidence
- Whole Plan Viability Report
- Community Infrastructure Needs Assessment
- Local Wildlife Sites Review
- Strategic Flood Risk Assessment
- Surface Water Management Plan
- Flood Risk Sequential and Exception Test of Sites Report

- Green Belt Boundary Review
- Sustainability Appraisal of Sites Review

All of this material was published on the Council's website. In considering responses to the consultation on the plan, the Task and Finish Group had received a detailed briefing on all constraints. At least three separate meetings took place to explain how the Draft New Local Plan was prepared taking these matters into account. Furthermore a separate session of the Task and Finish Group was devoted to the consideration of policies and responses relating to the hazardous installations on Canvey Island.

Motion 2 the removal of all Green Belt sites for housing development presented the least worst option in that it was a clear unambiguous policy statement that the Council's priority is the protection of the Green Belt and the Council would not allow the use of any green belt sites to meet its objectively assessed housing needs.

Attached to the report was a Table showing the effect to the Motions on the Housing Supply in the Draft Local plan. Motion 1 would deliver some 2,140 sites and Motion 2 would deliver 1,856. The Draft Local Plan delivered 4,205 sites.

In presenting the report to Council the Chief Executive drew Members' attention to paragraphs 6.2 and 6.3 dealing with risks and corporate implications of the report.

The Council was advised that there was a substantial risk that a Draft New Local Plan amended in the form of either Motion was unlikely to meet the four tests of soundness as set out in paragraph 182 of the NPPF, which are:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

In addition the Council had a statutory duty to comply with the Duty to Co-operate to ascertain whether the Council's neighbouring authorities were able to take some of the Council's unmet housing need. A draft New Local Plan which had a limited ability to meet its housing need would not sit well with neighbouring authorities who were seeking to release green belt sites to meet their own housing needs. To expect those authorities to release even more of their green belt to meet the Council's unmet need was unrealistic.

Council was also referred to the Appendix to the report which set out the serious legal, reputational and financial risks of failure to take forward a sound Draft New Local Plan.

The Motions are set out below:

Motion 1

To alter the draft Local Plan to prioritise protecting Green Belt over meeting our objectively assessed housing needs and

- remove all virgin green belt sites listed without current planning permission, including sites listed in the Castle Point SHLAA 2014 listed on lines :- (site descriptions now included)
 - 3 - (Land between Felsted Road and Catherine Road Benfleet **(Part of H9)**)
 - 5 - (Land to south of Essex Way, Benfleet **(H15)**)
 - 9 - (44 Badger Hall Avenue, Benfleet)
 - 14 - (Wall Wood & 291 Benfleet Road, Benfleet)
 - 15 - (Land South of Jotmans Lane, Benfleet **(Part of H14)**)
 - 17 - (Land to the north & west of The Hoy & Helmet Public House, High Street, Benfleet)
 - 57- (East of Canvey Road, Canvey Island, **(H16)**)
 - 60 - (Former Castle View School, Meppel Avenue, Canvey Island **(H8)**)
 - 76 – (Land East of Rayleigh Road & North of Daws Heath Road, Hadleigh **(H10)**)
 - 78 – (Oak Tree Farm (North field) and Southfield Close Extension, Hadleigh)
 - 89 - (Land East of Cedar Hall School, Hart Road, Thundersley **(Part of H4)**)
 - 97 – (Land West of Glebelands, Thundersley **(H13)**)
 - 104 – (Bowercombe, Great Burches Road, Thundersley)
 - 107 – (Land south east of Sadlers Farm, Benfleet **(Part of H14)**)
 - 108 – (Ellis House, Felstead Road, Benfleet **(Part of H9)**)
 - 111 – (Land North of Jotmans Lane, Benfleet **(Part of H14)**)
 - 143 – (Land between Canvey Road, Roscommon Way & Northwick Road (Triangle Site), Canvey Island)
 - 155 – (Land south of Daws Heath Road, Hadleigh)
 - 160 – (Land off Kiln Road/North of The Chase, Thundersley **(Part of H4)**)
 - 161 - North of Grasmere, Thundersley
 - 257 - Land South of Eastwood Old Road, Eastwood **(H12)** and
 - 258 - (Land north of Eastwood Old Road, Hadleigh)
- investigate other constraints (including drainage ,transport infrastructure flood risk and hazardous sites)

And that the draft Plan as altered be resubmitted for public consultation.

Motion 2

To alter the draft Local Plan to prioritise protecting Green Belt over meeting our objectively assessed housing needs and remove all Green Belt sites and that the draft Plan as altered be resubmitted for public consultation.

Council considered each Motion separately. At the conclusion Members were asked to express a preference for Motion 1 or Motion 2.

(Once the decision had been made Officers would prepare a revised Draft Plan to reflect the Council's decision which would be brought back to Council for approval prior to publication, consultation and submission to the Secretary of State.)

The Members present voted as follows:

Motion 1:

Councillors: Cole, Cross, Dick, E.Egan, Isaacs, Ladzrie, Maclean, Mumford, Partridge, Sheldon, Skipp, Smith, Stanley, Wood. (14)

Motion 2:

Councillors: Acott, Anderson, Bayley, Blackwell, Campagna, Greig, Harvey, Hurrell, May, Palmer, Mrs. Payne, Varker, Mrs. Watson, N.Watson (14)

There being an equal number of votes the Mayor exercised second or casting vote in favour of Motion 1.

Resolved:

To direct Officers to prepare a revised draft New Local Plan to reflect Motion 1:

To alter the draft Local Plan to prioritise protecting Green Belt over meeting our objectively assessed housing needs and remove all virgin green belt sites listed without current planning permission, including sites listed in the Castle Point SHLAA 2014 listed on lines :- (site descriptions now included)

3 - (Land between Felsted Road and Catherine Road Benfleet **(Part of H9)**)

5 - (Land to south of Essex Way, Benfleet **(H15)**)

9 - (44 Badger Hall Avenue, Benfleet)

14 - (Wall Wood & 291 Benfleet Road, Benfleet)

15 - (Land South of Jotmans Lane, Benfleet **(Part of H14)**)

17 - (Land to the north & west of The Hoy & Helmet Public House, High Street, Benfleet)

57- (East of Canvey Road, Canvey Island,**(H16)**)

60 - (Former Castle View School, Meppel Avenue, Canvey Island **(H8)**)

76 – (Land East of Rayleigh Road & North of Daws Heath Road, Hadleigh **(H10)**)

78 – (Oak Tree Farm (North field) and Southfield Close Extension, Hadleigh)

- 89 - (Land East of Cedar Hall School, Hart Road, Thundersley (**Part of H4**))
- 97 – (Land West of Glebelands, Thundersley(**H13**))
- 104 – (Bowercombe, Great Burches Road, Thundersley)
- 107 – (Land south east of Sadlers Farm, Benfleet (Part of **H14**))
- 108 – (Ellis House, Felstead Road, Benfleet (**Part of H9**))
- 111 – (Land North of Jotmans Lane, Benfleet (**Part of H14**))
- 143 – (Land between Canvey Road, Roscommon Way & Northwick Road (Triangle Site), Canvey Island)
- 155 – (Land south of Daws Heath Road, Hadleigh)
- 160 – (Land off Kiln Road/North of The Chase, Thundersley (**Part of H4**))
- 161 - North of Grasmere, Thundersley
- 257 - Land South of Eastwood Old Road, Eastwood (**H12**) and
- 258 - (Land north of Eastwood Old Road, Hadleigh)

Investigate other constraints (including drainage ,transport infrastructure flood risk and hazardous sites)

And that the draft Plan as altered be resubmitted for public consultation.

67. RESIGNATION OF COUNCILLOR LETCHFORD

Just before the vote was taken on the preceding item, Councillor Letchford on a point of order indicated among other matters that he was unable to support either Motion 1 or Motion 2 and announced his resignation from the Council.

Mayor

ORDINARY COUNCIL

23rd March 2016

Subject: New Local Plan 2016

Report of: The Chief Executive – David Marchant

1. Purpose of Report

Further to the decision of Council at its Special Meeting on 24th February 2016, this report seeks the Council's formal agreement to the New Local Plan 2016 for Castle Point and its associated documents, and seeks the Council's consent to proceed to consultation on that plan and thereafter submission to the Secretary of State for examination.

2. Links to Council's Priorities and Objectives

The proposals primarily concern the following Council aims:

- Transforming our Community
- Efficient and Effective Customer Focused Services

3. Recommendations

- 3.1 Pursuant to Section 20 of the Planning & Compulsory Purchase Order Act 2004, and Regulations 19 and 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, approve the publication of the Castle Point New Local Plan 2016 for further consultation and then submission to the Secretary of State.**
- 3.2 Officers following consultation with the Leader of the Council, should undertake further additional work as necessary to fulfil the Duty to Co-operate.**
- 3.3 To agree the revised Local Development Scheme March 2016 setting out the programme for preparing the New Local Plan and associated planning policy documents.**
- 3.4 To approve the draw down from reserves of £154,200 to meet the further costs of plan preparation.**
-

4. Background

- 4.1 At the Ordinary Council meeting on 9th December 2015 consideration of the report on the Draft New Local Plan was deferred to a Special meeting of the Council to allow all Councillors to review the Strategic Housing Land Availability Assessment (SHLAA) sites.
- 4.2 At a Special meeting on 27th January 2016, Council considered reports on the Draft New Local Plan. The recommendations to note the findings of the Task & Finish Group, to incorporate the changes to the Plan accepted by the Group, and approve the publication of the Plan, were not agreed.
- 4.3 However, Council did agree to defer for report on the effect of two Motions to a further Special Meeting of the Council to determine the next action to be taken to progress the Draft Local Plan.
- 4.4 These Motions were discussed at a Special Meeting of Council on 24th February 2016. The Council agreed to proceed with a plan which deleted most housing sites.
- 4.5 This report to Council is supported by a New Local Plan 2016 Written Statement and Proposals Map. The Written Statement will be provided to all Members and the Proposals Map is to follow. In the meantime copies have been placed in each of the Members' Group Rooms and copies can be viewed on the Council's website. Other documents referred to in the report are also available to any Member on request.

5. Policy Context

- 5.1 The National Planning Policy Framework (NPPF) sets out the Government's policies with regard to plan-making. It expects local plans to seek to meet the objectively assessed need for development (housing, employment, retail etc) within the area, in a sustainable way and supported by any necessary provision of infrastructure. The expectation is that local authorities will work jointly on areas of common interest for the mutual benefit of neighbouring authorities and work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual local plans.
- 5.2 Where such needs cannot be met within the area, local authorities are required to co-operate with their neighbours in order to determine as to whether development can be accommodated elsewhere – this is known as the Duty to Co-operate, and is a statutory duty arising from the Localism Act. Failure to comply with the Duty will result in a plan being found procedurally unsound.
- 5.3 Local Plans are subject to independent examination by a planning inspector before they can be adopted. The examination checks that the New Local Plan 2016 is sound. The NPPF sets out four tests of soundness that must be met. These tests are:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

6. The Evidence Base

- 6.1 In order for the New Local Plan 2016 to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests it is necessary for it to be based on evidence. The evidence base work previously undertaken remains valid and has only been updated to reflect new data where appropriate. These include the Strategic Housing Land Availability Assessments (SHLAA) and the Annual Monitoring Reports (AMR).
- 6.2 The Strategic Housing Market Assessment (SHMA) 2013 is a fundamental piece of evidence in the preparation of Local Plans. The examination of plans elsewhere in England has highlighted the important role the SHMA plays in demonstrating that the ‘Duty to Co-operate’ has been fulfilled in identifying and delivering objectively assessed housing needs. The SHMA indicates that a realistic level of housing growth in Castle Point over the period 2011 to 2031 is 200 homes per annum based on historic patterns of housing delivery. The SHMA is presently being updated and should be available for consideration by spring 2016.

7. The New Local Plan 2016

- 7.1 The New Local Plan 2016 based on the decision taken by Council on 24th February 2016 has been prepared. It remains in a format to follow the structure of the NPPF, employing the same thematic chapter headings. This will help to ensure that the plan is compliant with the NPPF, meeting the final test of soundness identified earlier in this report.
- 7.2 Each chapter includes strategic policies setting out the Council’s overall approach to the issue under consideration. Where appropriate, the strategic policies are followed by allocation policies which set out the spatial aspects of the Council’s strategy. Finally, a series of development management policies are included within each chapter which explain the considerations the Council will apply when considering planning applications for development.
- 7.3 The following sections of this report will highlight the main policy changes compared to draft New Local Plan 2014.

8. Delivering a wide choice of high quality homes

Growth and Mix

- 8.1 Having regard to the evidence, it has previously been determined that the Objectively Assessed Need for Housing in Castle Point is of the order of 400 homes per annum.
- 8.2 However, the SHMA indicates that realistically it can be expected that Castle Point can deliver around 200 homes per annum. Furthermore, the SHLAA demonstrates that there is only capacity of the order of 2,000 homes which can be delivered on brownfield sites in the built up area in Castle Point between 2013 and 2028.
- 8.3 The Council has resolved to maintain and prioritise the protection of the Green Belt in the Borough (with the exception of New Proposal Site H8 (formerly H9) on land at 396 to 408 London Road with a capacity of 81 dwellings, New Proposal Site H9 (formerly H11) on land south of Daws Heath with a capacity of 180 dwellings, and New Proposal Site H10 (formerly H17) on land on the west side of Canvey Road for a Care Home).
- 8.4 The New Local Plan 2016 therefore seeks to deliver approximately 2,000 homes (100 homes per annum) within Castle Point in the period 2011 to 2031, as agreed by the Council at its meeting of 24th February 2016.
- 8.5 As well as addressing the need for housing, this section of the report also considers the need for other types of specialist accommodation such as residential care provision. It is considered that there is a need over the period to 2031 to provide an additional 90 residential care beds within Castle Point. One allocation for this type of provision is set out in the strategic sites section that follows – New Proposal Site H10 (formerly H17), which is also in the Green Belt.

Housing Sites

- 8.6 In order to give effect to the Council's decision of 24th February 2016, the following strategic sites have been either adjusted or removed from the Local Plan:

H4 – Land off Kiln Road, Thundersley – 450 homes

- 8.7 Part of this site was safeguarded for housing in the 1998 Adopted Local Plan. The remaining land was designated as Green Belt.
- 8.8 The New Local Plan 2016 now simply repeats these earlier designations. With regard to the land allocated for housing, the area to the west has recently been built out with a scheme for 150 dwellings; land to the east has an approval for 71 homes. Smaller plots to the north also have either been recently constructed or have permissions. The overall capacity of the Proposal Site H4 is given as 235 dwellings.

H5 – Land at Thorney Bay Caravan Park, Canvey Island – 600 homes

- 8.9 Land in this location was safeguarded for housing in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation. A resolution to grant outline consent for the redevelopment of this site for residential

purposes was made by the Development Control Committee in February 2013. An application for phase 1 of the development comprising 117 dwellings has also been received and is under consideration.

- 8.10 The proposed extension to Roscommon Way linking Haven Road with Western Esplanade runs through this site. This section of the site is safeguarded for the provision of the road.

H6 – Land at Point Road, Canvey Island – 160 homes

- 8.11 Land in this location was designated for residential purposes in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation. A resolution to grant consent for the redevelopment of the western section of this site for 99 dwellings was made by the Development Control Committee in July 2013, but was ultimately refused permission in 2014, because negotiations on the Section 106 Agreement had not progressed. Assessments carried out by officers indicate that the slightly smaller eastern portion of the site could accommodate around a further 60 units.

H7 – Land off Scrub Lane, Hadleigh – 64 homes

- 8.12 Land in this location was safeguarded for residential purposes in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation. The land is owned by Essex County Council which has been undertaking a competitive sales process in order to dispose of the land. Developers interested in the site have indicated it has capacity of the order of 64 homes. Assessment work carried out by officers support this assumption.
- 8.13 It is expected that the development of this site will enable the provision of a new school building for Hadleigh Junior School, with the entrance to the school provided through this site.

Former H8 – land at the former Castle View School, Canvey Island

- 8.14 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

New H8 – Land between 396 and 408 London Road, Benfleet – 81 homes

(Formerly part of H9 - Land between Felstead Road and Catherine Road, Benfleet)

- 8.15 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The land in this location comprises of a number of plots with some development of homes and commercial premises. The northern section of the site fronting London Road (no's 396 to 408) received planning permission for 51 dwellings in 2013; a recent resolution to grant a further permission, and a permission for two dwellings facing Rhoda Road would have the effect of increasing the capacity of this land to 81. The southern section of this site remains as Green Belt.

Former H10 – Land East of Rayleigh Road, Hadleigh

- 8.16 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

New H9 (Former H11) – Land South of Daws Heath, Hadleigh – 180 homes

- 8.17 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The land in this location comprises several open fields separated by field boundaries. Daws Heath Road runs north-south through the centre of this proposed allocation. There are some buildings on these sites associated with farm and residential use. Caravan storage also occurs on Solby Wood Farm, to the west of Daws Heath Road.
- 8.18 Land in this location is adjacent to Daws Heath and is reasonably sustainable in terms of accessibility. The landscape in this area is however sensitive due to the presence of ancient woodland and open paddocks nearby. As a consequence, it is expected that the design and landscaping of development in this location should seek to limit its impacts on the wider landscape. Having regard to these concerns, officers have assessed the capacity of sites in this location as being of the order of 140 homes.
- 8.19 Landowners for sites both east and west of Daws Heath Road in this location have indicated a willingness to bring forward their land for residential development. Initial pre-application discussions have occurred for Solby Wood Farm to the west of Daws Heath Road. The Whole Plan Viability Assessment indicates that residential development in this location should be viable. Therefore, it is considered that this site should be deliverable within the plan period.
- 8.20 Members have advised officers that they believe additional capacity can be achieved on this site, and have asked that the allocation be increased to 180 homes.

Former H12 – Land South of Eastwood Old Road, Eastwood

- 8.21 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

Former H13 – Land West of Glebelands, Thundersley

- 8.22 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

Former H14 – Land West of Benfleet, Benfleet

- 8.23 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

Former H15 – Land off the Glyders, Benfleet

- 8.24 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

H16 – Land East of Canvey Road, Canvey Island

- 8.25 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. The New Local Plan 2016 repeats this earlier designation and no residential development is now proposed.

New H10 (Former H17) – Land Fronting Canvey Road, Canvey Island – 50 residential care beds

- 8.27 Land in this location was designated Green Belt in the 1998 Adopted Local Plan. This site is however previously developed, and has been promoted by the landowners for redevelopment as a residential care home.
- 8.28 This site is slightly removed from existing residential areas of Canvey Island, and is not considered to be the most appropriate location for residential development from an accessibility perspective. However, residential care relies largely on services delivered to site and so this may be less of an issue. Accessibility is better considered from the perspective of employees and visitors. The site is on a bus route and nearby employment opportunities at Charfleets Industrial Estate and is therefore appropriately located in this regard.
- 8.29 The site itself is not environmentally constrained, with the exception of flood risk. However, the land to the west of the site is an ancient landscape and local wildlife site. This will provide a pleasant and attractive outlook for residents of the proposed care home. In terms of flood risk, it will be necessary for any development to be flood resistant and flood resilient and for bedspaces to be located above ground floor level. This will see the number of bedspaces that can be provided on this site restricted to around 50.
- 8.30 The Whole Plan Viability Assessment indicates that residential care developments are viable within Castle Point. Furthermore, one of the landowners owns a residential care home elsewhere and would therefore be likely to operate the home proposed for this site. There is therefore a reasonable prospect that this site will be deliverable, as a residential care home, within the plan period.

New H11 (Former H18) – Land at North West Thundersley – Safeguarded Land and Broad Location for up to 400 homes

- 8.31 Throughout the plan making process there has been some local interest in assessing the potential for accommodating a proportion of housing growth for the borough to the north-west of Thundersley.
- 8.32 Compared to other parts of the Green Belt in Castle Point, this area is relatively unconstrained, although there is evidence to indicate potential issues with ecology, archaeology and surface water. Additionally, the area under consideration is a large swathe of Green Belt which forms part of the separation between Thundersley and the nearby towns of Wickford, Rayleigh

and Bowers Gifford. Development in this location has the potential to impact on the strategic function of the Green Belt from a South Essex perspective.

- 8.33 Whilst this area is not significantly constrained, there are substantial issues with the deliverability of this site. Land Registry searches have revealed multiple landowners within this area. There are also a number of parcels of land that are unregistered. Whilst some of these landowners have indicated that they may be willing to redevelop their land for housing, and two consortia brought forward draft proposals there were significant access and deliverability issues.
- 8.34 Access to this area is currently achieved via a network of un-made roads. A large scale residential development would require an access constructed to the appropriate standard. Taking access from the existing urban area would exacerbate congestion at the Tarpots and Woodman's Arms junctions. Meanwhile, the Highway Authority has clearly indicated objections to access being taken from the strategic road network (A127 and A130).
- 8.35 As a consequence of these significant constraints on deliverability, this site is again not recommended for inclusion in the New Local Plan 2016. It is proposed that land in this location should be safeguarded for housing provision in the period beyond 2031. This would give the opportunity for landowners and developers to attempt to assemble a site in this location and put forward a suitable masterplan for its development including suitable access arrangements.

9. Protecting Green Belt land

- 9.1 The section on the Green Belt has been amended following the Council's deliberations over the previously Draft New Local Plan 2014. The Draft New Local Plan 2014 proposed to retain the strategic functions of the Green Belt but to release some land on the urban periphery for development. However at its meeting on 24th February 2016 the Council resolved to prioritise the protection of the Green Belt above meeting housing needs.
- 9.2 The New Local Plan 2016 therefore identifies 2,734 hectares of land within Castle Point as Green Belt. This represents 99% of the Green Belt identified in the 1998 Adopted Local Plan. The extent of Green Belt identified within the New Local Plan 2016 is protected from development in accordance with the NPPF, except in those circumstances that are defined in national policy.
- 9.3 Policies on the extension, alteration, replacement and change of use of existing buildings in the Green Belt are included within the plan. Unlike the 1998 Adopted Local Plan, which applied a strict volumetric restriction of extensions in the Green Belt (also applied in relation to replacements), a criteria based policy is included in the New Local Plan 2016. This enables consideration to be given to matters such as the plot size, the mass of the building proposed and the surrounding landscape and landscaping. It is hoped that such an approach will prevent poorly designed, but volume compliant, proposals coming forward.
- 9.4 Whilst the policies in this section mainly set out a presumption against development in the Green Belt, there is a policy addressing those types of

activity and development that may occur. Consistent with the NPPF these include:

- Improved access;
- Outdoor sport and recreation;
- Retention and enhancement of landscapes;
- Improvements to visual amenity;
- Improvements to biodiversity; and
- Improvements to damaged and derelict land.

10. Legal and Policy Compliance

- 10.1 The proposals set out in local plans have the potential to effect the environment, and the wellbeing of residents. The effects of a plan in one place can also affect other areas. There are therefore numerous statutory requirements that need to be met when preparing a local plan. This section of the report sets out how the New Local Plan 2016 has been prepared to ensure that these statutory requirements have been addressed.

Sustainability Appraisal and Strategic Environmental Assessment

- 10.2 In order to ensure that the policies in the New Local Plan 2016 are sustainable, a full sustainability appraisal and strategic environmental assessment of the policies set out in the New Local Plan 2016 has been undertaken, where appropriate considering reasonable alternatives. The full report is available as a background paper to this report. In summary, the Sustainability Appraisal and Strategic Environmental Assessment conclude that:

- 1) The draft Local Plan is generally sustainable, with mitigation proposed within the policy content where conflicts between differing sustainability objectives arise. It is therefore appropriate to move forward with the plan-making process on the basis of this plan.*
- 2) The Council should however consider whether it is satisfied that the benefits associated with a new road for Canvey Island are sufficient to outweigh the impact such a proposal would have on biodiversity (designated sites). If they are not satisfied of the benefits, this proposal should not be included in policy T2 and T5.*
- 3) The Council should consider the proposals for housing sites having regard to the evidence base in order to improve the sustainability of the proposals.*
- 4) As the plan does not meet the likely need for housing in Castle Point, the Council should engage in conversations with its neighbours to see whether they are able to accommodate unmet need. This will assist in avoiding issues associated with affordability, and the secondary effects of unmet need and displaced need.*
- 5) The Council should continue to work in partnership with its neighbours through the Thames Gateway South Essex Partnership to deliver the Planning and Transport Strategy.*

- 6) *The Council should support the work of the Nature Improvement Area Partnership in delivering the compensatory provision set out in the TE2100 Plan.*
- 7) *The Council should, in moving forward with this plan, put in place mechanisms to monitor those indicators set out in the monitoring framework at appendix 2. It should also establish a review process for the local plan, in the event that the Local Plan causes un-anticipated harm.*

- 10.3 In order to ensure that the New Local Plan 2016 is legally and procedurally sound, the findings of the sustainability appraisal and strategic environmental assessment should be taken into account when making decisions in relation to the New Local Plan 2016 and policies within it.

Habitat Regulation Assessment

- 10.4 In order to ensure that the policies in the New Local Plan 2016 do not have an adverse impact on one or more 'European' Sites (sites designated as a consequence of their nature conservation value under the EU Habitat Directive), a Habitat Regulation Assessment has been undertaken. The full report is available as a background paper to this report. It concludes that:

The draft New Local Plan will have minimal impact on the well-being of European sites, subject to the additional proposed text being included in policy E10. Its proposals do not include sites which would bring about direct harm to European sites, and it plans to manage the pressures of development on water quality and on recreational activity. There however remain three issues that need to be addressed:

1. *Widespread acknowledgement amongst districts that good quality open space provision within new developments minimises recreational pressure on European sites. This will need to be achieved through engagement with other districts during their plan-making process (Duty to Cooperate);*
2. *There remains an issue with the potential impacts of increased shipping activity in the Thames Estuary on European sites. This will be addressed through the EIA's submitted with planning applications for waterborne freight reception facilities. This may impact on the scope of redevelopment that can occur at south Canvey, although as policy E10 does not seek a specific level of growth this does not undermine the effectiveness of the plan; and*
3. *Any proposals for a hub airport in the Thames Estuary will have a significant in-combination effect on European sites. If such proposals are pursued by the Government it will be necessary to amend the New Local Plan. However, it is likely that it take such time for any decision on this matter to be made, and many years before such a proposal could be delivered. It does not therefore threaten the integrity of the New Local Plan at this time.*

- 10.5 In order to ensure that the New Local Plan 2016 is legally and procedurally sound, the findings of the Habitat Regulation Assessment should be taken into account when making decisions in relation to the New Local Plan and policies within it.

Equality Impact Assessment

- 10.6 In order to ensure that the policies in the New Local Plan 2016 do not have an adverse impact on one or more groups of people with a characteristic protected under the Equality Act, do not cause economic or social deprivation, and contribute towards improved social equity and equality of opportunity, an equality impact assessment of the New Local Plan 2016 has been undertaken. The full report is available as a background paper to this report. It concludes that:

The Objectives and Policies of the New Local Plan have been comprehensively tested and analysed against the assessment questions previously identified in the EqIA scoping report's framework, in order to determine whether there are likely to be any socio-economic or equality impacts as a result of the Plan.

The analysis found the Objectives and Policies of the New Local Plan to meet the socio-economic and single (integrated) equality duties of the Equalities Act 2010, and that there were no areas which needed to be changed or given further consideration in order for the Council to fulfil its duties under the Act.

- 10.7 In order to ensure that the New Local Plan 2016 is legally and procedurally sound, the findings of the Equality Impact Assessment should be taken into account when making decisions in relation to the New Local Plan and policies within it.

Duty to Co-operate

- 10.8 The Localism Act sets out a requirement for Local Authorities to co-operate with others in the preparation of their Local Plans. The Town and Country Planning (Local Plan) Regulations specify the bodies between which such cooperation should occur.
- 10.9 The NPPF meanwhile details the matters over which co-operation should occur if there is a cross-boundary issue that needs to be addressed. It is clear within the wording of the tests of soundness that a plan may be found unsound if co-operation has not been undertaken in a positive and effective manner. The NPPG meanwhile provides guidance on the way in which co-operation should be undertaken; particularly in instances where development needs cannot be met within the borough.
- 10.10 Castle Point works closely with its neighbours through the Thames Gateway South Essex Partnership, and as such there is a well established platform for co-operation within South Essex. Joint working on the SHMA and on the TGSE Planning and Transport Strategy highlights the capacity and ability of this partnership to work together and co-operate.
- 10.11 Furthermore, the engagement of other organisations in the preparation of the evidence base for the New Local Plan 2016 demonstrates the Council's commitment to working with others to prepare and implement the New Local Plan.
- 10.12 However, as Castle Point is not able to meet its Objectively Assessed Need for housing, it is necessary for the Council to work with its neighbours in South

Essex, along with authorities in East London and elsewhere is Essex to determine whether unmet housing needs can be met elsewhere.

- 10.13 Work on the Duty to Co-operate is on-going and can reasonably be undertaken alongside consultation focusing on those strategic and cross boundary planning issues.

11. Community Infrastructure Levy Preliminary Draft Charging Schedule

- 11.1 Work was undertaken to prepare a Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule alongside the Draft New Local Plan in 2014. The Whole Plan Viability Assessment provided the evidence base for this piece of work, with the findings used to define the level of charge proposed for different uses and different areas.
- 11.2 However given the changes to the Draft New Local Plan agreed by Council, further work is now required on the CIL, which will come after the formal examination of the New Local Plan 2016.

12. Draft Revised Developer Contributions Guidance SPD

- 12.1 In 2009 the Council adopted a Developer Contributions Guidance SPD. Since this time there have been significant policy and legislative changes which mean that the Guidance is now out of date and needs to be revised in order to accompany the Community Infrastructure Levy.
- 12.2 The Draft Revised Developer Contributions Guidance SPD set out the instances in which Section 106 (S106) Agreements will be sought when the Community Infrastructure Levy is in place, focusing on Affordable Housing provision, the provision of on-site open space, wildlife management, landscaping and public realm works, drainage and flood risk management works, public art, CCTV, littering and recycling bins and employment.
- 12.3 However given the changes to the Draft New Local Plan agreed by Council, further work is now required on the SPD, which will be programmed after the formal examination of the New Local Plan 2016.

13. Next Steps

The Local Development Scheme

- 13.1 Local Plans are expected to be progressed in accordance with the Local Development Scheme. The current Local Development Scheme was adopted in January 2014. As a result of the time taken to examine the consultation responses and the evidence for the draft New Local Plan, the timetable set out in the current Local Development Scheme has not been met. It is therefore necessary to revise the Local Development Scheme as the Council's Local Plan moves forward. A revised Local Development Scheme is therefore included with this report for agreement. The Local Development Scheme is based around the following programme:

Action	Date
Council Decision to Submit	March 2016
Pre-submission consultation preparation	March , April, May 2016
Pre-submission consultation	May, June 2016 (6 weeks)
Submission preparation	July 2016
Submission	August 2016
Examination	November 2016
Inspectors Report	January 2017
Adoption	February 2017

Consultation

13.2 Subject to the agreement of the Council, consultation will be undertaken in a manner that ensures that the requirements and spirit of the Town and Country Planning (Local Plan) Regulations are met, and which complies with the Council's Statement of Community Involvement. The New Local Plan 2016 will be made widely available for consultation with residents, businesses and other stakeholders for a period of 6 weeks through May & June 2016.

13.3 The consultation will be likely to include:

- A mail-out to all residents and businesses summarising the key proposals in the draft New Local Plan;
- Meetings with stakeholders as appropriate; and
- Opportunities for people to provide comments in writing, by email, and online.

Duty to Co-operate

13.4 In order to ensure that the legal and policy requirements of the Duty to Co-operate are met, a series of meetings between the Council, its neighbours and other relevant bodies has been undertaken and is planned for the period before and during the consultation in order that the strategic planning issues identified in the sub-region can be addressed.

13.5 The National Planning Practice Guidance highlighted the need for elected Members to be fully engaged in the cooperation process; the Leader of the Council deals with this issue as part of his strategic partnership role

14. Risks and Corporate Implications

14.1 The Council has received consistent advice on the risks and Corporate Implications of failing to take forward a robust New Local Plan at formal meetings of the Council and informal briefings of Council.

14.2 The publication of this New Local Plan 2016 for the Council has a number of risks and corporate implications; these were described in the reports to Council in December 2015, January and February 2016. The serious legal reputational and financial risks in failing to take forward a sound New Local Plan were set out in Sections 7 to 9 of the report of 9th December 2015 and are appended to this report.

- 14.3 Council is advised that there is a substantial risk that this New Local Plan 2016 is unlikely to meet the four tests of soundness as set out in paragraph 182 of the NPPF, which are:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

- 14.4 In addition the Council has a statutory duty to comply with the Duty to Co-operate to ascertain whether the Council's neighbouring authorities are able to take some of the Council's unmet housing need. A New Local Plan which seeks only a limited ability to meet its housing need will not sit well with neighbouring authorities who are seeking to release Green Belt sites to meet their own housing needs: to expect those authorities to release even more of their Green Belt to meet the Council's unmet need is unrealistic.
- 14.5 Council is also advised that the Council's chartered professional planners are precluded from acting as advocates for the provisions of the New Local Plan 2016 as detailed below at paragraph 14.7.

(b) Financial Implications

- 14.6 The Council had previously established a specific reserve for local plan development costs, of £250,000. By the end of 2014/15 only approximately £35,800 remained unspent. The further stages of plan preparation are likely to cost in the region of £190,000 for publicity, a Programme Officer and examination costs. The additional costs of £154,200 would need to make available from reserves.

(c) Human Resources and Equality Implications

Human Resources

- 14.7 Additional temporary administrative support will be required in the Planning Policy Service to deliver the recommendations of this report. This additional support has been included within the financial requirements set out above.
- 14.8 The Council employs chartered town planners, who are members of the Royal Town Planning Institute, to provide to Council advice and guidance and to undertake professional planning activities. As with other professions,

chartered town planners are bound by a professional Code of Conduct. This Code stipulates that:

“Members must not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions, nor knowingly enter into any contract or agreement which requires them to do so”

For this reason the Council’s chartered town planners will not be in a position to act as advocates for the provisions of the New Local Plan 2016.

Equality Implications

- 14.9 An Equality Impact Assessment has been prepared to accompany the New Local Plan 2016. The outcomes of this assessment are reported at paragraphs 10.6 and 10.7 of this report, and should be considered when decisions are taken with regard to the New Local Plan 2016.

(e) IT and Asset Management Implications

- 14.10 The consultation process will make use of existing IT resources. There are no IT implications arising directly from this report or the New Local Plan 2016.
- 14.11 There are no asset management implications arising directly from this report or the New Local Plan 2016.

15. Timescale for Implementation

- 15.1 Should the Council decide to proceed to consultation on the New Local Plan 2016, the timetable set out at paragraph 13.1 of this report will be followed, with consultation commencing in May 2016. The outcomes of the consultation, along with any minor adjustments to the New Local Plan 2016 will then be submitted to the Secretary of State via the Planning Inspectorate in August 2016.

Background Papers

- National Planning Policy Framework
- National Planning Practice Guidance
- Castle Point New Local Plan 2016 – Written Statement & Proposals Map
- Castle Point Sustainability Appraisal and Strategic Environmental Assessment - New Local Plan 2016: Draft Local Plan Policies and Alternative Policy Options (March 2016)
- Castle Point Habitat Regulation Assessment - New Local Plan 2016 Screening Assessment Pre-consultation (March 2016)
- Castle Point Equality Impact Assessment (EqIA) - New Local Plan (March 2016)
- Castle Point Local Development Scheme March 2016
- Castle Point Draft New Local Plan Consultation Report (July 2014)

Report Author:

Chief Executive’s Report to Council.

APPENDIX TO ITEM 12 NEW LOCAL PLAN 2016

7. The risks associated with out-of-date plans and Corporate Implications

- 7.1 As the Proper Officer of the Council the Chief Executive has a duty to ensure that before any decision is made Councillors are aware of the consequences of failure to progress the Draft New Local Plan. The Chief Executive will be writing separately to the Leaders of the Political Groups on the Council and the Independent Members on the Council regarding the legal, reputational and financial risks in failing to take forward the Draft New Local Plan.

Legal

- 7.2 The Council needs to make progress with a New Local Plan. The Government, in publishing the Housing and Planning Bill on the 13th October 2015, has made it clear the requirement for local planning authorities to produce statutory development plans by 2017.
- 7.3 The Draft New Local plan will be assessed at independent examination by a planning inspector against the four tests of soundness in paragraph 182 of the National Planning Policy Framework, one of which incorporates a test as to whether the plan is positively prepared, based on a strategy which seeks to meet needs where this is consistent with meeting sustainable development.
- 7.4 The evidence supporting the Draft New Local Plan supports the strategy selected, which seeks to meet the needs of the Borough so far as is consistent with the policies of the National Planning Policy Framework when taken as a whole.
- 7.5 Any attempt to remove sites that is not supported by evidence will result in the Council's approach to meeting its housing needs being found unsustainable.
- 7.6 This in turn could put the entire plan at significant risk with the Council being faced with the prospect of either a finding of unsoundness or having to withdraw yet another development plan document after examination.
- 7.7 Members of the Task & Finish Group considered in some depth the constraints affecting the Borough however these constraints can only be applied through the Local Plan process.
- 7.8 Without a Local Plan the Objectively Assessed Needs (OAN) for the Borough is 400 dwellings per annum. It is this figure that will be the starting point for any Planning Inspector at appeal in assessing whether the Council has a 5 year housing land supply.
- 7.9 With a Local Plan in place, the evidence having been tested at public examination the Council can rely on the target figure of 200 per annum because of the application of constraints. There is also the risk that at Appeal

developers will argue that the OAN figure of 400 per annum referred to above should be much higher (as occurred in the Jotmans Appeal).

- 7.10 The Council will be assessed as to whether it has fulfilled its “duty to co-operate in relation to planning of sustainable development” (as set out in Section 11 of the Localism Act 2011) with other statutory bodies and agencies including neighbouring councils. Significant work has been carried out over the course of the preparation of the Draft New Local Plan to fulfil this duty.
- 7.11 Furthermore failure to take into account the findings of the Sustainability Appraisals, Habitat Regulations Assessment and Equality Impact Assessments in the decision making process could result in the New Local Plan being found to be procedurally unsound.
- 7.12 Given the timeframes set by Government in the Housing and Planning Bill, having the Draft New Local Plan found unsound or withdrawing the Draft New Local Plan would result in the deadline of 2017 not being achieved and put the Council at risk of intervention by the Secretary of State.

Reputational

- 7.13 Failure to produce a statutory development plan places the Council at risk of intervention by the Secretary of State. Where the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, he or she could intervene and produce a statutory development plan for the authority.
- 7.14 Whilst during intervention the Council would remain responsible for the costs of preparing the Draft New Local Plan, it would have no control over the process and would be burdened with the outcomes and significant costs. This is unlikely to be a positive experience for the Council.
- 7.15 Laura Graham, the Independent Planning Inspector made this point very clear to Members when she met with them on 11th November 2015.
- 7.16 In addition the Growth and Infrastructure Act 2013 imposed upon local planning authorities a requirement to improve performance. An authority where more than 20% of appeals on applications for major development are allowed during the 2 year assessment period will be designated. The result of designation will mean that developers may apply for planning permission direct to the Secretary of State and the authority is no longer authorised to determine major applications.

Financial Implications

General Financial Statement:

- 7.17 The Council is reminded of the Medium Term Financial Forecast, presented to Council in February 2015, which indicated a significant funding gap in each

financial year from 2017/18 which the Council must address in order to maintain existing service levels.

- 7.18 The Council is already effectively committed beyond its means in future years i.e. spending funds it does not have, and will need to identify reductions to existing services.
- 7.19 The position with regard to Council reserves is also serious. There are very real and significant financial risks, particularly around planning appeals and associated legal costs. These risks, coupled with the projected budget gap, result in a complete depletion of general reserves within the next three to four financial years.

Specific Financial Implications:

- 7.20 The Council had previously established a specific reserve for local plan development costs, of £250,000. By the end of 2014/15 only approximately £35,800 remained unspent. The further stages of plan preparation are likely to cost in the region of £190,000 for publicity, a Programme Officer and examination costs. The additional costs of £154,200 would need to be made available from reserves.
- 7.21 Should the Draft New Local Plan not be agreed, then further work on a new plan would be required; resources will need to be identified to meet the costs of new documents and evidence. Work carried out with existing evidence is as set out in the list below under Background Papers.
- 7.22 Any new evidence to be collected is likely to incur a cost not less than that already spent (£184,000), together with new consultation costs (not less than £35,000). In addition to these costs, there will also be additional staff costs amounting to £31,000.
- 7.23 Should the Council decide not to proceed with the Draft New Local Plan, then there are also potentially significant costs and resource implications to the Council in dealing with planning appeals. Any such costs would reduce General Fund reserves. The most recent calculation of the minimum recommended level of General Fund reserves, in the February 2015 Policy Framework and Budget Setting report, indicated a potential amount of £1.6m, should appeals be found against the Council.
- 7.24 Council is also asked to note a point of clarification regarding the position with reserves. No funds have been set aside to deal with planning appeals. Rather an exercise has been carried out to quantify a potential financial risk that may materialise as a consequence of not having an up-to-date local plan. Approval to draw from reserves would be required as each risk materialised. There is no approval to spend implied reserves.
- 7.25 The costs associated with preparing a development plan under the direction of the Secretary of State are also likely to be significant and beyond the control of the local authority.

- 7.26 The absence of an up-to-date plan will also leave the Council exposed to speculative development proposals in unwelcome locations, and with no mechanism for being able to negotiate maximum benefits from development proposals. As failure to adopt a Draft New Local Plan will result in the inability of the Council to seek contributions for infrastructure improvements through Community Infrastructure Levy (CIL). As a result the Council will only be able to seek developer contributions through negotiation via S106 Agreements which, as from April 2015, is limited in its use.
- 7.27 As highlighted by Laura Graham the local authority may find ultimately, development may be permitted “by appeal” as it has been elsewhere, when insufficient progress has been made with the local development planning process.
- 7.28 The likelihood is that if those appeals are successful the intensity of development will exceed that currently proposed within the Draft New Local Plan and on sites not currently within the Draft New Local Plan.

Human Resources and Equality Implications

Human Resources:

- 7.29 The next stages of the Draft New Local Plan preparation can be carried out using existing resources.

Equality Impacts:

- 7.30 The Draft New Local Plan is supported by an Equality Impact Assessment to ensure that the outcomes of the plan result in a fair and equal community.

IT and Asset Management Implications

- 7.31 There are no implications of this kind associated with recommendations set out in this report

Timescale for implementation

- 8.1 The Council’s adopted Local Development Scheme, agreed at the time when the Draft New Local Plan was agreed for consultation in January 2014, assumes that a period of twelve months will be required from the Council’s agreement to proceed with a plan to its eventual adoption. Following this guide, further consultation would take place in the spring 2016, before submission in the summer 2016, for examination in the autumn 2016, with an inspector’s report due in the winter of 2016/7.

9. Conclusions

- 9.1 The Task & Finish Group has carried out the work set for it by Council. It is now for the Council to consider and agree the next stages in the preparation of the Draft New Local Plan having regard to the risks rehearsed in the report.

- 9.2 To re-consider the Draft New Local Plan at this stage exposes the Council to the risk of unwelcome development, “planning by appeal”, and potential Government intervention.