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CABINET AGENDA

Date: Wednesday 15th March 2023

Time: 7pm NB Time

Venue: Council Chamber

This meeting will be webcast live on the internet.

Membership:

Councillor Blackwell	Chairman - Leader of the Council
Councillor Cole	Special Projects (Deputy Leader of the Council)
Councillor Fuller	Environment
Councillor Gibson	Strategic Planning
Councillor Mountford	Resources
Councillor Palmer	Regeneration & Economic Growth
Councillor Mrs Sach	People, Health Wellbeing & Housing
Councillor Savage	People & Community

Cabinet Enquiries: **Ann Horgan ext. 2413**
 ahorgan@castlepoint.gov.uk
Reference: **8/2022/2023**
Publication Date: **Tuesday 7th March 2023**

**AGENDA
PART I
(Business to be taken in public)**

1. Apologies

2. Members' Interests

3. Minutes

To approve the Minutes of the meeting held on 15th February 2023.

4. Forward Plan

This is included for information only it is not a decision item.

5. Council Tax Support Fund 2023/24

(Report of the Cabinet Member – Resources)

6. Report back on The Paddocks

(Report of the Cabinet Member – Environment, Chairman of the Working Group)

This item has been deferred and will be considered at a Special Cabinet meeting arranged for Wednesday 22 March 2023 at 6pm. This will be the only item of business to be considered.

7. Off Street Parking Review

(Report of the Cabinet Member – Environment)

8. Damp Condensation & Mould Policy

(Report the Cabinet Member - People, Health Wellbeing & Housing)

9. Fireworks Event

(Report of the Cabinet Member – Special Projects)

10. Community Infrastructure Levy Implementation

(Report the Cabinet Members – Strategic Planning, Resources)

11. Developer Contributions Guidance Supplementary Planning Document Library

(Report the Cabinet Member – Strategic Planning)

12. Corporate Performance Scorecard Quarter 3

(Report the Cabinet Member –)

13. Matters to be referred from /to the Standing Committees

14. Matters to be referred from /to Policy & Scrutiny Committees

A report is attached following examination by the Scrutiny Committee of the Association South Essex Local Authorities.

PART 2

(Business to be taken in private)

(Item to be considered with the press and public excluded from the meeting)



CABINET



15th FEBRUARY 2023

PRESENT:

Councillor Blackwell
Councillor Cole
Councillor Fuller
Councillor Gibson
Councillor Mountford
Councillor Palmer
Councillor Sach
Councillor Savage

Chairman – Leader of the Council
Special Projects – Deputy Leader of the Council
Environment
Strategic Planning
Resources
Regeneration & Economic Growth
People, Health Wellbeing & Housing
People & Community

APOLOGIES:

Councillor Cole

ALSO PRESENT:

Councillors Acott, Blissett, Bowker, Mrs B. Egan, E. Egan, T. Gibson, Greig, Hart, Isaacs, MacLean, May, C. Mumford, Skipp, Thomas, A. Thornton, Mrs J. Thornton, and Tucker.

78. MEMBERS' INTERESTS:

Councillor Palmer declared an interest under Minute 81 Extension of Public Spaces Protection Order due to his involvement with Canvey Baywatch.

79. MINUTES:

The Minutes of the Cabinet meeting held on 18.1.2023 were signed and approved as a correct record.

80. FORWARD PLAN:

To comply with regulations under the Localism Act 2011, the Forward Plan which outlined key decisions likely to be taken within the next quarter of 2023 was reviewed each month and circulated with the agenda for information.

At the beginning of the meeting the Leader of the Council provided an update on the useful meeting held with Essex and Suffolk Water regarding the action taken and proposed to deal with the burst water pipes in the Tarpots and Sadler Farm area of our borough pipes which that had caused major disruption and resulted in significant difficulties for residents. Members would be kept informed and a full statement would be issued following the meeting.

81. EXTENSION OF THE PUBLIC SPACES PROTECTION ORDER – (CASTLE POINT BOROUGH COUNCIL) 2020 – DOGS TO BE KEPT ON LEADS ON CANVEY ISLAND SEAFRONT BEACHES AND SEAWARD SIDE WALKWAY BETWEEN 1ST APRIL TO 30TH SEPTEMBER INCLUSIVE

Cabinet was asked to consider a report seeking approval to extend, with reductions to the current area covered and the prohibited times, the Public Spaces Protection Order – (Castle Point Borough Council) 2020 – Dogs to be kept on leads on Canvey Island Seafront Beaches and seaward side walkway between 1st April to 30th September inclusive for a further three years. The outcome of public consultations were set out in the report before Cabinet and had been taken into account in the variation to reduce the hours and area of operation of the order.

Cabinet was satisfied that extending the Order was necessary and proportionate to address the problem of dogs being off leads on the foreshore between 1st April and 30th September.

Resolved:

1. To note the responses to the consultations and endorses the extension of the Public Spaces Protection Order (with amendments) for a further three years;
2. To endorse the reduction in the time during which dogs must be kept on a lead in the designated area from 24 hours per day to 10am to 6pm each day between 1 April and 30 September; and
3. To endorse the reduction in the area covered by the Order from the area between The Point and Thorney Bay, to the area between the Town Council managed tidal pool and Thorney Bay.

82. NATIONAL PLANNING POLICY FRAMEWORK – RESPONSE TO CONSULTATION ON REVISED DRAFT

Cabinet considered a report on the Council's response to the draft revised National Planning Policy Framework published by the Government on 22nd December 2022. The consultation period was to expire on the 3rd March 2023.

The proposed response was set out in replies to a series of questions posed under each Chapter of the consultation.

Generally many of the changes could be supported aligning with the fresh approach that the Council was taking in the preparation of the Castle Point Plan.

Of particular note was the proposal that the Standard Method was an advisory starting point and could be reduced (or increased) in exceptional circumstances through a local plan. Aligned to this was the statement that Council would not be required to amend green belt boundaries to accommodate need, although as under current green belt policy, changes to boundaries could still be made in local plans.

There was greater emphasis on place making and the use of urban land, but this should not be at the expense of the character of the area and community well-being.

The Government propose that having a justified plan would no longer be one of the tests of soundness. This implied that plans would be place and need led, and whilst evidence would be required, it should be more proportionate. This was in keeping with the approach on the Castle Point Plan to use data and engagement to provide the basis of a vision and evidence tailored to support the policies and proposals in the plan, and deliverability.

The transitional arrangements suggest that the preparation of the Castle Point Plan should be using the new system, however there would be a lag between submission and the examination of the new plan, which was unacceptable

The response offered the Government the opportunity to use the Castle Point Plan as a pilot for the new system and encouraged discussions with Government officials in that regard.

The response does not support the approach to national development management policies that national policies take precedent even if a plan is up to date. National policies create a one size fits all approach and does not take account of local circumstances.

With regards to levelling up, the Government was to provide further guidance on this, but generally the response indicates support for local plans in establishing a framework for levelling up.

Resolved:

1. To comment on the draft response to the Consultation on the draft revised National Planning Policy Framework.
2. To authorise the Head of Place and Policy in consultation with the Leader of the Council and the Cabinet Member for Strategic Planning to make amendments to the draft response for submission.

83. HOUSING REVENUE ACCOUNT (HRA) – 2023/24 RENT LEVELS, REVENUE BUDGET AND CAPITAL PLAN FOR 2023/24 AND 2022/23 REVISED

Cabinet received a report presenting for consideration and agreement: Proposed rent levels for Council dwellings and garages for 2023/24; HRA Revenue budget for 2022/23 (revised) and 2023/24 together with the HRA Capital Plan for 2022/23 (revised) and 2023/24.

The report was presented mindful of the Cabinet's role to determine the rent levels for Council dwellings and garages and approve a budget for the Housing Revenue Account (HRA) that met legal requirements and delivered the approved HRA Business Plan and associated policies and strategies.

Cabinet and Members discussed and raised questions regarding the report.

Resolved:

1. A rent increase of 7% for all social rent HRA dwellings be agreed, resulting in an average increase of £6.61 per week.
2. A rent increase of 7% for all affordable rent HRA dwellings be agreed, resulting in an average increase of £12.94 per week.
3. Following a £1 rent increase being applied to garages in 2022/23 to increase garage rents in 2023/24 by £1.68 excluding VAT.
4. To approve the HRA revenue budget for revised estimate 2022/23 and estimate 2023/24, as set out in Annexe A.
5. To approve the HRA capital plan for revised estimate 2022/23 and estimate 2023/24, as set out in Annexe B.

84. THE HIGHWAY RANGER SERVICE

Cabinet considered a report bringing to Cabinet's attention the decision by Essex County Council (ECC) to cease funding the Highway Ranger Service from 1 April 2023 and seeking approval for the Council to fund the service for the financial year 2023/24.

Resolved:

1. To note Essex County Council's decision to cease funding the Highway Ranger Service from 1 April 2023;
2. To approve the use of £80k from reserves to fund the Community Ranger Service for the financial year 2023/24; and
3. The Council continues to lobby ECC to reinstate the funding for the Highway Ranger Service for 2024/5 and subsequent years.

85. POLICY FRAMEWORK AND BUDGET SETTING FOR 2023/24

Cabinet considered the report (including the accompanying document forming part of the report) submitting proposals and recommendations for the Council's Policy Framework and Budget Setting for 2023/24. The Cabinet was requested to make appropriate recommendations to be considered at the Council meeting to be held later that evening.

Resolved:

Implementation of Council policies and related spending plans

1. That Cabinet approves the continued funding of priority projects and other items of discretionary expenditure, as set out in table 2.4.
2. That Cabinet note the changes from the previously published budget as set out in table 2.5.

3. That Cabinet note the key items causing the changes in table 2.5, as summarised in table 2.6.
4. That subject to recommendations 1 to 3 above, the revenue spending plans for 2022/23 (revised) and 2023/24, set out in section 2, tables 2.1 (summary) and 2.2 (net services expenditure) of the accompanying report, are approved.

Capital spending plans and prudential indicators

5. That the capital spending plan described in section 8 of the accompanying report (tables 8.2 and 8.3) is approved in respect of 2022/23 (revised) and 2023/24.
6. That as required by section 3 of the Local Government Act 2003, and the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), the following Prudential Indicators are approved as set out in the appropriate sections of the accompanying report:

Prudential Indicator - Reference to sections 8, 9 and 10 of accompanying report	
Capital expenditure	Tables 8.2 and 8.3
Capital financing requirement (CFR)	Table 8.4
Authorised limit for external debt	Table 8.5
Operational boundary for external debt	Table 8.6
Ratio of financing costs to new revenue stream	Table 8.7 (a & b)
Gross external borrowing does not exceed CFR	Section 8 – para 55
Maturity structure of fixed rate borrowing - upper and lower limits	Table 9.2
Upper limits of fixed and variable interest rate exposures	Table 9.3
Maximum period and counterparty limits for specified and non-specified investments	Table 10.2 & 10.3

7. That the Statement of Minimum Revenue Provision for 2023/24, as stated in paragraphs 57 to 62 of section 8 of the accompanying report is approved.
8. That no new capital proposals are allowed until:
 - the proposal has been evaluated in accordance with 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.
9. That, as stated in paragraph 69 of section 8 of the accompanying report, and as required by the Prudential Code, the statement of the Chief Financial (s151) Officer in respect of the affordability, deliverability and appropriateness of risk management arrangements with respect to the Capital Strategy is noted.

10. That the policies and strategies supporting the budget framework and contained within the accompanying report are approved.

Statutory report of the Strategic Director (Resources)

11. That as required by section 25 of the Local Government Act 2003, the report of the Strategic Director (Resources) set out in section 12 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 Strategic Director (Resources) set out in section 6 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 3 of the accompanying report it is noted that acting under delegated authority and in consultation with the Cabinet Member responsible for Finance, the Strategic Director (Resources) has calculated:
- A tax base for the Borough of Castle Point of **31,258** being the amount **T** required by section 31B of the Act; and
 - A tax base for Canvey Island to which a Town Council precept applies as **12,049**.
14. That the following amounts be calculated for the year 2023/24 in accordance with sections 31 to 36 of the Act:

Ref	Amount £	Item
(a)	62,149,909	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)	53,067,361	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	9,082,548	being the amount by which the aggregate at 14(a) above exceeds the aggregate at 14(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)	290.57	being the amount at 14(c) above (item R), divided by item T (14(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)	274,359	being the aggregate amount of the (Parish (Town) precepts) referred to in Section 34(1) of the Act.
(f)	281.79	being the amount at 14(d) above less the result given by dividing the amount at 14(e) above by item T (14(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.
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15. That the Cabinet recommends that Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2023/24 for each part of its area and for each category of dwelling. This information is included within section 13 of the accompanying report.

Castle Point Borough Council Tax 2023/24, including and excluding Town Council precept, for each of the following categories of dwelling:

Council Tax		Canvey Residents Council	Mainland Residents
Band	Ratio in 9ths	Tax Including Town Council	Council Tax Excluding Town Council
A	6	203.04	187.86
B	7	236.88	219.17
C	8	270.72	250.48
D	9	304.56	281.79
E	11	372.24	344.41
F	13	439.92	407.03
G	15	507.60	469.65
H	18	609.12	563.58

16. To note that the County Council, the Police 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:

Council Tax for each band	Castle Point Borough Council	Essex County Council	Essex PFCC - Fire and Rescue Authority	Essex PFCC - Policing and Community Safety	Total excluding Town Council	Canvey Island Town Council	Total including Town Council
Band	£	£	£	£	£	£	£
A	187.86	966.78	53.52	155.64	1,363.80	15.18	1,378.98
B	219.17	1,127.91	62.44	181.58	1,591.10	17.71	1,608.81
C	250.48	1,289.04	71.36	207.52	1,818.40	20.24	1,838.64
D	281.79	1,450.17	80.28	233.46	2,045.70	22.77	2,068.47
E	344.41	1,772.43	98.12	285.34	2,500.30	27.83	2,528.13
F	407.03	2,094.69	115.96	337.22	2,954.90	32.89	2,987.79
G	469.65	2,416.95	133.80	389.10	3,409.50	37.95	3,447.45
H	563.58	2,900.34	160.56	466.92	4,091.40	45.54	4,136.94

17. To note that, in accordance with the requirements of section 52ZC of the Act the Council has determined whether it's Relevant Basic Amount of Council Tax for 2023/24 is excessive.
18. For 2023/24, the relevant basic amount of Council Tax for Castle Point would be deemed excessive if the authority's relevant basic amount of Council Tax is:
- (a) 3%, or more than 3%, greater than its relevant basic amount of Council Tax for 2022/23; and
 - (b) More than **£5.00** greater than its relevant basic amount of Council Tax for 2022/23.

Ref	Amount £	Item
(a)	273.69	being the Relevant Basic Amount of Council Tax for 2022/23, excluding local precepts.
(b)	3.0%	being the percentage increase above which the Secretary of State has determined the Relevant Basic Amount of Council Tax for 2023/24 would be excessive.
(c)	281.87	being the amount above which the Relevant Basic Amount of Council Tax for 2023/24, excluding local precepts, would be excessive (rounded down to the nearest penny).
(d)	281.79	being the Relevant Basic Amount of Council Tax for 2023/24, excluding local precepts.
(e)	2.96%	being the percentage increase in Council Tax for 2023/24, excluding local precepts.

The Relevant Basic Amount of Council Tax for 2023/24 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).

86. MATTERS TO BE REFERRED FROM / TO POLICY & SCRUTINY COMMITTEES

There were none.

87. MATTERS TO BE REFERRED FROM / TO THE STANDING COMMITTEES

There were none.

Chairman



Castle Point Borough Council

Forward Plan

MARCH 2023

CASTLE POINT BOROUGH COUNCIL

FORWARD PLAN

MARCH 2023

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely: -

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continually.

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member(s)	Lead Officer(s)
March 2023	<u>Council Tax Support Fund</u> To make recommendations on eligibility for allocation	Enablers Resources People	Cabinet/ Council	Resources	Head of Customer & Digital Services
March 2023	<u>Report back from The Paddocks Member Working Group</u>	People	Cabinet	Leader of the Council	Chief Executive
March 2023	<u>Mould and Damp</u>	People /Environment	Cabinet	People-Health Wellbeing Environment	Head of Housing
March 2023	<u>Fireworks Event</u> To report on outline proposals	People	Cabinet	Deputy Leader – Special Projects	Chief Executive
March 2023	<u>Community Infrastructure Levy</u> Report back on Examination of proposed CIL rates, and to make recommendations to Council on the adoption of CIL.	Place / Enabler	Cabinet/ Council	Strategic Planning	Head of Place and Policy
March 2023	<u>Developer Contributions Review</u> Report back on consultation outcomes, and to make recommendations to Council on the adoption of updated Developer Contributions Guidance SPD.	Place / Enabler	Cabinet/ Council	Strategic Planning	Head of Place and Policy
March 2023	<u>Corporate Performance Score Card Quarter 3 – to monitor</u>	All	Cabinet	Special Projects	Strategy Policy & Performance Manager
April -June	<u>RIPA Policy Update</u>	People	Cabinet	People &Community	Solicitor to the Council

TBC	<u>UK Shared Prosperity Funding</u> to note	All	Cabinet	Resources	Head of Place & Policy
TBC	<u>Extension to Thorney Bay Car Park</u>	Place /Environment	Cabinet	Strategic Planning	Head of Environment
TBC	<u>Waste Collection Arrangements</u> – to consider recommendations from Environment PSC	Environment	Cabinet	Waste & Environmental Health	Head of Environment

CABINET

15th March 2023

Subject: Council Tax Support Fund 2023-24

Cabinet Member: Councillor Mountford – Resources

1. Purpose of Report

To request approval from Cabinet for the proposed arrangements in terms of dispersal of surplus funding resulting from the Council Tax Support Fund for 2023-24.

2. Links to Council's priorities and objectives

Efficient and Effective Customer Focussed Services

3. Recommendations

1. That Cabinet note the content of section 5 of this report and specifically the content of paras 5.8 and 5.9.
2. That Cabinet specifically approve and recommend to Council the proposals set out in para 5.8, in regard to the use of surplus funding and treatment of newly eligible Working Age Council Tax Reduction (WACTR) and Local Council Tax Support (LCTS) claimants during the year.

4. Background Information

- 4.1 On 23rd December 2022, recognising the impact of rising bills, Central Government issued Guidance to Local Authorities confirming the distribution of £100 million of Council Tax Support Funding which Local Authorities are required to use to support economically vulnerable households in their area with council tax payments during 2023-24 (**Appendix A**).
- 4.2 Local Authorities are required to use this funding to reduce bills for current Working Age Council Tax Reduction (WACTR) claimants and pension age Local Council Tax Support (LCTS) claimants by up to £25 using its discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992).

5. The Council Tax Support Fund 2023-24

- 5.1 The Council has received Council Tax Support funding of £114,090 for 2023-24 and, in line with Government guidance, the Council is required to allocate this funding as a one off payment of up to £25 to residents where they are;
 - a) in receipt of WACTR or LCTS on 1st April 2023, and;
 - b) have an outstanding Council Tax liability in respect of 2023-24
- 5.2 Where the outstanding Council Tax liability for 2023-24 is less than £25, Council Tax Support will be awarded to a level that will reduce the liability to nil.
- 5.3 Where the outstanding Council Tax liability for 2023-24 is already nil, no Council Tax Support will be awarded.
- 5.4 Where residents are eligible on 1st April 2023, but their eligibility ceases later in the year (either because their Council Tax liability ends, or they fail to remain entitled to WACTR or LCTS) the £25 award will automatically be apportioned pro rata to the relevant date of the change.
- 5.5 Under the guidance the Council has discretion to use surplus funding as they see fit to support vulnerable households with Council Tax bills.
- 5.6 The Council also has discretion to determine how they wish to treat households which are liable for Council Tax on 1st April 2023 but only become newly eligible for WACTR or LCTS during the financial year (i.e. whether they will also be considered eligible for pro rata payments or not, or whether some other such arrangement shall apply).
- 5.7 Spend in line with the main criteria and based on current caseload is expected to equate to just under £65k, leaving an estimated £49k of surplus funding.
- 5.8 It is therefore proposed that;
 - a) households that are liable for Council Tax at 1st April 2023 but only become newly eligible for WACTR or LCTS during the financial year will not be considered eligible for a pro rata payment or any other such automatic payment, and
 - b) any surplus funding is allocated to the Council's existing Exceptional Hardship Scheme and is thereby used to provide substantive support to vulnerable households under the usual rules of that scheme.
- 5.9 These proposals allow the Council to;

a) provide more substantive and meaningful support to those who have demonstrated high levels of vulnerability and financial hardship

b) keep the scheme simple and easy to understand and apply for

c) reduce the administrative burden and costs associated with making more frequent but smaller and less impactful payments to a wider caseload (as would be the case if payments were issued pro rata as per para 5.6).

5.10 The surplus funding will be ringfenced within the Exceptional Hardship budget and normal Exceptional Hardship rules (as set out in the EHF Policy - **Appendix B**) will apply in terms of determining eligibility and award levels.

6. Corporate Implications

a) Financial Implications

6.1 In line with the new burdens' doctrine, Central Government has confirmed that it will assess additional costs associated with the implementation of this scheme, such as staffing and software costs, and will confirm the value and payment date of any such new burdens funding in due course.

The proposed scheme is not expected to generate significant additional burdens for the Local Authority – software costs are £8K and administration is generally expected to be absorbed within existing resources.

b) Legal Implications

6.2 The Council has a legal responsibility to create, maintain and renew its CTS scheme on annual basis. These powers are contained in Section 13A of the Local Government Finance Act 1992 as amended. Discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992 allow the Council to ringfence surplus funds and use for the purposes proposed.

c) Human resources/equality/human rights

6.3 A Stage 2 EQiA (**Appendix C**) has previously been completed in respect of the Council Tax Reduction Scheme for 2023/24, which incorporates the Exceptional Hardship Scheme. As the surplus funding will be allocated to the EHF scheme a separate EQiA is not therefore required.

7. Timescale for implementation and risk factors

Key milestones from this point going forward are as follows:

Milestone	Timeframe	Purpose
Cabinet	15 th March 2023	Approval of CTSF Discretionary element
Council	22 nd March 2023	Approval of CTSF Discretionary element
Go Live	1 st April 2023	Scheme commences

Risks are recorded on the Corporate Risk Register and are reviewed on a monthly basis.

Appendix A - [Council Tax Support Fund guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/council-tax-support-fund-guidance)

Appendix B – EHF Policy 2023-24 (attached)

Appendix C – 2023-24 CTR Scheme Stage 2 EQiA (attached)

Report Author:

Edwina Mosuro – Head of Customer & Digital Services



2023/2024

Exceptional Hardship Fund

“Council Tax Support Payment Using Section 13.1a”

EHF and Support under section 13.1a schemes.

A customer does not have a statutory right to a payment or award.

EHF/Section 13.1a is a separate scheme to that of the Statutory Housing Benefit Scheme (HB), Local Council Tax Support Scheme (LCTS) and Council Tax Reduction (CTR).

Local Council Tax Support Scheme and Council Tax Reduction Scheme is covered by two schemes, Exceptional Hardship Fund, and the Council Tax Support scheme under Section 13.1a.

Exceptional Hardship Fund (EHF) **Discretionary Housing Payment under Section 13.1a**

Background

From the 1st of April 2013 the Council Tax Benefit Scheme operated by all local authorities was withdrawn for working age applicants and replaced by a “Local Council Tax Scheme” (LCTS). Each local authority has designed and consulted upon a scheme that came into being from the 1st of April 2013.

The scheme for the current year for “working age applicants” can be viewed on the “Council’s Website”, the scheme has been consulted on and has been approved by elected members of Castle Point Borough Council and for the working age scheme has been renamed as Council Tax Reduction (CTR).

It has been agreed to include within the CTR scheme an Exceptional Hardship Fund to assist those working age applicants most at risk and considered to be the most vulnerable.

The EHF scheme allows authorities to grant additional support within legislative and budgetary constraints to claimants deemed to be most at risk and considered most vulnerable. The scheme also needs to be flexible and adapt to changes within the economic climate of the borough. Officers will be able to increase EHF awards or Section 13.1a awards if required after evidence is gathered and interpreted.

Additional support can be given under a scheme, **Under Section 13.1a** CTR support, it relates to help towards the Council Tax liability of the customer for the financial year 2023/2024.

Objective of the EHF/ CTR Support under Section 13.1a,

The aim is to.

- Assist claimants of CTR to meet their Council Tax liability.
- Prevent exceptional hardship where possible.
- Reduce potential write offs of Council Tax.
- To utilise other Council Tax legislation to assist Council Taxpayers, where exceptional hardship is proven under CTR section13.1a,

Approach

The approach to be taken will be like that operated with the DHP scheme, the customer is required to complete an on-line application form and supply evidence to establish a requirement to receive help through this scheme. The customer will be given a list of evidence that is required and how this can be provided to the Local Authority, digitally or through other methods.

If the customer wishing to claim this support has no access to claiming online or is not able to undertake this task assistance will be provided.

It is not the intention of the EHF/Section 13 to just pay additional levels of support to Council Taxpayers, as this will be seen to be enhancing the CTR scheme, but to aid and assist the most impoverished and vulnerable families of the borough.

To claim EHF

To claim Support under Section13.1a (2023/24)

The customer can apply if he/she considers they require additional support above that already awarded if they qualify for CTR.

The customer can apply if he/she can show that even if they do not qualify for the CTR support due to the schemes qualifying criteria, they have exceptional circumstances that could be worsened, both financially and personally by having to pay their full Council Tax Liability

Claiming EHF/Section 13.1a

A claim for an EHF/Section 13.1a should be made on-line on the claim form approved by the Council (***The form used is the Discretionary Housing Payment/Exceptional Hardship Fund Form, which is online***).

A request for an EHF/Section 13.1a may be made initially in writing, verbally or electronically.

The Council will advise the applicant in the way in which application should be made.

All applications for an EHF/Section 13.1a must be made by the potential CTR applicant or be in receipt of CTR or be the Council Tax liable person requiring assistance due to exceptional circumstances.

In the case of a married, unmarried couple or civil partnership the claim will be made jointly.

The Council may request any reasonable evidence in support of an application.

The Council will make such requests in writing, verbally or electronically. The applicant should provide the evidence where possible within ten working days and not longer than one calendar month from the date of request.

If the applicant does not provide the required evidence, within a reasonable amount of time, the application will be treated as withdrawn. As a guide ten working days would seem a reasonable amount of time, though given consideration to the fact that some customers are vulnerable and may need longer or require help getting the information additional time will be considered.

The Council may in any circumstances verify any information or evidence provided by the claimant(s) by contacting third parties, other organisations and the claimant(s).

As part of the application process the authority and claimant will as required.

- Assist with claim form completion.
- Signpost customer to financial organisation that help with debt management and support (non-fee paying).
- Identify potential changes in payment methods and arrangements to assist the taxpayer.
- Minimise council tax liability by ensuring that all discounts, exemptions, and reductions are granted.

- Maximising income through the application for other welfare benefits.
- Maximise income from increased hours worked, where able.
- Identifying the most economical tariffs for the supply of utilities.
- Provide full details of their income and expenditure.

Decision Process

The decision maker will request all relevant information.

- To recommend that the claim for EHF/Section 13.1a be accepted or be refused.
- Consider alternative Council Tax Legislation to assist Council Taxpayers, where hardship is proven.
- If accepted, the period of payment and the level of the award.
- The effect on the authority's budget will be reported.
- Reasons for the decision will be documented and scanned into the authorities' workflow system.

See below under “**Notification of Decision** “

Period of award

The Council will decide the length of time or the manner in which the EHF/Section 13.1a will be awarded if a payment can be made under this scheme.

The minimum period for which the Council will award an EHF/Section 13 is one day. An award will not exceed the council tax liability, or span financial years.

The Council may set agreed criteria for an award in some cases, where the claimant is required to undertake specific actions, such as:

- Any savings or capital that might be held by the applicant or their family or could be made available to the applicant or their family.
- Any assets that may be realised.
- The availability and any steps taken by the claimant(s) to obtain extra income or to reduce expenditure of the applicant or their family.
- A reduction in the level of indebtedness of the applicant(s) and their family.

The authority will be required to be aware of the impact any award will have on the Council's budgets and its ability to make further awards within the financial year.

The impact the non-award of an EHF/Section 13.1a will have on the applicant.

Notification of decision

The authority will put in writing the decision to award or refuse the request. Setting out where applicable the amount of the award, the period covered and the revised outstanding Council Tax amount.

The claimant should be reminded within the notification of their duties and responsibility to advise the local authority of any changes in their family or financial circumstances.

Appeal rights

There are no statutory appeal rights with regard to a non-award of EHF/Section 13.1a, however the claimant can request a review by the authority into the reasons for the original decision and can also provide additional information that may alter the original decision.

However, if additional information is provided the claimant will be required to give an explanation for not submitting the information at the time of the original claim.

EHF Review

The monitoring and review process come under two headings.

To monitor the expenditure of EHF/Section 13.1a against the allocated budget within the designated financial year.

To review claims EHF/Section 13.1a awards and circumstances of the claimant during the award period.

As part of the Review process at the end of the financial year, it will at the authorities' discretion to award a further EHF payment to a customer without a claim if the circumstances are such that the family and/or financial circumstances cannot be improved. **This does not apply to support awarded under Section 13.1a.**

APPENDIX B

It will be down to the discretion of the authority to invite application at the start of the financial year to customers in receipt of EHF in the previous year.

Overpaid Support

Where there is an amount of overpaid Section 13.1a, the authority will determine the recovery action to be taken.

Fraud

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim by falsely declaring their circumstances, providing a false statement or evidence in support of their application, will have committed an offence.



Council Tax Reduction Scheme 2023-24

Equality Impact Assessment (EqIA)


Nov 2022

Strategy and Policy EqIA

All strategies and policies must be initially screened for their positive and negative equality impacts.

This initial screening will determine whether or not it is necessary to carry out a full EqIA for the strategy or policy.

This template has been designed to help you initially screen your strategy or policy and, if necessary, undertake a full EqIA .

Title of strategy or policy:	Council Tax Reduction Scheme
Person undertaking EqIA:	Nick Bale
Head of Service:	 Eddie Mosuro
Department:	Customer & Digital Services
Date EqIA completed:	22.11.22

Strategy and policy overview

Strategy and policy overview	
What is the strategy or policy intending to achieve?	To fulfil the Local Authorities legal obligation under the Localism Act to provide a Localised Council Tax Support Scheme with effect from 1 st April 2023.
What are the summary aims and objectives of the strategy or policy?	<p>To provide a simplified Council Tax Reduction Scheme that replaces the current Local Council Tax Support (LCTS).</p> <p>The Council has the ability to determine the level of support given to working age applicants only - the scheme for pension age applicants is prescribed by Central Government, and therefore not something which the Council can vary.</p> <p>CTR provides support to working age council tax payers who have a low income. The level of support (the % by which their Council Tax liability is reduced) is determined by the total income and household make up.</p> <p>Since the introduction of LCTS in 2013, the overall scheme adopted by the Council has remained broadly the same, with only minor technical changes allowed, to replicate changes to the wider Central Government welfare system, changes to Housing Benefit legislation, and to reflect the roll out of Universal Credit.</p>

Appendix C

Who will benefit from implementing the strategy or policy?	The proposed CTR scheme for 2022/23 will benefit working age people on low incomes by providing them with support to pay their Council Tax.
What are the links to the Council's corporate priorities?	This Policy is an essential 'Enabler' to Resources within the Council's Corporate Plan - sound and strategic financial management is essential to ensuring that resources are available to support the Council's priorities and to help maintain and/or improve services.
What are the links to other Council strategies and policies?	The CTR scheme links to; The Exceptional Hardship Policy The Homelessness & Rough Sleeping Strategy: <u>Castle Point Homelessness and Rough Sleeping Strategy 2019 - 2024</u>
What are the links to other community strategies and policies?	The National Child Poverty Strategy: <u>https://www.gov.uk/government/publications/a-new-approach-to-child-poverty-tackling-the-causes-of-disadvantage-and-transforming-families-lives</u>

Equality Act 2010

The Equality Act 2010 introduces 2 specific statutory duties on public bodies such as local authorities:

- **Socio-economic duty:**
 - Have due regard when making strategic decisions to the need to reduce inequalities of outcome which result from socio-economic disadvantage
- **Single (integrated) equality duty:**
 - Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act
 - Advance equality of opportunity between persons who share a “protected characteristic” and those who do not
 - Foster good relations between people who share a “protected characteristic” and those who do not

The Equality Act 2010 brings together all of the different equality strands and refers to them as “**protected characteristics**”:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Initial screening

This initial screening template will determine whether or not the strategy or policy requires a full EqlA
If any of the answers to the 6 screening questions is “yes”, then a full EqlA will be required.

Initial screening		
Does the strategy or policy aim to reduce inequalities of outcome which result from socio-economic disadvantage?	Yes / No	The Policy fundamentally aims to provide financial assistance in meeting Council Tax costs for those disadvantaged by socio-economic factors.
Does the strategy or policy aim to eliminate discrimination, harassment and victimisation?	Yes / No	The pension age scheme is prescribed by Central Government. The working age scheme is prescribed by the Council with due regard to Guidance that has previously been issued by government in relation to the treatment of vulnerable groups and work incentives. The design of the working age scheme seeks to eliminate discrimination.
Does the strategy or policy aim to advance equality of opportunity?	Yes / No	The Policy aims to provide support with Council Tax for those who are socio-economically disadvantaged whilst also encouraging people into work. It is recognised that opportunities for some groups may not be equal and therefore the Policy has been designed to provide protection for those groups where advancement of equal opportunity would be restricted.

Appendix C

Does the strategy or policy aim to foster good community relations?	Yes / No	Not applicable.
Does the strategy or policy have the potential to make a negative contribution to equality?	Yes / No	The scheme may make a negative contribution to equality for certain groups – children, families, lone parents etc.
Does the strategy or policy make a positive contribution to equality?	Yes / No	Pension age people are specifically protected under Government Regulations.
Initial screening outcome	Full EqlA is required	Initial screening outcome

Full assessment

Information gathering	
What quantitative and qualitative information is there?	<p>Appendix A of the September 2022 Cabinet Report sets out some of the qualitative information considered when proposing the preferred options for the 2023/24 CTR scheme to Council for public consultation.</p> <p>Analysis was undertaken across a sample of cases from each household type/ income band to understand the average financial impact the scheme would have in range of different scenarios and as a consequence enhancements were added to the basic scheme option to 'smooth out' the impact.</p>
What additional information is required?	<p>Following consultation, further analysis was undertaken with specific regard to the impact on large families and those existing claimants who may 'lose out' from the transition from LCTS to CTR;</p> <p>S:\Corporate\LCTS\Reports\2023 - 24 Scheme Reports\2023 - 24 Council Reports 30.11.22\Council Report - CTR Impact Analysis APPENDIX B.docx</p> <p>This identified the need for a Transitional Protection Policy aimed at mitigating the impact to those existing customers who would lose 75% or more in support as a result of the transition from LCTS to LCTR;</p> <p>\\cpbc-data02.cpbpc.local\Shared\Corporate\LCTS\Reports\2023 - 24 Scheme Reports\2023 - 24 Council Reports 30.11.22\Council Report - Transitional Protection Policy 2023.24 APPENDIX D.docx</p>
What are the outcomes of any internal and/or external consultation with stakeholders?	<p>Consultation on the scheme took place between September and November 2022. The results of the consultation are available here:</p>

Appendix C

What further consultation is required?	<p>S:\Corporate\LCTS\Reports\2023 - 24 Scheme Reports\2023 - 24 Council Reports 30.11.22\Council Report - CTR Consultation Results APPENDIX A.docx</p> <p>No further consultation is required.</p>
What examples are there of existing good practice?	<p>The scheme mirrors the CTR schemes adopted by Basildon and Brentwood Council's, however the configuration of the banding table and the disregarding of certain income types has been designed to meet the local needs of Castle Point residents and minimise the impact to customers of the move from the existing LCTS scheme to the new CTR scheme. As such the scheme is regarded as still reflecting the guidance from DCLG outlining good practice with regards to treatment of vulnerable groups and incentives to work (both published in May 2012) which were previously used to inform the LCTS scheme design;</p> <p>http://www.communities.gov.uk/publications/localgovernment/lscvulnerablepeople</p> <p>http://www.communities.gov.uk/publications/localgovernment/lscworkincentives</p> <p>The Local Government Finance Bill: Localizing Support for Council Tax – Updated Impact Assessment (published Aug 2011) also informed the LCTS scheme and has therefore been reflected into the CTR scheme.</p> <p>http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax</p>

Making a judgement	
How will the strategy or policy eliminate discrimination, harassment and victimisation?	<p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long-term conditions. and customers may also receive additional financial support through the Exceptional Hardship Fund.</p> <p>Without these elements the policy could potentially be discriminatory to those who fall within the 'disability' characteristic group.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy advance equality of opportunity?	<p>The Policy is compliant with prescribed Regulations that protect Pension Age people. This advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those of Pension age) who would otherwise be disadvantaged by the schemes fundamental incentives to work.</p> <p>Working parents will continue to receive an earnings disregard, as part of the calculation of their income.</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>People with disabilities may also receive additional financial support through the Exceptional Hardship Fund.</p>

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	<p>This advances equality of opportunity for those who fall within the 'disability' characteristic group who would otherwise be disadvantaged and may have less opportunity to improve their financial circumstances through work.</p> <p>The policy seeks to advance equality of opportunity for those within communities that are more likely to have larger families for religious reasons, through the adoption of a CTR Transitional Protection Scheme – which will afford automatic additional support those who might otherwise see their support levels significantly reduced under CTR.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy foster good community relations?	No impacts on protected groups identified – not applicable.
<p>Does the strategy or policy have the potential to make a negative contribution to equality?</p> <p>If so, which groups with “protected characteristics” will be affected and what are the reasons?</p>	<p>Working Age people aged over 18 will be required to pay more than those of Pension Age.</p> <p>People with disabilities who are below pensionable age will need to pay more than those above pension age. This is due to the Prescribed Regulations which automatically protect people of Pension Age.</p> <p>The locally funded nature of the scheme that applies to those of working age, compared to the Prescribed Regulations that apply to those of pension age, mean it is not financially viable to completely protect all protected characteristic groups from the full effects of this scheme.</p>
What can be done to address any contribution to inequality caused by the strategy or policy?	Working Age people aged over 18 will be required to pay more:

Appendix C

	<p>The Council actively supports customers with information and advice on income maximisation, financial capability, and debt management. A flat rate earnings disregard remains part of the scheme to incentivise work.</p> <p>People with disabilities who are below pensionable age will need to pay more:</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>A discretionary Exceptional Hardship Fund is available to provide additional financial assistance to those who are particularly vulnerable and suffering exceptional financial hardship.</p>
What can be done to assist understanding of the strategy or policy?	<p>Details of the scheme will be publicised on the Council's website.</p> <p>Hard copy and alternative formats of the scheme documents will be made available (i.e. Braille, Large Print, Audio) on request.</p> <p>An on-line 'Calculator' is available to assist those who want to find out if they would be entitled to CTR.</p> <p>First Contact staff are available to explain the scheme to any individuals or organisations who require assistance.</p> <p>Partners, national bodies, and local advice and support agencies are notified of the scheme adopted each year.</p>

Appendix C

Action plan					
Equality objective	Action(s)	Lead responsibility	Resources	Timescale(s)	Outcome(s)
Assist understanding of the Policy	Refresh website and hard copy information once 2023/24 Final Scheme is formally adopted.	First Contact Manager	Staff time	Jan '23 – Mar '23	All affected groups fully aware of the Policy and how it will affect them.
Assist understanding of the Policy	Engage with and raise awareness amongst local advice and support groups.	Benefits Manager	Staff time	Jan '23 - Mar '23	All local advice and support groups fully aware of the policy and how it will affect their customers.
Advancing equality of opportunity	Proactively identify suitable cases for Exceptional Hardship and Transitional Protection awards, using internal knowledge of debts and losses of more than 75% of CTR compared to LCTS, and administer awards accordingly.	Benefits Manager	Staff time, Exceptional Hardship funding	Apr '23 – Mar '24	Reduce impact of the scheme on those suffering exceptional financial hardship.
Advancing equality of opportunity	Maintain an effective range of advice and support services to	Head of Customer & Digital Services	Staff time, General Advice & Support Services funding	Apr '23 – Mar '24	Customers adequately supported and equipped with

Appendix C

	ensure robust assistance with financial capability, budgeting, and debt related issues.				skills to manage financial impact.
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CABINET

15th MARCH 2023

Subject: Off Street Parking Review

Cabinet Member: Councillor Fuller - Environment

1. Purpose of Report

To advise the Cabinet of the need to review the Council's off-street parking policy and to task the Environment Policy and Scrutiny Committee with reviewing the current arrangements and reporting back to Cabinet with its recommendations.

2. Links to Council's Priorities and Objectives

This proposal links with the Council's Environment and People priorities.

3. Recommendations

That Cabinet endorses the need to review the Council's off-street parking policy and tasks the Environment Policy and Scrutiny Committee with reviewing the current policy and reporting back to Cabinet with its recommendations.

4. Background

The Council owns and operates a number of car parking facilities throughout the Borough.

Since 1 April 2011 on-street parking enforcement has been managed by the South Essex Parking Partnership with Chelmsford City Council acting as the lead authority. Chelmsford City Council also undertakes off street parking enforcement for this Council through a separate Service Level Agreement.

An extensive review of the operation and management of the Council's car parks was undertaken during 2012/13.

The review sought to ensure a more proactive and consistent approach to the management of the Council's off-street car parks which would ensure that maximum benefit was derived from these facilities.

The key objectives were to:

- Ensure the provision of well-maintained and safe off-street parking facilities through improved asset management arrangements;
- Ensure a consistent charging regime is in place which is affordable and fair;
- Support local businesses by ensuring that Council operated car parks are being used for their intended purpose;
- Ensure suitable conditions are in place to control usage of Council operated car parks;
- Realise maximum benefit from the Council's car parking assets and to recognise their potential for development as brown field sites;
- Ease traffic congestion by ensuring that off-street parking provision and controls align with on- street parking availability and controls;
- Provide effective and targeted parking enforcement; and
- Effectively promote Council operated car parking provision in the borough.

Five key types of car parks based on intended usage were identified. Namely these were;

- Town Centre Short Stay
- Long Stay
- Seasonal
- Commuter
- Council Facility

Each of the Council operated car parking facilities were placed in one of these categories and a consistent charging policy applied to the car parks in each of the five categories.

Restricted waiting was introduced in short stay town centre car parks to help improve turnaround and footfall which is beneficial to local businesses. Charges were introduced for parking in short stay town centre car parks but car parking on Saturdays and Sundays remained free.

Free long stay car parking remained available in Hadleigh, Benfleet and Canvey Island with free short stay parking available at Thundersley.

The additional income from the new charges was used to improve car parks which had fallen into a poor state of repair.

The significant investment in resurfacing and upgrading works resulted in six car parks receiving the Park Mark Safer Parking award and Waterside Farm Car Park receiving Disabled Parking Accreditation.

Disabled parking across the borough remained free with the exception of the School Lane car park,

There have subsequently been a number of ad hoc changes such as the introduction of year-round charging at the seafront car parks, pay by phone

option, and various schemes introduced to address school pick up and drop off issues.

Car parking charges have been reviewed and increased every two to three years.

The soon to be installed electric charging points at the Labworth Car Park will necessitate a change to the Council's off-street parking order to ensure the bays are kept available for their intended purpose.

Having regard to the need to amend the existing Off-Street Parking Order, the Council's financial position and pending financial gap in future years, concerns about the capacity of car parking provision at Thorney Bay car park and Waterside Leisure Centre, growth in cashless payments, the need for the Council to derive maximum benefit from its assets and the length of time since the last extensive review it is felt timely that the Council revisits and reviews its off-street parking policy.

It is proposed that the Environment Policy and Scrutiny Committee is tasked with reviewing the policy and reporting back to Cabinet with its recommendations.

5. Corporate Implications

(a) Financial Implications

None associated with this report.

(b) Legal Implications

The Off-Street Parking Order will need to be amended to reflect any operational and policy changes so that it remains fit for purpose.

(c) Human Resources and Equality Implications

None associated with this report, the review will be undertaken using the existing staff resource.

(d) IT and Asset Management Implications

None

7. Timescale for implementation and Risk Factors

It is intended that the review will be completed by within six months so that any financial implications can be incorporated into the 2024/25 budget setting process.

Background Papers

None

Report Author:

Trudie Bragg, Head of Environment

CABINET

15th MARCH 2023

Subject: Damp, Condensation & Mould Policy

Cabinet Member: Councillor Mrs Sach – People, Health Wellbeing & Housing

1. Purpose of Report

- 1.1 To present to Cabinet the Council's draft Damp, Condensation & Mould Policy for approval.**

2. Links to Council's priorities and objectives

- 2.1 The effective maintenance of Council Housing stock and swiftly responding to matters raised in relation to damp and mould is explicitly linked to Council's priority of Housing & Regeneration.**

3. Recommendations

- 3.1 That Cabinet approves the Damp, Condensation & Mould Policy for implementation.**

4. Background

- 4.1 All social housing landlords have a responsibility to ensure that the homes they provide are well-maintained and of a decent standard. Damp and mould are potential hazards under the Housing Health and Safety Rating System (HHSRS), and failing to address them could lead to failure of both the Decent Homes Standard and the Regulator of Social Housing's Home Standard.**

The Housing Ombudsman has recommended that Councils should consider whether an overall framework, or policy, is required to address damp and mould which would cover each area where the landlord may be required to act. This policy would include any proactive interventions, the approach to diagnosis and actions it considers appropriate in different circumstances, ensuring effective communication and aftercare.

The Ombudsman has made it clear that social housing providers must listen to tenants and take their complaints seriously. The Ombudsman requires social housing providers not to dismiss reports of dampness but to ensure that all tenants are provided with information, materials and support to prevent and help them reduce condensation in their homes. They must ensure the service provided is accessible to all so everyone can easily report damp and mould and all tenants are treated in a fair, respectful, empathetic and consistent way.

The Damp, Condensation & Mould Policy sets out how the Council will address and respond to incidences of damp, mould and condensation in Council properties. The policy is attached at Appendix A.

The key aim of the policy is to raise awareness of the issues surrounding damp, condensation & mould, and set out the Council's proactive approach to addressing and resolving reports in its properties.

The policy aims to:

- Ensure the Council provides and maintains dry, healthy and safe homes for our tenants.
- Focus on working in partnership with tenants, ensuring that a safe and healthy internal environment is provided.
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp.
- Ensure that all tenants have access to and/or are provided with advice and guidance on managing and controlling condensation and mould.
- Ensure that the fabric of the Council's property is protected from deterioration and damage resulting from damp and condensation.
- To utilise external funding, where available, to support the investment in the Council's housing stock, improve the EPC ratings and reduce the heating costs for residents.
- Provide a thorough and proactive service to all of our residents.

Damp, Condensation & Mould

Damp and mould can be caused by building defects such as, for example, a failed service pipe leaking within a building, a failed damp course membrane or the level of soil outside being above the damp course, leaking guttering, water getting in through cracks in an outside wall or through windows/door frames. Damp and mould can also be caused by housing conditions, such as the humidity of indoor air, low temperature and poor ventilation thereby creating condensation.

Subject to the causes there are a range of repairs to tackle and remedy problems of damp and mould caused by building defects. If steps are not taken over time to reduce or prevent condensation occurring, mould can form on surfaces such as walls, ceilings and furniture.

The policy takes a proactive approach to addressing and resolving issues of damp and mould in Council properties, thereby reducing the negative impacts this potentially can have on health and wellbeing.

The Damp, Condensation & Mould Policy demonstrates the Council's commitment to rectifying any potential issues at the earliest opportunity. All reports of damp and mould trigger an inspection of the property in order to determine the cause of the problem. This will assist in delivering earlier diagnosis and to ensure that the remedial action is directed appropriately whether that be in addressing building defects or in educating the tenant and explaining contributory lifestyle issues and how to prevent the build-up of condensation.

During inspection, the Council's Staff will provide room by room advice and guidance on how to reduce the risks associated with causing mould growth. Information to support tenants in the prevention and management of condensation is accessible by a variety of resources, including in leaflet form, on the website and in tenancy sign-up packs.

The Council is additionally commissioning humidity surveys to further inform the Council's understanding of where the issues lie.

The Council will monitor the number of Damp, Condensation & Mould related reports received, and the number of repairs carried out to fix issues. This is to identify themes, trends and learning opportunities.

The Damp, Mould and Condensation Policy will be reviewed every five years or earlier to address legislative, regulatory, best practice or operational issues.

12. Corporate Implications

a. Financial Implications

Delivering the damp and condensation service is largely reactive in nature and there are fluctuations in the number of cases received with increased reporting during colder winter months.

It is difficult to accurately predict demand and the budget required to deliver the service, however it forms a routine part of property maintenance and is currently managed within existing budgets.

There is a level of additional expenditure to undertake humidity surveys in addition to surveyor inspections, again this is reactive and cannot be planned, but this is intended to be delivered from existing budgets and will result in potential savings from the early identification and addressing of issues.

Any peaks or increases in costs in relation to damp and mould will be monitored and any predicted increase will be reported as part of the annual budget process.

b. Legal implications

All social housing landlords have a responsibility to ensure that the homes they provide are well-maintained and of a decent standard. Damp and mould are potential hazards under the Housing Health and Safety Rating System, and failing to address them could lead to failure of the Decent Homes Standard and the Regulator of Social Housing's Home Standard.

The Council is required to comply with a range of regulations including the Fitness for Habitation Act 2018, Landlord and Tenant Act 1985, the Housing Act 2004, Environmental Protection Act 1990, Defective Premises Act 1972, the Decent Homes Standard which includes the Housing Health and Safety Rating System (HHSRS).

c. Human Resources and Equality

The policy has been screened for equality implications and the full EQIA is attached at Appendix B. The work can be delivered using existing resources.

d. Timescale for implementation and risk factors

The policy will be implemented with immediate effect and approval of the proposed policy will help reduce the reputational risk to the Council by ensuring that tenants are aware of their responsibilities and also sets out what and how the council, in partnership with the tenant, will undertake to eradicate the presence of damp, mould and condensation

Report Author: Diane Logue - Head of Housing



Castle Point Borough Council

Damp, Condensation & Mould Policy

**For the period
2023 to 2028**

Produced by: Joshua Hunt

Review date: February 2028

Approved by:

▪

STRATEGY / POLICY FRONT COVER



Name of Strategy / Policy: Estate Inspection Policy

Date last updated:

Links to Council Priorities:

Priority	Linked Yes / No?
Public Health and Wellbeing	y
Environment	y
Transforming our Community	y
Efficient and Effective Customer Focussed Services	y

Links to Other Strategies, Policies

Estate Inspection Procedure
Recharge Policy
Anti-Social Behaviour Policy
Tenancy Strategy
Communal Areas Policy

Action Plan in this document?

No

Actions linked to corporate plan objectives.

Yes

Officer Monitoring

N/A

Member Monitoring

Name of member champion or committee responsible for over viewing progress of the Strategy: N/A

Has it been subject to a Diversity Impact Assessment?

Yes.

Has it been subject to an Environmental Sustainability Impact Appraisal?

No.

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1. Introduction

The presence of damp, condensation and mould in a property can have a number of underlying causes, including both a fault with the building or surrounding structures (i.e the landlords responsibility) and how the building is used by the occupier (i.e the tenants responsibility). It is important to recognise from the outset that broad assumptions are not appropriate to be applied to the presence of damp, condensation and mould. This policy sets out how the Council will address these issues, along with the reporting, recording, monitoring and resolving of any instances relating to damp, condensation and mould.

2. Policy Statement

The aim of this policy is to assist in the delivery of a robust service that will be equipped to:

- Ensure the Council provides and maintains dry, healthy and safe homes for our tenants.
- Focus on working in partnership with tenants, ensuring that a safe and healthy internal environment is provided.
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp.
- Ensure that all tenants have access to and are provided with advice and guidance on managing and controlling condensation and mould.
- Ensure that the fabric of the Council's property is protected from deterioration and damage resulting from damp and condensation.
- To utilise external funding, where available, to support the investment in the Council's housing stock, improve the EPC ratings and reduce the heating costs for residents.
- Provide a thorough and proactive service to all of our residents.

This policy should also form basis of responsibilities that lie with both Council employees and our contractors, ensuring that they are able to:

- Identify signs of damp, condensation and mould, and be able to investigate the causes, manage the recording and monitoring of all occurrences, and remedy whenever required. The Council will refer tenants to all relevant guidance and signpost them to useful information, educating tenants wherever possible on how to also be able to identify, monitor and remedy signs of damp, condensation and mould.
- Be proactive with their approaches relating to repairs and maintenance, and carry out necessary preventative action to reduce the occurrence of damp and mould.
- Have detailed records and up to date information on our asset stock, and be able to identify types of asset that are likely to suffer issues with damp and mould. Where possible, stock records and history will be

used to identify trends or hot spots, enabling the Council to provide the best possible service to tenants.

- Ensure that appropriate budget and resource levels are allocated with the aim of reducing both current and future cases of damp and mould.
- Engage with tenants using an unbiased, educated approach.

3. Policy Scope

The scope of this policy covers how Council staff, contractors and tenants can work together to tackle issues arising from damp, condensation and mould:

- All housing properties that are tenanted, including associated communal areas and blocks, as well as both emergency and temporary accommodation are covered by this policy.
- Recognising and addressing the different types of damp and their common causes.
- Identifying the Council's responsibilities for dealing with damp, condensation and mould.
- Offering guidance, advice and assistance throughout the process to tenants living in council properties or council provided temporary and emergency accommodations.
- Identifying situations where the council will not be able to undertake works to rectify certain issues relating to damp.

4. Roles and Responsibilities

In order to successfully prevent, identify, manage and remedy instances of damp, condensation and mould, there must be an emphasis on strong communication between both the Council and the tenant. Responsibilities for both parties should be clearly defined, alongside a robust set of guidance and actions.

The Council's Responsibilities:

The Council will be responsible for investigating any notice of damp, mould and condensation, and carrying out remedial repairs and actions in accordance with the tenancy agreement. The Council will log all notifications and keep records of all current and previous cases, and use internal property records to be as proactive as reasonably possible in the prevention of future cases. The Council will use a data led approach to mitigate as much risk as reasonably possible. These responsibilities further extend to:

- Treating every case received without prejudice or bias, ensuring a fair, open dialogue is had with the tenant at all stages of managing cases. Broad assumptions on living standards/tenant lifestyle are to be avoided and all cases are to be investigated and managed on an individual basis.
- Ensuring that records kept by the Council are robust and easily accessible for relevant employees. This includes the Council's property records, as well as an individual monitoring system for both current and

previous cases of damp, condensation and mould. The Council will use its property data to be as proactive as possible in reducing risks, to ensure the highest possible level of service is provided to tenants.

- Ensuring that remedial work for the treatment of damp, mould or condensation on void properties is undertaken fully before these properties are let to new tenants. If issues are picked up during the void period, these properties are to be held in situ until the issues have been fully resolved and signed off by the relevant contractor/surveyor.
- Diagnosing the cause of damp correctly and delivering effective solutions that focus on dealing with the underlying cause, as well as the obvious symptoms.
- Promote and provide general advice and guidance on how to manage damp, condensation and mould, and educate tenants on best practices to assist with preventing any future occurrences.
- The Council will ensure that all relevant staff and contractors are aware of the risks associated with damp, condensation and mould, and are familiar with the level of service required to meet the aims of this policy.
- The Council will ensure that competent contractors are employed to carry out any works associated with damp, and are qualified to give further advice to tenants when on site.
- The Council will engage with the tenant during the process, informing them of any findings of investigations and recording these internally. Effective solutions are to be recommended and all remedial works booked in as soon as possible, with reasonable timescales communicated to the tenant.
- After opening initial dialogue with the tenant and the Council is satisfied that all reasonable efforts in managing any issues have been carried out without a full resolution being reached, a Council surveyor or specialist will visit the property for further investigation.
- The Council acknowledges their responsibility for maintaining Decent Homes Standards relating to Housing Revenue Account (HRA) properties, as well as undertaking stock condition surveys every 5 years.
- The Council will undertake reasonable improvement works where required to assist in the management and control of condensation damp in our properties. The scale of the works will be determined by a surveyor or one of the Council's appointed contractors.
- Remedial works will only be carried out where it is reasonable and practical to do so. The Council will have regard to the constraints of the existing building design and structure, as well cost compared to the proposed outcome, and will take a pragmatic approach in finding appropriate solutions.
- Any remedial works carried out that cause damage to surrounding walls etc. will be made good by the Council. The Council will not be liable for full redecoration once remedial works and repairs are completed, outside of replastering where necessary.

Where it is unreasonable or impractical to do so, or where any remedial action would be ineffective, the Council may not be able to control condensation damp. Examples of this may include:

- Sheds and out-buildings that have been converted, linked buildings between houses or other attached structures such as linked garages.
- Unheated or uninsulated external store rooms or toilets.
- Outdated building design that no longer meets current construction or living standards, such as cold bridging areas within the fabric of the structure that cannot be remedied.
- Conversions or extensions that have not been approved or inspected by the Council. Should these works have been undertaken without the Council's permission or signoff, the Council will have no obligation to assist with remedying any issues, including damp and mould, that have arisen due to the quality of works.

All reports of damp, condensation and mould will be recorded at the point of notice, and any inspections and remedial works will be completed within a reasonable timescale depending on the severity of the case, scope of works required, and considering the health and wellbeing of our tenants. For the purposes of the Council being considered as on notice, this will not be exclusive to only cases where a tenant has contacted us. Being on notice, and thus having to open a case, will occur in any instance whereby the Council is notified of the presence of damp, condensation and/or mould. This could include being notified by either a contractor or a member of staff (e.g Housing Officer).

Tenant Responsibilities:

Whilst recognising the Council's obligations as above, tenants are also required to make all reasonable attempts to reduce the risk of damp, mould and condensation. Advice and guidance will be provided to all tenants which highlights the main causes of damp, mould and condensation, and the Council will signpost tenants to all relevant information that can assist with monitoring and prevention. The Council will ensure that all provided information is kept up to date, informative and reasonable to implement.

In order for the Council to effectively carry out its obligations, tenants are required to engage as early as possible and provide any requested information when required. Tenants will also need to work with the Council when it comes to gaining access to the property, and should make reasonable adjustments to allow the management and remedying of any issues surrounding damp, condensation and mould, including:

- Any reports of damp, condensation or mould need to be both thorough and accurate, and made as soon as reasonably possible. In order for the Council to deal with cases efficiently, communication must be transparent and provided with the expectation that reaching a permanent resolution may require a joint effort.

- Upon initial contact from the tenant, Council staff will raise a job for a surveyor/contractor/specialist to attend the property for an inspection as soon as possible. In the meantime, tenants will be provided guidance which includes information on the first steps against addressing mould in their property. Tenants may be advised to carry out some initial attempts at remedying the symptoms, following the advice set out in the provided guidance. This may include wiping down walls and windows with Health & Safety Executive approved fungicidal wash.
- If and when required, the tenant must allow access for inspections and the carrying out of remedial works by the Council. In such instances, the property must suitably accessible and clear of clutter to allow our contractors to complete the inspection and any works safely, as per the terms of the tenancy agreement. In some instances, the Council reserves the right to take appropriate tenancy action, as per the terms of the tenancy agreement, for non-access or non-engagement by the tenant. Where there is damage to Council owned assets that is a direct result of non-access or obstruction by the tenant, the Council reserves the right to recharge the tenant for the costs of repair.
- After inspection and signoff by the Council, if all reasonable steps have been taken by the tenant to minimise future occurrences of damp, condensation and mould but further issues arise, tenants are required to inform the Council as soon as possible and follow any further advice given. This may require further investigation and inspections, for which the tenant is obliged to give access to the property for.
- In instances where the cause of damp, condensation and/or mould is determined to be due occupier lifestyle issues, the Council reserves the right to request evidence where appropriate, including utility bills so that heating levels can be considered when determining any further underlying causes. Advice and guidance will be offered to tenants in these instances, and the tenant is required to follow said guidance to help prevent any future occurrences.

Should tenants fail to follow reasonable steps and advice provided by the council in relation to treating or reducing the risk of damp, condensation and mould, they may be recharged for any repairs needed as a result. Should an investigation demonstrate that the cause of these issues are as a result of the property not being adequately heated, the cost of using the heating facilities will not be considered as a defence against any potential recharge claim. Tenants will be advised to report any issues with their boiler or heating systems to the Council's Maintenance Team as soon as possible.

Private Sector Properties (PSL):

Where the Council has tenants placed within PSL properties, the responsibility for addressing issues of damp, condensation and mould lies with the landlord. The Council will raise jobs for any cases under these conditions with the landlord directly for resolution with the tenant. General advice and guidance will still be provided to the tenant by the Council during this time.

Should the landlord not address the issues in a satisfactory manor, the Council will offer further support to the tenant and may send their own surveyor to attend the property. Legal advice will be sought by the Council so as to work towards a permanent resolution with the landlord.

Leaseholders:

Under the terms of their lease with the Council, leaseholders are responsible for the management and maintenance of the internal areas of their property, including the prevention and management of damp, condensation and mould. The Council do not carry out any remedial works relating to these issues, unless otherwise specified in the lease, and unless the cause is determined to be due to underlying structural issues outside of the tenants control. Any instances of structural defects causing issues within the confines of the leaseholders property should be reported to the Council as soon as possible. These will be investigated, and remedied where appropriate, by the Council.

Any damage to Council owned assets caused by the failure of a leaseholder to manage, or carry out works for which they are responsible for, will be dealt with by the Council in accordance with the lease agreement.

5. Monitoring this Policy

- Both contractor and internal performance will be monitored at monthly review meetings.
- All cases are to be logged and updated throughout the process until the case is fully resolved.
- Key Performance Indicators (KPI's) relating to damp and mould are to be updated monthly, and performance against internal targets are to be monitored at monthly progress meetings.

This Policy will be reviewed every five years. However, earlier reassessment may be required if there are changes in operations and/or legislation.

6. Equality Impact Assessment

An EQIA has been completed and the initial screening process was completed.



Damp and mould policy

Equality Impact Assessment (EqIA)

2023

Strategy and Policy EqIA

All strategies and policies must be initially screened for their positive and negative equality impacts.

This initial screening will determine whether or not it is necessary to carry out a full EqIA for the strategy or policy.

This template has been designed to help you initially screen your strategy or policy and, if necessary, undertake a full EqIA .

Title of strategy or policy:	Damp and Mould Policy
Person undertaking EqIA:	Joshua Hunt
Head of Service:	Diane Logue
Department:	Housing
Date EqIA completed:	January 2023

Strategy and policy overview

Strategy and policy overview	
<p>What is the strategy or policy intending to achieve?</p> <p>What are the summary aims and objectives of the strategy or policy?</p> <p>Who will benefit from implementing the strategy or policy?</p> <p>What are the links to the Council's corporate priorities?</p> <p>What are the links to other Council strategies and policies?</p> <p>What are the links to other community strategies and policies?</p>	<p>The Damp and Mould Policy has been developed with the following aims:</p> <ul style="list-style-type: none">• Working in partnership with our tenants ensuring that a safe and healthy internal environment is provided.• Where reasonably practical, ensure that homes are maintained to the required habitable standard and the internal environment is safe and in a healthy condition and the fabric of the property is protected from damage.• Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp and mould and managing and controlling condensation.• Ensure that our tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp, mould and condensation.• Comply with statutory requirements and good practice• Understanding of stock condition and implementation of work programmes to protect the fabric of the building.• Ensure that our customers are treated in a fair and consistent way.

	<p>The Damp and Mould Policy is linked to the following corporate priorities:</p> <p>People Place</p> <p>The Damp and Mould Policy is linked to other statutory requirements and strategies and policies, including but not limited to:</p> <ul style="list-style-type: none">• Fitness for habitation act 2018• Landlord and tenant act 1985 (section 11, Repairs and Maintenance)• Housing Act 2004 - Housing Health and Safety Rating System• Decent homes standard
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Equality Act 2010

When framing qualification criteria a Local Authority needs to have regard to its duties under the Equality Act as well as the requirements to give reasonable preference to certain classes of person.

The Equality Act 2010 introduces 2 specific statutory duties on public bodies such as local authorities:

- **Socio-economic duty:**

- Have due regard when making strategic decisions to the need to reduce inequalities of outcome which result from socio-economic disadvantage

- **Single (integrated) equality duty:**

- Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act
- Advance equality of opportunity between persons who share a “protected characteristic” and those who do not
- Foster good relations between people who share a “protected characteristic” and those who do not

The Equality Act 2010 brings together all of the different equality strands and refers to them as “**protected characteristics**”:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Initial screening

This initial screening template will determine whether or not the strategy or policy requires a full EqlA

If any of the answers to the 6 screening questions is “yes”, then a full EqlA will be required.

Initial screening		
Does the strategy or policy aim to reduce inequalities of outcome which result from socio-economic disadvantage?	Yes	The Damp and Mould Policy aims to ensure good quality housing stock and a shared understanding between the Council and tenants to ensure that damp and mould are effectively managed and controlled.
Does the strategy or policy aim to eliminate discrimination, harassment and victimisation?		
Does the strategy or policy aim to advance equality of opportunity?	Yes	The Damp and Mould Policy aims to ensure consistency in the approach to treatment of damp and mould issues, fairness in the approach to management and work to educate tenants in the control of damp and mould.
Does the strategy or policy aim to foster good community relations?	Yes	The Damp and Mould Policy supports the continued partnership and improvement of the relationship between the Council and its tenants.
Does the strategy or policy aim to reduce inequalities of outcome which result from socio-economic disadvantage?	Yes	

		The Damp and Mould Policy aims to support the housing conditions of the most vulnerable people in the community.
Does the strategy or policy have the potential to make a negative contribution to equality?	No	The Damp and Mould Policy does not knowingly contribute to discrimination or inequality.
Does the strategy or policy make a positive contribution to equality?	Yes	The Damp and Mould Policy aims to maintain and improve the quality of life of all tenants
Initial screening outcome	Full EqlA is required	

Full assessment

Information gathering	
<p>What quantitative and qualitative information is there?</p> <p>What additional information is required?</p>	<p>The Damp and Mould Policy has been developed with an understanding of current housing legislation and supporting central Government guidance and the statutory duties arising from the Equality Act 2010 and has been reviewed to ensure that it complies with the requirements of the Localism Act 2011.</p> <p>The Damp and Mould Policy had been informed by current processes for the management of damp and mould.</p> <p>Further information in relation to damp and mould will be obtained in 2023 with the completion of the Councils 5 yearly stock condition survey.</p>
<p>What are the outcomes of any internal and/or external consultation with stakeholders?</p> <p>What further consultation is required?</p>	<p>In developing the Damp and Mould Policy there was consultation and engagement with operational staff including surveyors to ensure that their knowledge, information and experience of managing damp and mould was taken into account.</p> <p>The policy is due to be put to Cabinet in March 2023.</p>
<p>What examples are there of existing good practice?</p>	<p>Recent Government Guidance sets out good practice.</p>

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Making a judgement	
How will the strategy or policy eliminate discrimination, harassment and victimisation?	The Damp and Mould Policy takes account of the priority that must be given to people experiencing damp and mould and ensuring that all reports are swiftly investigated.
How will the strategy or policy advance equality of opportunity?	<p>The Damp and Mould Policy aims to ensure consistency and fairness in the investigation and treatment of damp and mould across the Borough</p> <p>The Policy is a published document that transparently lays out how damp and mould will be dealt with.</p>
How will the strategy or policy foster good community relations?	The Damp and Mould Policy will support the objectives of people and place providing safe, healthy, inclusive communities, good quality homes and promoting collaborative working with residents and the Council.
Does the strategy or policy have the potential to make a negative contribution to equality?	The Policy does not knowingly contribute to discrimination or inequality.

<p>If so, which groups with “protected characteristics” will be affected and what are the reasons?</p>	<p>The Policy has the potential to have an adverse impact on elderly and/or disabled people given that they may not fully understand the process for managing Damp and Mould</p>
<p>What can be done to address any contribution to inequality caused by the strategy or policy?</p>	<p>Identification of potentially vulnerable residents will enable the Council to establishing what advice and support may be required in the management of damp and mould.</p> <p>Early identification and diagnosing damp and condensation. Providing assistance to remove mould growth and carry out remedial decorative work where tenants are unable to manage</p> <p>The Policy recognises fuel poverty issues and the identification of financial pressures and the ability to heat properties and the council will ensure tenants are signposted to supporting agencies.</p>
<p>What can be done to assist understanding of the strategy or policy?</p>	<p>Administration of The Policy must ensure that full information is provided to housing tenants.</p> <p>Housing officers, contractors, surveyors all fully conversant with processes and engaged with tenants in education.</p> <p>The website will provide clear guidance to complement the Damp and Mould Policy. Provision of the policy in other formats as appropriate (e.g. large print, Braille, CD, other languages) can be made available. Reports of damp and mould can be made in various ways including by phone and via a maintenance portal.</p>

Action plan					
Equality objective	Action(s)	Lead responsibility	Resources	Timescale(s)	Outcome(s)
Ensure that the website is accessible and understandable.	<p>Review of website to complement the Damp and Mould Policy.</p> <p>Provision of information in other formats as appropriate (e.g. large print, Braille, CD, other languages)</p>		<p>Staff time</p> <p>Staff time HRA budget</p>	<p>On-going</p> <p>Ongoing as necessary from implementation of policy</p>	Housing applicants have sufficient information to understand how to report damp and mould problems and how to manage damp and mould in their homes
Ensure that vulnerable housing applicants receive all necessary support	Ensure that Housing Officers are aware of more vulnerable tenants and provide support in the reporting and management of damp and mould where necessary for vulnerable clients	Housing Officer	<p>Staff time</p> <p>HRA budget</p>	On-going	Vulnerable applicants supported as appropriate
Ensure that sufficient information is available to all tenants	Development of educational literature to assist tenants to effectively manage		<p>Staff time</p> <p>HRA budget</p>	Ongoing	Housing applicants have sufficient information to understand how to

	damp and Mould in their homes				report damp and mould problems and how to manage damp and mould in their homes
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CABINET

15th March 2023

Subject: Fireworks Event at Waterside Leisure Centre – November 2023

Cabinet Member: Councillor Cole - Special Projects

1. Purpose of Report

To agree the commission of a public fireworks event at Waterside Leisure Centre in November 2023 and to create a budget of £17,000 to support the delivery of that event.

2. Links to Council's priorities and objectives

This proposal links with the Council's "People" priority.

3. Recommendations

That Cabinet:

- (1) Approves the high-level plans set out in this report for delivery of a public fireworks event at Waterside Leisure Centre.**
- (2) Approves the creation of a budget of £17,000 from general reserves to support delivery of the event.**
- (3) Delegates authority to the Head of Environment in consultation with the Cabinet Member for Special Projects and the s151 Officer to finalise the detailed arrangements for this event, including preparation of a budget and an event management plan.**

4. Background

- 4.1 Since 2010, the Council has played host to an annual public fireworks display at Waterside Leisure Centre. However, there has not been an event since November 2019.**

5. Proposals

- 5.1 It is proposed that the Council will plan and commission the delivery of a fireworks event to be held at Waterside Leisure Centre in November 2023.**

- 5.2 It is intended that the event will comprise a firework display aimed at families and children along with a small number of stalls to offer food and beverages and potentially other services which will complement the event.
- 5.3 Four firework providers have been consulted but only one had availability for November 2023. A booking has been made, therefore, in order to secure a November 2023 date. The cost quoted is below the Council's procurement threshold of £10,000 and so can be directly awarded. This includes insurance, risk assessments and health and safety policies, costs, and display information. The display will be choreographed to music and will include a variety of fireworks, including a large selection of cakes, roman candles and aerial shells producing a stunning aerial display to create a centrepiece for the evening celebrations.
- 5.4 The cost does not, however, include those wider logistical costs which will need to be organised and funded by the Council e.g. marketing, PA systems, staffing, barrier controls, communication rental, booking platforms. Exact costs for these items will need to be determined but early indication is that this could be in the range of approximately £10,000 - £15,000. A budgeting exercise is required to be undertaken as part of the cost/benefit exercise referred to above to determine greater detail around this set of costs.
- 5.5 It is proposed that the Council will also explore the cost/benefits of employing an external event management service which will commission and oversee the event in addition to in-house delivery. It is of paramount importance that all the appropriate health and safety and licensing requirements are met. Whilst the Council may have successfully put on this event in the past, changes in guidance and legislation relating to the delivery of public events since 2019 will need to be considered in detail. An informal approach has been made to another Council which has its own in-house event management delivery arm in order to ascertain whether this is a viable option and also to gain additional insight into how the event can be produced and managed. If the Council decides that does need to buy in this expertise, it will be required to follow its procurement processes before appointment.
- 5.6 The previous events produced, on average over the last 10 years, an income of approximately £8,000 from ticket sales and rental income from concessions. This would mitigate the Council's costs and a benchmarking exercise will be undertaken before ticket prices are set. Some limited soft market testing has been undertaken and the feedback has been that the event is likely too small to operate on a full commercial basis and there will be a residual cost to the Council. The objective will be, therefore, to reduce that residual cost to the Council as much as possible but to still deliver the event at a ticket price which is attractive to attendees and represents good value for money.
- 5.7 In order to fully assess the financial and commercial risks referenced above, it is necessary to create a detailed budget and business plan which will underpin the delivery of this event. It is proposed that the Head of Environment in consultation with the Leader of the Council and the s151 Officer is given the delegated authority to finalise the arrangements for the delivery of this event (as set out in this report) including preparation of the budget and accompanying event management plan.

6. Corporate Implications

a. Financial implications

The budget approved by Council in February included £30,000 for a fireworks event, with the expectation that this would be offset in full by associated income. As work on the event has continued, it has become clear that achieving this level of income is unlikely.

At this stage, it is prudent to assume a similar level of income to that achieved in previous years. With an annual average of £8,000, this can be offset against the projected costs of up to £25,000, giving a net budget requirement of £17,000. This will need to be funded from the General Reserve.

As referred to in paragraph 5.6, a benchmarking exercise will be undertaken prior to setting ticket prices. It is possible that following this, the ticket prices may mean that more than £8,000 income is achieved once any rental income concessions is also considered. It should be remembered however that the weather can have a material impact on ticket sales, with sales falling by up to 40% in years with poor weather.

As plans for the event are finalised and ticket sales are made, any variances to budget will be managed through the usual processes.

b. Legal implications

Any provider must observe Health and Safety legislation as well as Explosive Regulations 2014 (ER2014). A legal duty under Section 3 of the Health and Safety at Work Act 1974 cannot be passed on by means of a contract and there will still be duties and responsibilities towards others under section 3 of the HSW Act by the Council. The Council must ensure that a full risk assessment is carried out and that there is full oversight as legal duties and responsibilities cannot be transferred.

c. Human resources and equality implications

Human resources

If delivery is undertaken by an external event management organisation, the human resources of the Council will be needed to undertake procurement activity and associated ancillary services such as liaison with the service manager at Waterside Leisure Centre and the Council's Licensing Team.

Equality implications

An Equality Impact Assessment will need to be completed as part of the event management plan to ensure there is a potential for a positive impact.

d. Timescale for implementation and risk factors

It is intended that the event will be delivered in November 2023. All risks relating to the event will be captured as part of the preparation of the budget and event management plan.

7. Background Papers: None

Report Author: Angela Hutchings, Chief Executive

CABINET

15th March 2023

Subject:	Community Infrastructure Levy Implementation
Cabinet Members:	Councillor Gibson, Cabinet Member for Strategic Planning Councillor Mountford, Cabinet Member for Resources

1. Purpose of Report

This report sets out the outcomes of the examination of the Castle Point Draft Community Infrastructure Levy (CIL) Draft Charging Schedule, and seeks the approval of the Cabinet to put the arrangements in place to implement CIL from the 1st May 2023.

2. Links to Council's Priorities and Objectives

The introduction of a Community Infrastructure Levy (CIL) contributes directly to the Council's **Place** priority by delivering the financial resources necessary to deliver infrastructure projects. There are potential overlaps with the Council's **People** and **Environment** priorities as CIL can be used on a variety of infrastructure types including education, health, community and sport facilities and open spaces. CIL is an enabler under the **Resources** heading.

3. Recommendations

Subject to the approval of the Community Infrastructure Levy Charging Schedule at the forthcoming Council meeting on the 22nd March, authorise the resources for the Head of Place and Policy to implement CIL charging, and to commence engagement with Members through the Policy and Scrutiny Committee process to determine the governance arrangements for spending CIL receipts.

4. Background

- 4.1 In [November 2019](#), the Cabinet resolved to put in place a Community Infrastructure Levy (CIL) for Castle Point ([minute no. 58](#)).
- 4.2 A draft Charging Schedule was reported to the Cabinet in [October 2021](#). At that meeting it was agreed to undertake consultation on the draft Charging Schedule ([minute no. 34](#)). The preparation of CIL was part funded by Essex County Council. They, like the Council, are keen to ensure that infrastructure is delivered and funding for that secured by, amongst other means, CIL.

Castle Point was one of two pilots in Essex, whereby the County Council part funded the preparation work.

- 4.3 Following consultation, the outcomes and a draft Charging Schedule were reported to Council in February 2022. At that time it was agreed to submit the draft Charging Schedule for examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Planning Act 2008 ([minute no. 51](#)).
- 4.4 In addition, Cabinet provided, authorisation to the Chief Executive and Head of Place and Policy to publish and implement CIL if the examination found that no changes to the CIL rates proposed were necessary.
- 4.5 However, this is not the case. The examination report, dated 21st February 2023, indicates that to implement CIL some modifications to the rate proposed is necessary. Therefore, the authority of Council is now sought to publish and implement CIL. This accords with recommendation 5 of the Council meeting in February 2022, that:

‘In the case that the examiner does recommends changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, require the Chief Executive and Head of Place and Policy to report back to Council on the examiners recommendations as soon as practical after its receipt, so that a further decision can be taken on the implementation of the Community Infrastructure Levy.’

The Draft Charging Schedule

- 4.6 The following **Proposed CIL Rates** were submitted for Examination on the 1st March 2022:

Development type	CIL rate per sqm
Residential housing within the Mainland (including Benfleet, Thundersley and Hadleigh)	£250
Residential housing within Canvey Island	£120
Residential flat within the Mainland (including Benfleet, Thundersley and Hadleigh)	£90
Residential flat within Canvey Island	£30
Sheltered / Retirement and extra care housing	£0
Convenience ¹ retail for the first 800 sqm gross internal area	£200
Convenience retail for each sqm metre over 800 sqm gross internal area	£50
Comparison ² retail outside of the town centre boundaries	£200
All other development	£0

¹ Convenience retail provides lower value good purchased regularly to meet day to day needs such as food, newspapers, petrol etc.

² Comparison retail provides higher value goods purchased less often, such as household items, electrical goods, clothes, shoes etc.

The Examination

- 4.7 The purpose of the examination of the CIL Charging Schedule was to ensure that the proposed Charging Schedule sets an appropriate balance between helping to fund necessary new infrastructure in the area, and the potential effects of the charge on the economic viability of development across the Borough. This test is set out in the CIL Regulations 2012 (as amended), with additional guidance set out in the associated national Planning Practice Guidance.
- 4.8 The examination of CIL commenced in March 2022, upon submission of the draft Charging Schedule. A hearing session was initially scheduled for July 2022. However, upon the Council's decision to withdraw the Local Plan, the examiner paused the examination of CIL. The examination recommenced in September 2022, and a hearing session took place in October 2022. The Examiners report was received by the Council on the 21st February 2023. The Examiners Report is provided in full at Appendix 1.
- 4.9 The Examiner concluded that, subject to modification, the Castle Point borough Council Community Infrastructure Levy (CIL) Draft Charging Schedule provides an appropriate basis for the collection of the levy in the Borough.
- 4.10 He determined that four modifications are needed to meet the statutory requirements, which are summarised as follows:
- Set separate CIL rates for brownfield residential development on Canvey Island of £34 per square metre (psm) for residential housing and £27 psm for flats.
 - Reduce the floorspace threshold at which the higher CIL rate of £200 psm for convenience retail applies from 800 sqm to 450 sqm.
 - Amend the maps showing residential and retail charging zones to include Ordnance Survey grid reference numbers.
 - Include a statement confirming the charging schedule has been issued, approved and published in accordance with the legal and procedural requirements.

The 'relevant plan'

- 4.11 In addition to changes to the rates, a key question arising through the examination was the need for the CIL to support the 'relevant plan'.
- 4.12 When introducing CIL it is normal practice to do so alongside or after a local plan has been adopted. This means that the 'relevant plan' is a recently adopted plan and that the evidence for CIL had been prepared alongside the withdrawn Local Plan.
- 4.13 Work started on CIL shortly after the receipt of the withdrawn local plans Inspectors letter in September 2021. However, the plan was subsequently not adopted and was withdrawn in June 2022. The withdrawal of the Local Plan

meant that the proposed charges were not linked to the delivery of a ‘relevant plan’. The examiner asked that additional work be undertaken to demonstrate the link between the existing 1998 Local Plan and the need for infrastructure to be funded through CIL and that the Council consult on that evidence, as it did between July and September 2022. Following that consultation the Inspector held his hearing on 19th October 2022.

Revised CIL rates

- 4.14 Following the withdrawal of the Local Plan the scale and mix of housing that is likely to come forward in Castle Point changed. When the evidence was initially prepared brownfield sites on Canvey made up less than 10% of potential housing supply in Castle Point. The number of brownfield sites available for development that the evidence was based on, in Canvey has not changed, but because there are no large green field sites allocated, these sites now make up around 32% of the borough’s housing supply. The viability of these sites, and the effects of CIL on viability, therefore, became more critical. In his report the Examiner stated that:

‘Seeking to charge the proposed CIL rates of £120 psm for houses and £30 psm for flats to schemes on brownfield sites on Canvey Island, would therefore put at risk around one third of the protected future housing delivery under the CPBLP. This would not strike an ‘appropriate balance’ between funding the cost of infrastructure from CIL and the potential effects of charging CIL on the economic viability of development across its area...’

- 4.15 The Examiner was concerned that these sites could not support CIL at the levels proposed and sought to explore the evidence base further to see if an alternative lower rate, or a zero rate should be applied to these sites. Using the evidence officers were able to avoid the Examiner setting a zero rate. However, he has recommended setting a lower rate of £34 psm for housing, and £27 psm for flats on brownfield sites on Canvey Island.
- 4.16 No changes were proposed to the rate for greenfield sites, or to the rates proposed for the mainland towns of Benfleet, Hadleigh and Thundersley.
- 4.17 Separately, the Examiner also changed the threshold for the higher charge for convenience retail. This change was done to better reflect the threshold size for local/metro stores which generate a higher footfall and income per square metre than larger supermarket formats.

Post Examination Charging Schedule

- 4.18 The modified charging schedule is as follows:

Development type	CIL rate per sqm
Residential housing within the Mainland (including Benfleet, Thundersley and Hadleigh)	£250
Residential flat within the Mainland (including Benfleet, Thundersley and Hadleigh)	£90

Residential housing within Canvey Island: - Greenfield sites - Brownfield sites	£120 £34
Residential flat within Canvey Island: - Greenfield sites - Brownfield sites	£30 £27
Sheltered / Retirement and extra care housing	£0
Convenience ³ retail for the first 450 sqm gross internal area	£200
Convenience retail for each sqm metre over 800 sqm gross internal area	£50
Comparison ⁴ retail outside of the town centre boundaries	£200
All other development	£0

- 4.19 CIL charges are index linked and will change annually on the 1st January in accordance with the RICS Community Infrastructure Levy (CIL) Index, which is the index specified by the CIL Regulations.

Implications of CIL

- 4.20 CIL is a charge levied on new development, with standard exemptions given for smaller household extensions, affordable housing, self-build development and for charities.
- 4.21 Based on the level of housing delivery over the last 4 years within Castle Point (around 500 traditionally built homes that would be liable to CIL), up to £6m of CIL would have been received, had the charges now proposed been in place. The exemptions and discounting for existing floorspace in brownfield developments mean that this would have been the maximum receipt, but this does indicate CIL receipts could amount to between £1m and £1.5m per annum.
- 4.22 There is known urban capacity for around 1,300 homes within Castle Point. There is also scope for some small-scale retail developments. There is therefore scope for between £7.5m - £12.5m in CIL receipts from sites already identified. This does not include any receipts that may arise from appeal decisions.
- 4.23 However, CIL can only be charged on sites which are granted planning permission after the CIL becomes effective, and the charge is payable upon commencement of the development. There will initially be a lag in CIL receipts, as liable developments take a while to be implemented. The Council may not receive a consistent flow of receipts until a year or so after CIL is implemented.
- 4.24 The Council will still be able to secure S106 Agreements on some sites. However, a lot of the development sites within the existing urban area of

³ Convenience retail provides lower value good purchased regularly to meet day to day needs such as food, newspapers, petrol etc.

⁴ Comparison retail provides higher value goods purchased less often, such as household items, electrical goods, clothes, shoes etc.

Castle Point are small and will not meet the threshold for the use of S106 Agreements set out in national Planning Practice Guidance. S106 is expected to generate around £1m from those sites that are eligible for S106. However, most sites will not contribute towards infrastructure in the absence of CIL.

- 4.25 CIL therefore has a critical role to play in generating infrastructure funding to address the impacts of growth, including the cumulative impacts from many small sites. It is therefore proposed that CIL is implemented as soon as possible, with the 1st May 2023 identified as an appropriate date. The Charging Schedule to be approved is provided at appendix 2.

Spending CIL

- 4.26 The resolution of Council in February 2022 was to use the Overview and Scrutiny and Policy and Scrutiny processes to discuss and determine the governance arrangements for CIL.
- 4.27 Now that the Council is in the position to charge a CIL, meetings of these committees will be set up early in the next municipal year for this purpose.
- 4.28 Assuming the Council approves the publication and implementation of CIL, developments will be liable for CIL if approved from the 1st May 2023. However, as set out previously, CIL only becomes payable upon commencement of development.
- 4.29 There will be a sufficient lag between implementation and the receipt of monies to identify strong governance arrangements which will ensure that spend is effective and efficient in delivering infrastructure that responds to the Council's priorities. The CIL and S106 Monitoring Officer, once appointed, will be responsible for monitoring the collection of, spending of CIL and working with partners to ensure timely delivery of any infrastructure projects funded through CIL.

Reviewing CIL

- 4.30 Some of those involved in the examination of the CIL Charging Schedule suggested that the Council should wait to put a CIL in place until a new local plan was prepared. This would have seen the Council unable to implement a CIL until around 2026. All development occurring between now and then would not have been charged a CIL and the borough would have missed out on the opportunity to secure infrastructure funding as a consequence.
- 4.31 However, it is recognised that the need for CIL and the viability of development will change over time. There is the opportunity through the preparation of the Castle Point Plan to review CIL, and if necessary take the decision at the appropriate time to submit a revised charging schedule for examination alongside the Castle Point Plan, using the same infrastructure and viability evidence for both documents.

Instalments Policy

- 4.32 As part of the consultation on the Draft Charging Schedule, a proposed

Instalment Policy was set out. This is provided below.

Overall CIL liability	Payment instalments
£20,000 or less	Payment in full within 240 days
£20,000 - £50,000	50% paid within 360 days Further 50% paid within 540 days
£100,000 - £500,000	10% paid within 270 days Further 15% paid within 540 days Further 25% paid within 720 days Remaining 50% paid within 900 days
£500,000 or more	Agreement of project specific payment schedule

- 4.33 Whilst some developers supported the introduction of an instalment policy during the initial CIL consultation, no comments were made on its content. During the further consultation undertaken in July – September 2022, two residents expressed displeasure with the idea of an instalment policy, as it was considered important to secure infrastructure payments upfront. There were concerns about non-payment.
- 4.34 As part of the Examination, the Examiner considered the existence of an instalment policy as a material consideration in assessing the viability of the proposed levy. He determined that the number, amount, and timing of payments would assist the viability of the types of development tested. It is therefore necessary for the Council to have an instalment policy to ensure the viability of development by providing a degree of flexibility around cash flow.
- 4.35 There is therefore a need to achieve a balance between ensuring the economic viability of development by avoiding unnecessary borrowing costs and ensuring that infrastructure contributions are secured in a timely manner and in full.
- 4.36 The CIL Regulations require full payment of any contribution in full within 60 days, unless there is an instalment policy in place, increasing the cost of development at an expensive time in the development process when the ground works are normally being carried out. The introduction of an instalment policy spreads that cost, reducing the borrowing burden on the developer and improving development viability.
- 4.37 However, it is recognised that instalment policies should not be too generous. The CIL Regulations allow for Warning Notices and Stop Notices to be issued in the event of non-payment. These are only effective if development is ongoing. It is therefore appropriate that contributions are secured during the development period.
- 4.38 Due to the relatively high rate of CIL for residential development on the mainland, it is possible for relatively small schemes such as a scheme of 5-10 houses to have a CIL charge of over £100,000. However, it is also possible for such a scheme to be completed within 2 years (730 days). The current proposed instalment policy would be ineffective in securing the required contribution whilst the development is under construction. Furthermore, it exposes a high proportion (50%) of the required levy to risk of non-payment

due to the proportion due at 900 days.

Revised Instalments Policy

- 4.39 A revised instalment policy is therefore proposed which shortens the overall payment period for CIL, enabling the Council to take timely enforcement action in the event of non-payment. It does however recognise the need to ensure viability of development by spreading the cost of CIL over a reasonable period.
- 4.40 The revised instalment policy requires a proportion of the CIL requirement to be paid within 60 days of commencement of the development, as required by the regulations, and then regular payments throughout the delivery of a development. The longest repayment period for those liable to the most CIL is now 2 years (730 days) for smaller schemes, which means most developments are unlikely to be completed before their final CIL payment is due, allowing for enforcement action in the event of non-payment. The table set out below is the revised instalment policy:

Overall CIL liability	Payment instalments
£5,000 or less	Payment in full within 60 days (as per regulations)
£5,000.01 - £19,999.99	Instalment 1: 50% within 60 days Instalment 2: 50% within 180 days
£20,000 - £99,999.99	Instalment 1: 25% within 60 days Instalment 2: 25% within 180 days Instalment 3: 25% within 365 days Instalment 4: 25% within 540 days
£100,000 - £499,999.99	Instalment 1: 20% within 60 days Instalment 2: 20% within 180 days Instalment 3: 20% within 365 days Instalment 4: 20% within 540 days Instalment 5: 20% within 730 days
£500,000 or more	Agreement of project specific payment schedule

- 4.41 Following engagement with the Financial Services Manager, it is additionally proposed that a caveat is added to the instalment policy table to help avoid situations of non-payment which states that:

Any and all outstanding instalments become due immediately on completion of the final unit irrespective of the schedule shown in the table above.

- 4.42 Regulation 69B of the CIL Regulations allows the Council to put in place an instalment policy at any time. It is allowed to alter that instalment policy as it wishes but must allow 28 days between an instalment policy coming into effect and a replacement of it.
- 4.43 The Council is required to publish its instalment policy along with its commencement date on its website.

- 4.44 It is recommended that the revised instalment policy is published with an effective date of 1st May 2023. All CIL demand notices issued on or after that date will apply the revised instalment policy.

5. Corporate Implications

Financial implications

Potential Income

It is anticipated that CIL could raise of the order of £7.5m - £12.5m towards infrastructure funding in the local area, based on the sites currently identified within the housing land supply. Indicatively, had CIL been charged over the last 4 year period, the charge would have raised between £1m and £1.5m per annum on average.

It should however be noted that CIL becomes liable on those developments granted after the implementation of CIL, and only at commencement. Only around 10% of developments commence within one year of permission being granted. Most commence within two to three years. There will therefore be a lag in terms of the receipts received in the first few years.

Cost to date

The Council has an agreement with Essex County Council to fund £60,000 towards the cost of preparing the Community Infrastructure Levy in return for them being able to access the first £60,000 worth of CIL receipts for a county led project or projects in Castle Point.

The CIL Regulations allow for the remaining costs for preparing the CIL, of the order of £50,000, to be recovered from CIL income in later years. Therefore, whilst the preparation of CIL carried a cost, it will be cost neutral to the Council overall if it chooses to recover the investment.

Cost of Implementation

Separately, there is a cost associated with implementing and managing CIL. Experience from elsewhere indicates that this requires at least one CIL Officer and a computer system/database.

It is estimated that the cost of an officer will be of the order of £51k per annum, whilst the cost of the computer system, based on the one used in around 150 Council's across the Country already, is around £30k for set up and around £15k per annum thereafter. It is estimated that the total annual cost for implementing the CIL will be of the order of £66k per annum at current costs.

The Council can use up to 5% of its CIL income to administer CIL. Over the period 2023-2028 the cost of administering CIL will be of the order of £345k at current costs. The projected income from CIL would allow for between £375k and £625k for the implementation of CIL, meaning that there will be sufficient resources to implement CIL, albeit spend during the initial years will need to be recouped from later years to make it cost neutral.

It should be noted that separately, the Council is seeking to implement a monitoring fee for S106 agreements through the Updated Developer Contributions Guidance. This charge is £576.45 per obligation. Assuming a modest number of S106 agreements per annum this could generate around £5,800 per annum towards the CIL Officer and computer system required, enabling cost neutral provision at an earlier date.

Potential Infrastructure Funding

After the cost of preparing the CIL and implementation costs are considered, the CIL will raise, from the current housing supply, between around £7.1m and £11.8m to be spent on local infrastructure projects. Around £160k of this will need to be assigned to local spend at the ward level in which development occurred, based on current costs. The remainder will be available for infrastructure projects across the borough.

Legal implications

The preparation and implementation of CIL is governed by the CIL Regulations. The requirements of these regulations must be followed to prevent legal challenges to the Council.

Following the adoption of a CIL in an area, there is a legal requirement on a developer to pay the levy for liable development. The adoption of a CIL could reduce the use of Section 106 agreements in the area. Arrangements will need to be put in place in respect of the transfer and use of CIL funds to third parties – i.e. ECC, the Town Council or NHS.

Human resources and equality implications

Human resources

Experience from other authorities who have implemented CIL indicates that its administration whilst generating a great source of funding for infrastructure projects is administratively burdensome. It requires the monitoring, enforcement and the constant tracking of the numerous development projects that may be underway across the area to know when to issue notices and expect (or otherwise chase) receipts.

It also requires the preparation of a statement setting out how CIL, alongside S106 receipts have been spent in any given year, meaning that there is an imperative to be pushing funds out to those services within the organisation or other organisations such as Essex County Council or the NHS to deliver projects, and ensuring that those projects are being delivered.

A CIL Officer will therefore be required to implement CIL, alongside an appropriate computer system.

Equality implications

There are no identified negative equality implications.

CIL provides the opportunity for the Council and its partners to deliver the infrastructure needed to support the community in Castle Point, including those with protected characteristics.

Timescale for implementation and risk factors

Only applications decided from the implementation date (recommended to be the 1st May) are liable to pay CIL. Therefore, delays in implementation will see the level of CIL receipt reduced. This has implications for the funding of local infrastructure projects and also carried reputational risk for the Council.

6. Conclusions

Council should consider the recommendations set out in this report in order that a Community Infrastructure Levy can be implemented in Castle Point as soon as possible.

Report Author: Amanda Parrott – Planning Policy Manager

Report to Castle Point Borough Council

by Mike Hayden BSc (Hons) Dip TP MRTPI

an Examiner appointed by the Council

Date 21 February 2023

Planning Act 2008 (as amended)

Section 212(2)

Report on the Examination of the Castle Point Borough Council Community Infrastructure Levy Draft Charging Schedule

Charging Schedule submitted for Examination on 1 March 2022

The Examination Hearing was held on 19 October 2022

File Ref: PINS/M1520/429/7

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Abbreviations used in this report

BCIS	Building Cost Information Service
BLV	Benchmark Land Value
CIL	Community Infrastructure Levy
CPBLP	Castle Point Borough Local Plan 1998
DCS	Draft Charging Schedule
EUV	Existing Use Value
EUV+	Existing Use Value plus a premium to the landowner
GDV	Gross Development Value
GIA	Gross Internal Area
IDP	Infrastructure Delivery Plan
NCPLP	New Castle Point Local Plan 2018-2033
OMV	Open Market Value
PPG	Planning Practice Guidance
psm	per square metre
sqm	square metres
VS	Viability Study

Non-Technical Summary

This report concludes that, subject to modification, the Castle Point Borough Council Community Infrastructure Levy (CIL) Draft Charging Schedule provides an appropriate basis for the collection of the levy in the Borough.

Four modifications are needed to meet the statutory requirements, which can be summarised as follows:

- Set separate CIL rates for brownfield residential development on Canvey Island of £34 per square metre (psm) for residential housing and £27 psm for flats.
- Reduce the floorspace threshold at which the higher CIL rate of £200 psm for convenience retail development applies from 800 square metres (sqm) to 450 sqm.
- Amend the maps showing residential and retail charging zones to include Ordnance Survey grid reference numbers.
- Include a statement confirming the charging schedule has been issued, approved and published in accordance with the legal and procedural requirements.

Subject to these modifications, the Council has sufficient evidence to support the schedule and can show that the levy will be set at a level that will not put the overall development of the area at risk.

The modifications recommended in this report are based on matters discussed during the public hearing sessions and/or raised in written questions, and do not alter the basis of the Council's overall approach.

Introduction

1. This report contains my assessment of the Castle Point Borough Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance.
2. To comply with the relevant legislation the local charging authority has to submit a charging schedule, which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the Borough. The basis for the Examination, on which a hearing was held on 19 October 2022, is the submitted DCS of January 2022, which is effectively the same as the document published for public consultation between 3 November and 3 December 2021.
3. The Council proposes differential rates for residential development by geographical location in two zones and by type of housing, and differential rates for retail development by location and floorspace size, expressed in £s per square metre (psm) of floorspace, as follows:

Residential housing:

Mainland (including Benfleet, Thundersley and Hadleigh)	£250 psm
Canvey Island	£120 psm

Residential flats:

Mainland (including Benfleet, Thundersley and Hadleigh)	£90 psm
Canvey Island	£30 psm

Convenience retail:

For the first 800 sqm gross internal area	£200 psm
For each square metre over 800 sqm gross internal area	£50 psm

Comparison retail outside of town centre boundaries	£200 psm
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Convenience retail is defined as providing lower value goods purchased regularly to meet day to day needs such as food, newspapers, petrol, etc. Comparison retail is defined as providing higher value goods purchased less often, such as household items, electrical goods, clothes, shoes, etc.

All other development, including sheltered/retirement and extra care housing, would not be subject to a CIL charge.

Is the charging schedule supported by background documents containing appropriate available evidence?

Infrastructure planning evidence

4. Regulation 14(1) of the CIL Regulations 2010 (as amended) requires that, in setting CIL rates, a charging authority must aim to strike an 'appropriate balance' between the desirability of funding from CIL the cost of infrastructure needed to support the development of its area, and the potential effects of charging CIL on the economic viability of development across its area. The Planning Practice Guidance (PPG) goes on to explain that in meeting this requirement, charging authorities should be able to show how their proposed levy rates will contribute towards the implementation of their 'relevant plan' and support development across their area¹.
5. The submitted DCS and related infrastructure planning evidence were prepared alongside the New Castle Point Local Plan 2018-2033 (the NCPLP), as the 'relevant plan'. However, the NCPLP was withdrawn by the Council in June 2022, after the commencement of the CIL Examination. Therefore, given the link between the 'relevant plan' and the 'appropriate balance' in the setting of CIL charges, I paused the Examination and invited the Council to review its CIL proposals and the supporting evidence base, in the light of any changes to the development and infrastructure being planned for in the Borough, following the withdrawal of the NCPLP.
6. The Council prepared updated evidence on infrastructure planning and viability², and consulted on it between July and September 2022. The updated evidence and the written representations in response to it, informed a revised set of Main Issues and Questions (MIQs) for the Examination, which formed the basis for the discussions at the Hearing.
7. The updated evidence explains that the 'relevant plan' on which the Council now relies for the purposes of infrastructure planning and setting a CIL charge, is the saved policies of the Castle Point Borough Local Plan (CPBLP), adopted in 1998. The PPG defines a 'relevant plan' as any 'strategic policy'³. Whilst the housing and employment land requirements in the CPBLP are time expired and no longer relevant, it is clear that the saved policies of the CPBLP continue to perform a strategic function in directing housing, employment, retail and other forms of development to suitable sites and locations within the urban areas of the Borough. Therefore, in the absence of the NCPLP, it is reasonable for the Council to rely on the saved policies of the CPBLP as their 'relevant plan' for the purposes of infrastructure planning and setting CIL charges in Castle Point at this time.
8. The Council's updated evidence quantifies the scope for future housing development, which could be delivered under the saved policies of the CPBLP. This is based on a schedule of sites within the urban areas of the Borough,

¹ PPG Paragraph: 010 Reference ID: 25-010-20190901

² Council documents CPBC-1-N, CPBC-1-O, CPBC-2 and CPBC-3

³ PPG Paragraph: 012 Reference ID: 25-012-20190901

including: the remaining sites that are allocated for housing in the saved policies of the CPBLP; sites which were allocated in the NCPLP and are located within the urban area, on which applications could be determined under the policies of the CPBLP; Brownfield Land Register sites; and small sites identified as suitable for development in the Strategic Housing Land Availability Assessment that were too small to allocate in the NCPLP. In addition, an allowance has been made for further windfall housing, which was demonstrated in evidence to the NCPLP Examination.

9. The schedule was amended⁴ following discussion at the Examination Hearing, to remove sites that already had planning permission and should not, therefore, be counted for the purposes of infrastructure planning. The amended schedule identifies scope for a further 1,314 dwellings in the Borough, which could be delivered under the saved policies of the CPBLP. I have noted the remaining discrepancies in the list of sites, as pointed out in representations, where alternative uses have been permitted or sites with planning permission have not been discounted. However, these account for a handful of small sites. Overall, the figure of 1,314 dwellings is a reasonable estimate of the quantum of further housing development which could come forward under the policies of the CPBLP, and for which infrastructure needs to be planned and funded.
10. In terms of the scope for economic development, the Council's updated evidence confirms that sites for employment and retail development allocated in the CPBLP have been largely built out or benefit from extant planning consents. But there are opportunities for redevelopment and intensification within the Borough's employment areas, town centres and out of centre retail parks, which could deliver additional retail or commercial floorspace under the saved policies of the CPBLP.
11. The Borough's infrastructure requirements and proposals were originally set out in the Castle Point Borough Infrastructure Delivery Plan (IDP)⁵, which was prepared alongside the NCPLP. In the light of the withdrawal of the NCPLP, the Council updated the infrastructure evidence, initially in the form of an Addendum to the IDP⁶, and again following discussion at the Examination Hearing, in order to recalculate the costs of infrastructure required to support development that could come forward under the saved policies of the CPBLP, and thereby any aggregate funding gap. The updated evidence was made available for interested parties to comment on and I have taken account of their responses in reaching my conclusions on it.
12. The revised infrastructure schedule⁷, includes improvements to education and healthcare facilities, libraries, green infrastructure and open space, sports facilities, roads and transport schemes, and flood management schemes and defences. The evidence has been subject to consultation with statutory

⁴ Council document CPBC-05-A

⁵ Submission document SUB-02

⁶ Council document CPBC-1-N

⁷ Council document CPBC-05-B

providers. In particular, it now excludes contributions to primary and secondary education facilities, because the County Council, as the Local Education Authority, consider there is no demonstrable need for additional school places in the Borough to support the reduced level of housing growth under the CPBLP.

13. The total estimated cost of infrastructure in the revised schedule is £93.97 million, albeit some schemes are still to be costed. Of this, £11.6 million of infrastructure is necessary to support the development expected to come forward under the saved policies of the CPBLP. The difference between the two figures relates to the cost of several major flood defence and transport schemes, which are not specifically associated with the housing sites identified in the updated evidence. The Council's evidence suggests that S106 obligations and other sources of funding will deliver around £0.8 million towards the infrastructure required, leaving an aggregate funding gap of £10.8 million.
14. The Council estimates that development of 1,314 dwellings would generate approximately £7.6 million of CIL funding based on the rates in the submitted DCS. This would be sufficient to cover around 70% of the aggregate funding gap, based on the current infrastructure cost estimates.
15. In conclusion, the updated and revised infrastructure planning evidence is sufficient to confirm an aggregate infrastructure funding gap in Castle Point Borough. The evidence shows that the proposed CIL charges would make a significant contribution towards filling the likely funding gap. Therefore, notwithstanding the reduced amount of development likely to come forward following the withdrawal of the NCPLP and in advance of the adoption of a new local plan, the figures demonstrate the need for CIL to support the delivery of development under the saved policies of the CPBLP.

Economic viability evidence

16. The Council submitted a CIL Viability Study (VS), dated August 2021⁸, in support of the DCS, which built on earlier viability work undertaken for the NCPLP⁹. The VS uses a residual valuation approach. It provides separate appraisals for residential, care home, hotel, retail, office, business and industrial development. Extra care and retirement dwellings for older persons were also assessed using the same methodology, with the results set out in an Addendum¹⁰, published in May 2021 during the Examination of the NCPLP.
17. The VS was prepared in accordance with the PPG on Viability and guided by advice in the Harman Report¹¹ and the Royal Institution of Chartered Surveyors guidance note¹². In preparing the VS, consultation was held with the development industry and landowners, as expected in the PPG¹³.

⁸ Submission document SUB-01

⁹ Submission documents DV-005, DV-006 and DV-007

¹⁰ Submission document EXM-040

¹¹ Viability Testing Local Plans, Local Housing Delivery Group chaired by Sir John Harman, June 2012

¹² RICS Guidance Note, Assessing viability in planning under the NPPF 2019 for England, March 2021

¹³ Paragraph: 015 Reference ID: 25-015-20190901

18. During the Examination further viability evidence was provided by the Council at my request. This included: a full set of the residential and non-residential appraisals from which the viability results in the VS were derived¹⁴; the transactions data on which the assumptions for residential sales values were based¹⁵; further market evidence to support the Benchmark Land Values (BLVs) for greenfield land and brownfield land used in the residential and retail appraisals in the VS¹⁶; revised appraisals to sensitivity test the effects of alternative BLVs and rates of developer return on the viability of residential development on both brownfield and greenfield sites¹⁷; and an alternative appraisal to test the viability of a lower floorspace threshold for the higher CIL rate for convenience retail floorspace¹⁷.
19. I consider the appropriateness of the suite of viability evidence below, under separate sub-headings for residential and non-residential appraisals.

Residential Appraisals

20. A total of 40 different generic residential development typologies were tested in the VS, ranging from two to 1,000 dwellings, including flats, houses and mixed schemes, on brownfield and greenfield sites, for both the Mainland and Canvey Island areas of the Borough. Apart from the larger greenfield sites, these are representative of the type and scale of residential development contained in the updated schedule of sites, which could be delivered under the saved policies of the CPBLP¹⁷. Site specific appraisals were also provided for a sample of five strategic greenfield allocations in the former NCPLP. Therefore, the ability of larger greenfield schemes to viably support a CIL charge has been tested through the VS, if such applications were to come forward.
21. Assumptions were made in the appraisals for the full range of factors affecting the costs and values of residential development in the Borough. Given the potential for fluctuations in the future residential market, sensitivity tests were also undertaken of the effects of an increase in build costs and fall in sales values. The appraisal inputs for gross to net ratios and site densities, residential mix, construction phasing, land purchase fees, Stamp Duty Land Tax, contingencies, finance costs and developer return, were based on site specific and stakeholder evidence and are consistent with industry standards and relevant guidance. However, a number of the input assumptions were disputed in representations, which I consider below.
22. **Sales Values** used in the VS to calculate scheme revenues were based on transactional evidence of new and second hand residential property sales in the Borough for the period 2016-2020, which were drawn from Land Registry (LR) data and indexed to March 2020 prices using the LR House Price Index. The evidence reveals clear geographic differentials in sales values across the Borough, with higher values on the Mainland and lower values on Canvey

¹⁴ Council documents CPBC-1-I and CPBC-1-J

¹⁵ Council document CPBC-1-K

¹⁶ Council document CPBC-06

¹⁷ Council document CPBC-05-A

Island, and between houses and flats on Canvey Island, which are reflected in the sales values assumed in the VS. Whilst there are also differences in residential values between wards within the Mainland and Canvey Island, which are highlighted in the heat maps in the VS¹⁸, the values for houses and flats used in the VS are consistent with the average values in the transactional evidence for the Mainland and Canvey Island. This approach is consistent with guidance in the PPG on how development should be valued for the purposes of setting a levy, by using an area-based approach, involving a broad test of viability, for which average figures can be used¹⁹.

23. The sales values used for Canvey Island were based on transactional data for second hand sales, with a 20% premium to reflect new build values. This was due to the limited number of new build sales transactions on Canvey Island within the study period. Again, this approach is consistent with the PPG, which requires the use of appropriate available data, but recognises that the available data is unlikely to be fully comprehensive²¹.
24. **Affordable Housing Values** were assumed in the VS at 50% of open market value (OMV) for affordable rented dwellings and 67.5% of OMV for intermediate dwellings. These were based on data from sold schemes provided by developers as part of the stakeholder consultation, which evidenced transfer values for affordable rented units of between 30-65% of OMV, at an average of 48%, and for intermediate units of between 60-70% of OMV, averaging 65%. Given that the transfer values assumed in the appraisals were above the quoted averages, at my request the Council reappraised the effects of the lower average values on the full range of residential typologies²⁰. The results showed a worsening of viability, particularly on brownfield sites within Canvey Island, albeit the vast majority of greenfield typologies would still be viable at the CIL rates proposed. I am satisfied that with the additional appraisals, the range of affordable housing values used provides appropriate evidence for the purposes of testing CIL viability.
25. **Build Costs** were drawn from the Building Cost Information Service (BCIS), which the PPG recognises as appropriate data²¹, and rebased to Castle Point for the second quarter of 2020, broadly in line with the date used for sales values. The rates were adjusted for scheme size, with median BCIS figures used for sites of less than 50 dwellings and lower quartile BCIS for larger sites of 50 units or more, on which economies of scale are likely to realise lower unit costs. The rates also reflect the higher cost of building flats.
26. Some representors challenged the use of lower quartile BCIS build costs for larger schemes, citing higher labour and materials rates in Castle Point, the additional cost of building on Canvey Island due to flood risk and the impact of inflation. However, lower quartile BCIS based costs are commonly used for larger schemes in viability studies tested at CIL examinations and appeals, and

¹⁸ Submission document SUB-01-A submitted in May 2022 to correct labelling errors on the heat maps in the VS

¹⁹ PPG Paragraphs: 020 Reference ID: 25-020-20190901 and 011 Reference ID: 10-011-20180724

²⁰ Appendix 1 of the Council's Hearing Statement HS-01

²¹ PPG Paragraph: 012 Reference ID:10-012-20180724

no objections were raised at the stakeholder workshop to their use in the VS. Further, the rates used in the VS were rebased to Castle Point, taking account of the higher than average costs on Canvey Island, and the appraisals for Canvey Island included an allowance of £120 psm for the additional cost of improving site foundations to protect against flooding. The VS also sensitivity tested the effects of a 5% increase in build costs. So, it is clear that the appraisals in the VS have factored in the effects of local variations in build costs. With regard to inflation, the Council's evidence is that the increase in construction costs over the previous 12 months has been more than offset by the rise in house prices during the same period.

27. Since the VS was prepared, the Building Regulations have been revised to include requirements for electric vehicle charging points and a 31% reduction in CO₂ emissions in residential development, which will increase build costs. However, the residential appraisals include a contingency allowance of 5%, which is at the upper end of the normal range. This, combined with sensitivity testing of a 5% increase in build costs and the CIL headroom shown in the viability results, provides sufficient flexibility to accommodate any increases in costs arising from recent changes to the Building Regulations and potential further costs associated with the Future Homes Standard due in 2025. Overall, I find that the allowances for residential build costs in the VS are appropriate.
28. An additional allowance of 10% of build costs was included for **External Works** to cover the site curtilage costs of garden spaces, incidental landscaping, estate roads and connections to utilities. In addition, a figure of £8,100 per garage was included for 3 and 4+ bed houses, with smaller units assumed to have parking spaces rather than garages. Some representations argued that the allowance for external costs should have been 15-20%. However, the figure of 10% was based on survey responses from developers and agents and a review of local viability assessments. Based on the evidence, therefore, I am satisfied that appropriate allowances were made for the cost of external works.
29. **Professional Fees** at 8% of total construction costs were included across all typologies, which is within the range of 8-10% identified in the Harman Report for straightforward sites. Whilst some representors make a case for professional fees to be 10% given the greater complexity of construction on Canvey Island sites, the figure of 8% assumed in the VS is supported by responses to the stakeholder questionnaire of developers. Whilst I recognise that professional fees can vary depending on the complexity of schemes, even if they were closer to 10% on some schemes, there is sufficient CIL headroom shown in the VS results to absorb the increased costs.
30. Separate allowances were made for site costs and S106 costs. With regard to **Site Costs**, allowances range from £6,000-£22,000 per unit for site opening up costs on greenfield sites ranging from 50 to 500 plus dwellings. The upper figure is consistent with the range of £17,000-£23,000 per plot identified in the Harman Report for strategic infrastructure and utility costs on larger scale schemes. For brownfield sites, allowances of £350,000 per hectare (ha) were made for the costs of demolition and remediation, drawn from guidance provided by Homes

England²², which is a reliable source for the purposes of high level appraisals. In terms of the site specific appraisals in the VS, the figure of £10,989 per unit for site opening up costs for site HO13 in the NCPLP was challenged in representations. However, the Council maintains this was based on feedback from the site promoter and I have seen little evidence to support the figure of £25,000 per unit suggested as an alternative.

31. Allowances were made for **S106 Costs** in the residential appraisals ranging from £1,500 per unit for the smallest site typologies to £25,820 per unit for the largest. These were based on estimated financial contributions required to cover on and off-site costs, drawn from evidence in the IDP and the County Council's Guide to Contributions, and are generous in comparison with the range of historic S106 costs in the Borough of £1,200-£7,000 per unit. Based on the evidence, therefore, the viability impact of S106 and site infrastructure costs have been adequately tested.
32. **Benchmark Land Values (BLVs)**, against which the residual values generated in the development appraisals are assessed, form a key assumption in establishing the viability headroom for CIL. The VS adopts BLVs based on the Existing Use Value (EUV) of the land, plus a premium to the landowner (EUV+). It does so by applying the premium to the net developable part of the site, rather than the site as a whole, on the basis that this is the land of relevance to the developer. This application of EUV+ was contested in representations.
33. Whilst the PPG prescribes the use of EUV+ in establishing BLVs, it does not offer guidance on how much of the site the premium on EUV should be applied to. The VS references an appeal decision which supported the application of the premium to the developable area only²³, but that decision was based on the particular circumstances of the case, including the significant constraints on the non-developable area of the site.
34. In area-wide viability studies that, like the VS, test development typologies for which site specific constraints or circumstances are unknown, BLVs are usually based on EUV+, in which the premium is applied to the gross area of land required for the development. Indeed, this appears to be the case for many of the local plan and CIL viability studies prepared for districts and boroughs surrounding Castle Point, in which the residential BLVs used were significantly above those assumed in the Castle Point VS.
35. However, further information was provided by the Council after the Hearing, at my request, to explain the BLVs used in the VS, in comparison with those used in viability studies for surrounding areas²⁴. The PPG states that evidence used to inform BLVs can include those from other viability assessments²⁵. This further evidence reveals that in many of the comparison studies, the appraisals do not include an allowance for abnormal site preparation or clean-up costs, but factor

²² Paragraph 4.49 and footnote 52 of the VS (SUB-01)

²³ Appeal Ref: APP/Q4245/W/19/3243720

²⁴ Council document CPBC-06, Questions 2a-c

²⁵ Paragraph: 016 Reference ID: 10-016-20190509

a margin for these unknown costs in higher BLVs. Whereas, the appraisals in the VS for Castle Point include separate allowances for site opening up costs on greenfield sites and demolition/remediation costs for brownfield sites. When this is taken into account, the differences between the BLVs per gross hectare in the VS and those for surrounding areas are justified. The Council also reran the residential appraisals in the VS to sensitivity test the effects of using BLVs based on a site premium applied to the gross development area of sites²⁶. The results suggest that the application of the premium to the gross rather than the net development area of sites would have little effect on the overall viability outcome for most typologies and their headroom for CIL.

36. On the basis of the evidence provided, therefore, I am satisfied that the BLVs used in the VS provide a reliable basis for testing the viability of CIL.

Non-Residential Appraisals

37. The VS appraised a range of non-residential and commercial development types, including offices, industrial, retail, hotels and care homes, for different formats and locations²⁷. With the exception of the convenience retail formats, which I discuss below, these are broadly representative of the types of non-residential schemes that may come forward in Castle Point under the saved policies of the CPBLP.
38. For convenience retail development, separate appraisals were undertaken for a small local convenience store with a gross internal area (GIA) of 280 sqm and for a supermarket of 1,500 sqm GIA. On the basis of these two appraisals, differential CIL rates have been proposed for convenience retail floorspace development, with a higher rate for the first 800 sqm GIA of floorspace. Whilst I understand the 800 sqm threshold reflects the smaller supermarket formats that are currently preferred by convenience retail operators, the VS did not test the viability of this format, but a larger supermarket and a small convenience store. Following discussion of this element of the VS at the Examination Hearing, the Council provided an additional appraisal for a store of 450 sqm GIA, which represents the upper limit of the small local convenience store format in Castle Point²⁸. I am satisfied that these provide an appropriate basis for testing the viability of different CIL rates for convenience retail development.
39. Reasonable assumptions were included for the full range of factors affecting the costs and values of non-residential development in the Borough. The **Rents and Yields** used to calculate gross development values were based on evidence of property transactions in Castle Point and Essex for the period up to August 2020, drawn from recognised data sources²⁹. Rent free periods were built in for typologies that can be subject to speculative development and where occupier incentives may be necessary. **Build Costs** were based on median BCIS data for Castle Point for the 2nd quarter of 2020, in line with the date used for development values. Allowances for external works and contingency were

²⁶ Council document CPBC-06, Table 2d1

²⁷ Table 4.21 in the Viability Study (SUB-01)

²⁸ Council document CPBC-06, Appendix 3

²⁹ Estates Gazette Interactive (EGi) and Rightmove

included at 15% and 4% of build costs, respectively. **Professional Fees** were assumed at 10% of total construction costs, on the basis that commercial schemes are more complicated than residential development.

40. **Land Purchase Fees** and **Sales Fees** were included at industry standard rates, **Developer Return** at 20% of development costs, and **Finance Costs** at 7% to reflect the greater risk of lending for non-residential development in Castle Point than for residential development. Allowances for **S106 Policy Costs** were not included, as none were identified as typical for non-residential development in the Borough, but the VS notes that CIL rates have been set to allow headroom for this unknown.
41. **BLVs** for the non-residential appraisals have been based on evidence of commercial property transactions, drawn from recognised on-line sources, including EGi and local agents. The supplementary evidence provided at my request following the Examination Hearing³⁰, demonstrates that the BLV used for supermarkets was above the average land transaction price paid by retailers, allowing for any additional unknown site preparation costs. The BLVs used for other non-residential typologies have been set in the same way. Accordingly, I am satisfied that the approach to BLVs for non-residential schemes is robust.

Conclusion

42. On the basis of the above analysis, I find that the methodology adopted in the VS, and in the revised appraisals submitted during the Examination, is consistent with the guidance on CIL and viability in the PPG, and that reasonable assumptions for development values, costs and land values have been used for both residential and non-residential development.
43. Overall, I conclude that the DCS is supported by detailed evidence of infrastructure needs and costs, which demonstrate the need for a CIL in Castle Point, and that the economic viability evidence, which has been used to inform the DCS and the Examination process, provides a robust, proportionate and appropriate basis for testing and setting CIL rates.

Are the charging rates informed by and consistent with the evidence?

Residential development rates

44. The DCS proposes differential CIL rates for residential development on the Mainland and Canvey Island, and for houses and flats within these two zones. The Regulations³¹ allow charging authorities to apply differential rates, on a geographical basis and by types of development, to help ensure the viability of development is not put at risk, provided the differences in rates are justified by reference to the viability of development³².

³⁰ Council document CPBP-06, Question 2e and Appendix 2

³¹ Regulation 13 of the CIL Regulations 2010 (as amended)

³² PPG Paragraph: 022 Reference ID: 25-022-20230104

45. The evidence on the variation in sales values between the Mainland and Canvey Island, and in the build costs for houses and flats, supports a differential approach. The boundaries between the two zones are clearly shown on the maps at the back of the DCS, and subject to the addition of OS grid references to accord with the Regulations, which is discussed below, the location of individual plots of land either side of the zonal boundaries can be determined.
46. In the **Mainland** zone, the appraisal results³³ show that all except two of the generic typologies and all three of the strategic sites tested (HO9, HO13 and HO20), achieve viability headrooms that are significantly above the proposed CIL rates of £250 psm for houses and £90 for flats, with margins of 38-80%. These represent comfortable to substantial buffers, which should be sufficient to absorb variations in site values, sales revenues and development costs, resulting from fluctuating market circumstances or unforeseen site conditions, in line with the expectations of the PPG³⁴. This is supported by the sensitivity testing carried out for a 5% increase in build costs and a 5% fall in sales values³⁵, and separately for lower affordable housing transfer values³⁶, which show that even with these changes, the majority of residential typologies on the Mainland could viably support the proposed CIL charges with comfortable buffers.
47. The viability headroom for two houses and 50 flats on brownfield land on the Mainland is shown to be insufficient to support the proposed CIL charges. However, for the 50 unit scheme, the reduction in the requirement for affordable housing under saved Policy H7 of the CPBLP, following the withdrawal of the NCPLP, and under vacant building credit, would improve its overall viability. Moreover, the effect of the proposed CIL charges on the viability of these two typologies alone would not threaten the overall delivery of housing within the Mainland, since there are a wide range of other scheme types, which the evidence shows could viably deliver housing or flats with the CIL charges proposed. Accordingly, I find that the proposed charges for residential development on the Mainland are consistent with the evidence.
48. In the **Canvey Island** zone, the appraisal results for greenfield and brownfield typologies are very different. On **Greenfield Sites** most of the generic typologies demonstrate viability headrooms sufficient to support the proposed CIL rates of £120 psm for houses and £30 psm for flats, with margins of 70-80%³⁶. The buffers for schemes of two houses and 50 flats on greenfield sites are comparatively smaller, at around 18% and 23% respectively, but they are sufficient to suggest that such schemes would still be viably able to support the proposed CIL rates, based on the development values and costs assumed in the VS. Whilst sensitivity testing³⁸ indicates that four out of nine greenfield residential typologies on Canvey Island could not support the proposed CIL charges if either a 5% increase in costs or 5% fall in sales values occurred, the other five scheme types would remain comfortably viable with buffers of 42-66% after CIL. Moreover, once the reduction

³³ Table 5.1 of the VS (SUB-01)

³⁴ Paragraph: 020 Reference ID: 25-020-20190901

³⁵ Table 5.2 of SUB-01

³⁶ Appendix 1 of the Council's Hearing Statement HS-01 as discussed in paragraph 26 of this report

in the requirement for affordable housing under saved Policy H7 of the CPBLP is taken into account, the viability of the other four typologies would improve, such that schemes for 14 and 30 flats on greenfield sites would be viably able to support a CIL charge of £30 psm, with a 5% increase in build costs. As such, I am satisfied that the proposed CIL charges for residential development on Canvey Island are supported by, and consistent with, the viability evidence for greenfield sites.

49. However, the appraisal results show that most of the residential typologies on **Brownfield Sites** on **Canvey Island** would not be viably able to support the proposed CIL rates. Only two of the seven brownfield typologies tested in the VS demonstrate any headroom for a CIL charge³⁷, based on the gross development values and cost assumptions in 2020. Of those, only the scheme for six houses shows sufficient headroom to support the proposed charge of £120 psm. However, the sensitivity testing for changes to market conditions in the VS³⁸ finds that even this brownfield typology would not be viably able to support the proposed CIL charge if there were a 5% fall in sales values or a combination of this and a 5% increase in costs. Even after taking into account the reduced affordable housing requirement under the CPBLP and applying vacant building credit, the Council's evidence³⁹ shows that residential schemes on brownfield sites in Canvey Island would not be viably able to support the proposed CIL rates in the DCS.
50. The updated infrastructure planning evidence provided by the Council shows that 32% of the housing growth that could be delivered under the CPBLP would be on brownfield sites on Canvey Island⁴⁰. Seeking to charge the proposed CIL rates of £120 psm for houses and £30 psm for flats to schemes on brownfield sites on Canvey Island would, therefore, put at risk around one third of the projected future housing delivery under the CPBLP. This would not strike an 'appropriate balance' between funding the cost of infrastructure from CIL and the potential effects of charging CIL on the economic viability of development across its area. Therefore, the submitted DCS is not compliant with the Regulations in respect of the CIL rates proposed for residential development on Canvey Island.
51. This matter was discussed at the Hearing, following which, at my request, the Council undertook further work to identify an alternative rate or rates for CIL, which residential development on brownfield sites on Canvey Island could viably support. Whilst the PPG advises that in setting differential rates charging authorities should avoid undue complexity, it also states that differential rates should not have a disproportionate impact on particular sectors or forms of development⁴¹. In this case, therefore, a differential rate or rates for residential development on brownfield sites on Canvey Island would be justified and consistent with the PPG.
52. The further evidence prepared by the Council was subject to consultation and I have taken into account the representations made in response to it. This

³⁷ Table 5.1 of SUB-01

³⁸ Table 5.2 of SUB-01

³⁹ Tables 2 and 3 of Castle Point Borough Council Hearing Statement (HS-01)

⁴⁰ Table at paragraph 2.6 of CIL Topic Paper (Council document CPBP-02)

⁴¹ Paragraph: 022 Reference ID: 25-022-20230104

suggests that by reducing the developer return below 20% of GDV, but within the range of 15-20% advised in the PPG as suitable for plan level viability testing, lower rates of CIL are shown to be viable for many of the brownfield typologies on Canvey Island⁴². Whilst the Council has suggested that a rate of £65 psm would be viable for brownfield residential housing on Canvey Island with a buffer of 33%, this would only be the case where a developer return of 15% is assumed⁴³. Basing the rate on an assumption for developer return at the lowest end of the PPG range, could risk making brownfield residential development on Canvey Island unattractive to the market. The PPG advises that CIL rates should be reasonable, given the evidence, and not be set at the margins of viability⁴⁴. However, assuming a developer return of 17%, which is towards the middle of the range and, therefore, more likely to reflect the risks of developing on brownfield sites, the evidence shows that CIL rates of £34 psm for housing and £27 psm for flats could be viably supported on brownfield sites on Canvey Island, with a buffer of 33%.

53. The two-house brownfield scheme on Canvey Island shows no viability headroom to support a CIL charge, even at a developer return of 15%. This is primarily due to the higher build costs and BLV assumed in the appraisals for smaller residential schemes. However, it is anticipated that in many cases schemes of this size would contain existing buildings and be subject to a significant reduction in CIL liability on any increase in floorspace. The Council also indicates that self-build schemes on such sites are common in Castle Point, which would be exempt from CIL entirely.
54. Based on the evidence which I have read and heard, therefore, I recommend as modification **EM1** that separate CIL rates should be set in the DCS for brownfield residential development on Canvey Island of £34 psm for housing and £27 psm for flats. This would ensure that the CIL rates are consistent with the evidence on viability and that the DCS complies with the CIL Regulations in striking the 'appropriate balance' between funding the costs of infrastructure and enabling residential development to come forward on brownfield sites in Canvey Island, on which the delivery of the housing supply in Castle Point depends.

Retail Rates

55. The DCS proposes differential rates for retail development according to location, type and scale. For **Convenience Retail Floorspace** it proposes a CIL rate of £200 psm for the first 800 sqm (GIA) of floorspace and a rate of £50 psm for any floorspace above this. The Regulations allow charging authorities to apply differential rates, provided the differences in rates are justified by reference to the viability of development. However, as discussed above, the appraisals for convenience retail schemes undertaken as part of the VS did not establish the viability of the higher rate at 800 sqm, but at 280 sqm.

⁴² Table 3a3 of CPBC-06

⁴³ Table 3b1 of CPBC-06

⁴⁴ PPG Paragraph: 020 Reference ID: 25-020-20190901

56. This matter was discussed at the Examination Hearing, following which, at my request, the Council provided a further appraisal for a store of 450 sqm GIA⁴⁵. This demonstrates a viability headroom of £312 psm, which is sufficient to support a CIL charge of £200 psm, with a buffer of 35%. The VS also shows that a supermarket with a floorspace of 1,500 sqm GIA would comfortably support the proposed lower CIL rate of £50 psm, with a buffer of around 50%.
57. The Council's evidence shows that 450 sqm represents the upper limit of the small local convenience store format in Castle Point, and that this format commands a higher market rent than larger supermarkets, due to a higher turnover psm of floorspace and the strength of the operators. Therefore, I am satisfied that 450 sqm is the appropriate threshold for the higher rate of CIL.
58. Accordingly, I recommend as modification **EM2** that the threshold for the higher CIL rate of £200 psm for convenience retail development be reduced to the first 450 sqm GIA of floorspace. This will ensure that the proposed CIL rates for convenience retail floorspace are consistent with, and justified by, the viability evidence, in accordance national policy.
59. For **Comparison Retail Floorspace** the DCS proposes a rate of £200 psm on sites outside of the town centre boundaries. The VS demonstrates that town centre retail floorspace cannot viably support a CIL charge, but retail warehouse development, which is cheaper to build and commands a higher rent, can achieve a viability headroom of £470 psm, sufficient to support the proposed CIL rate of £200 psm, with a buffer of 57%. Accordingly, the proposed differential rate for comparison retail floorspace is consistent with the viability evidence.
60. The Borough's town centre boundaries are clearly shown on the maps at the back of the DCS. Subject to the addition of OS grid references to accord with the Regulations, which is discussed below, the location of individual sites either side of the town centre boundaries can be determined.

All other uses

61. The Council's decision not to charge a levy on any other types of development is consistent with the evidence in the VS. The appraisal results for industrial, warehouse and office uses, hotels, food and drink uses, sheltered and extra care housing show they are not viably able to support a CIL charge.

Other Matters

62. The DCS includes a proposed Instalments Policy, which would allow for the payment of CIL to be made in stages across the lifetime of development to assist with development cashflow. The PPG regards the existence of an instalments policy as a material consideration in assessing the viability of the proposed levy⁴⁶. Whilst the wording of the policy is not before me for Examination, it is clear that the number, amount and timing of payments proposed would assist the viability of the types of development tested in the VS.

⁴⁵ Council document CPBC-06, Appendix 3

⁴⁶ PPG Paragraph: 055 Reference ID 25-055-20140612

This would be particularly so on schemes, with a CIL liability of over £500,000, where the policy provides for agreement of a project specific payment schedule.

63. I note the representations requesting an exceptional circumstances relief (ECR) policy should be applied when putting the DCS in place, but the power for the Council to do so is discretionary, and it is not within the remit of this Examination to make recommendations on it. Whilst the existence of an ECR policy is relevant in so far as it can support the viability of a CIL charge, other than for residential development on brownfield sites on Canvey Island, which I have dealt with above, the viability appraisals demonstrate sufficient headroom for CIL on other residential and retail development typologies, for which a CIL charge is proposed. As such an ECR policy does not appear to be necessary to assist the delivery of development on viability grounds.
64. The Council amended the maps in the submitted DCS showing residential and retail charging zones, to add grid reference numbers to the Ordnance Survey bases, as required by Regulation 12(2)(c) of the CIL Regulations 2010. The amended maps were included in the updated DCS, dated July 2022, which formed part of the post-submission consultation, and no further comments were received on them. As these are changes to the DCS that have been made post submission, I have included them as a modification **(EM3)**.
65. The DCS does not contain a statement that it has been issued and published in accordance with the CIL Regulations and Part 11 of the Planning Act 2008. Regulation 12(3)(c) requires this to be included in the approved charging schedule, which I recommend as modification **EM4** to ensure the charging schedule is legally compliant. In addition, Regulations 12(3)(a) and (b) require the approved schedule to include the dates on which it is approved and will take effect.

Does the evidence demonstrate that the proposed charging rates would not put the overall development of the area at serious risk?

66. The Council's decision to set differential rates of CIL for residential and retail development is based on reasonable assumptions about development values and likely costs. However, the proposed rates of CIL for residential on brownfield land on Canvey Island are not viable and would put at risk the delivery of around a third of the housing development projected to come forward under the CBPLP. The floorspace threshold up to which the higher CIL rate for convenience retail development is proposed to be charged is also not justified by the evidence and could put at risk the development of further supermarkets in the Borough, which may be necessary to meet future needs.
67. Therefore, to ensure that the overall development of the area is not put at risk, separate lower CIL rates should be set for residential development on brownfield sites on Canvey Island, as recommended in **EM1**, and the floorspace threshold for the higher CIL rate for convenience retail development should be reduced, as recommended in **EM2**. Provided these changes are made, the evidence suggests that residential and retail development would remain viable across the Borough with the amended CIL charges applied.

Conclusion and Legal Requirements

68. In setting the CIL charging rate, the Council has had regard to detailed evidence on infrastructure planning and the economic viability of the development market in Castle Point Borough. The Council has sought to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough. The recommended modifications will ensure that the DCS is consistent with national policy and guidance in respect of the viability of development and the 'appropriate balance'.
69. The Council provided a statement to evidence that in preparing the DCS, it complied with the legal and procedural requirements in the 2008 Act and the 2010 CIL Regulations (as amended). The recommended modifications will ensure that it complies fully with the drafting requirements in the CIL Regulations. The DCS complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, its consistency with the Castle Point Borough Local Plan, and the Infrastructure Delivery Plan, and that it is supported by an adequate financial appraisal.
70. Overall, I conclude that, subject to the modifications set out in Appendix A, the Castle Point Borough Community Infrastructure Levy Draft Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). On this basis, I recommend that the Draft Charging Schedule be approved with these modifications.

Mike Hayden

Examiner

This report is accompanied by Appendix A containing Modifications which the Examiner specifies so that the Charging Schedule may be approved.

Appendix A

Schedule of Modifications

(Text to be deleted text is ~~struck through~~ and text to be added is in **bold**)

EM1 Modify the CIL rates in the DCS for residential housing and flats within Canvey Island as follows:

Development Type	CIL rate per sqm
Residential housing within Canvey Island: - Greenfield sites - Brownfield sites	£120 £34
Residential flat within Canvey Island: - Greenfield sites - Brownfield sites	£30 £27

EM2 Modify the higher CIL rate for convenience retail development as follows:

Development Type	CIL rate per sqm
Convenience ¹ retail for the first 800 450 sqm gross internal area	£200
Convenience ² retail for each square metre over 800 450 sqm gross internal area	£50

EM3 Modify the maps in the DCS showing residential and retail charging zones to include Ordnance Survey grid reference numbers, as shown in the DCS dated July 2022.

EM4 Include a statement in the DCS as follows:

'The charging schedule has been issued, approved and published in accordance with the legal and procedural requirements of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).'

Castle Point Borough Council Community Infrastructure Levy Draft Charging Schedule

Published 23rd March 2023

Effective 1st April 2023

Community Infrastructure Levy rates

Community Infrastructure Levy (CIL) liable development, as defined within the Community Infrastructure Levy Regulations (as amended) 2010 and the Planning Practice Guidance, will be required to pay the following levy rates.

Development type	CIL rate per sqm
Residential housing within the Mainland ¹ (including Benfleet, Thundersley and Hadleigh)	£250
Residential flat within the Mainland (including Benfleet, Thundersley and Hadleigh)	£90
Residential housing within Canvey Island ² : <ul style="list-style-type: none">- Greenfield sites- Brownfield sites	£120 £34
Residential flat within Canvey Island: <ul style="list-style-type: none">- Greenfield sites- Brownfield sites	£30 £27
Sheltered / Retirement and extra care housing	£0
Convenience ³ retail for the first 450 sqm gross internal area	£200
Convenience retail for each sqm metre over 450 sqm gross internal area	£50
Comparison ⁴ retail outside of the town centre boundaries	£200
All other development	£0

The charging schedule has been issued, approved and published in accordance with the legal and procedural requirements of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended)

¹ All house types excluding flats

² All house types excluding flats

³ Convenience retail provides lower value good purchased regularly to meet day to day needs such as food, newspapers, petrol etc.

⁴ Comparison retail provides higher value goods purchased less often, such as household items, electrical goods, clothes, shoes etc.



Contact Castle Point Borough Council:

Website: www.castlepoint.gov.uk

Email: planningpolicy@castlepoint.gov.uk

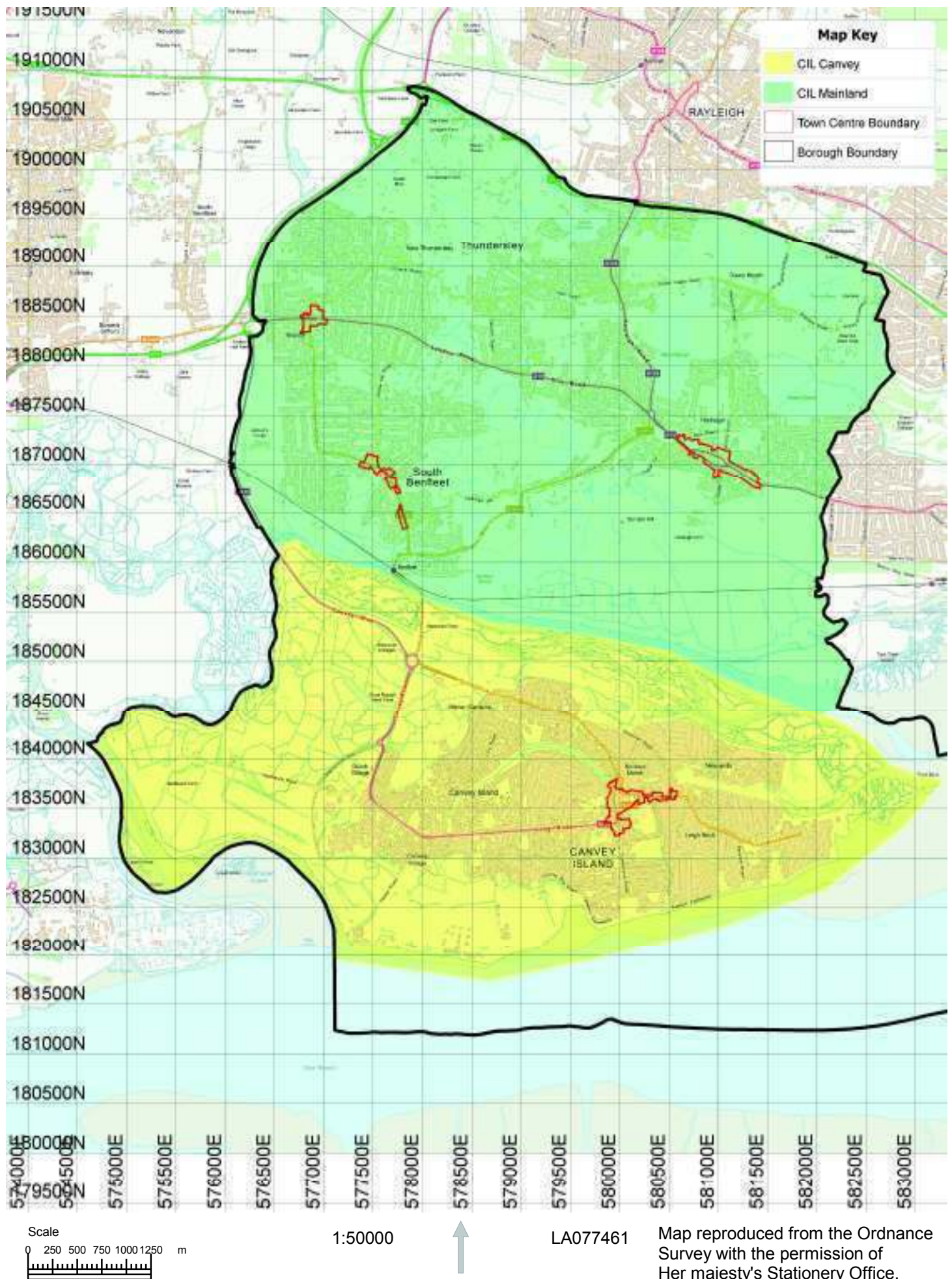
Tel: 01268 882200

Address: Castle Point Borough Council, Kiln Road,
Thundersley, Benfleet, Essex, SS7 1TF

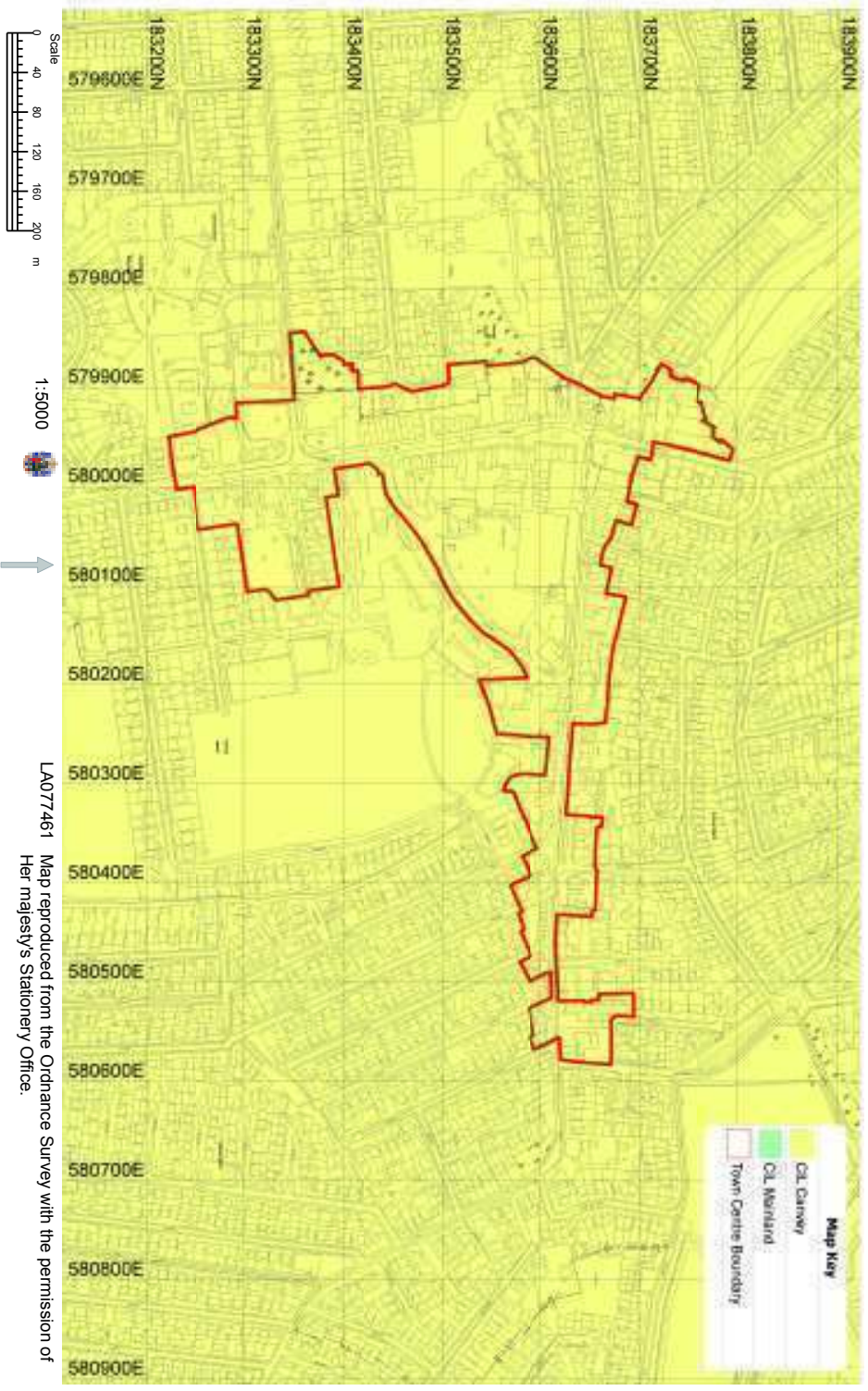
CIL Variable Rates Maps

The CIL Charging Schedule includes variable rates for residential sites on the Mainland and on Canvey Island, and variable rates for comparison retail within and outside town centre boundaries. The maps which follow present the Mainland areas of the Borough, Canvey Island, and the relevant town centre boundaries which will be subject to the variable CIL rates.

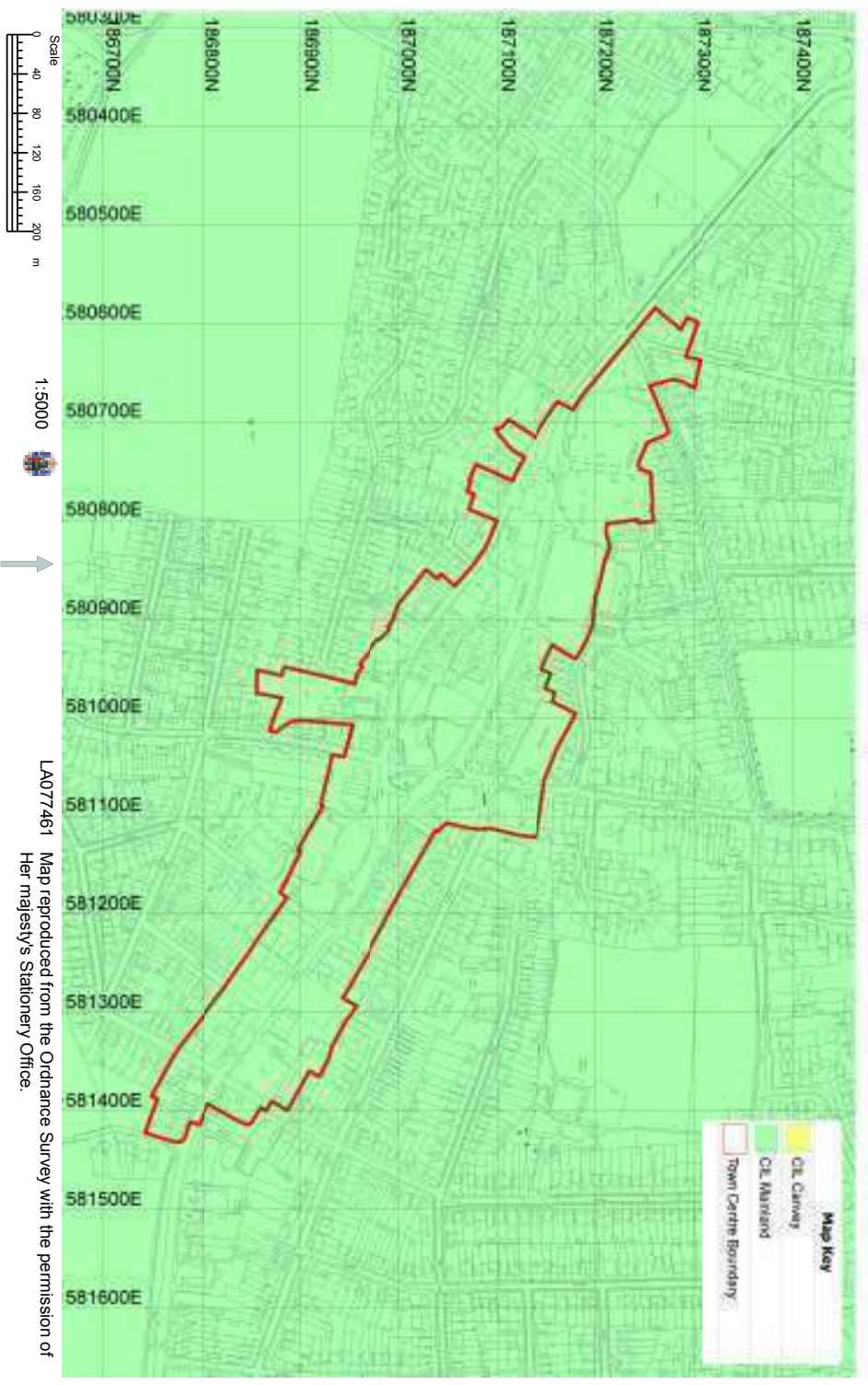
CIL Draft Charging Schedule



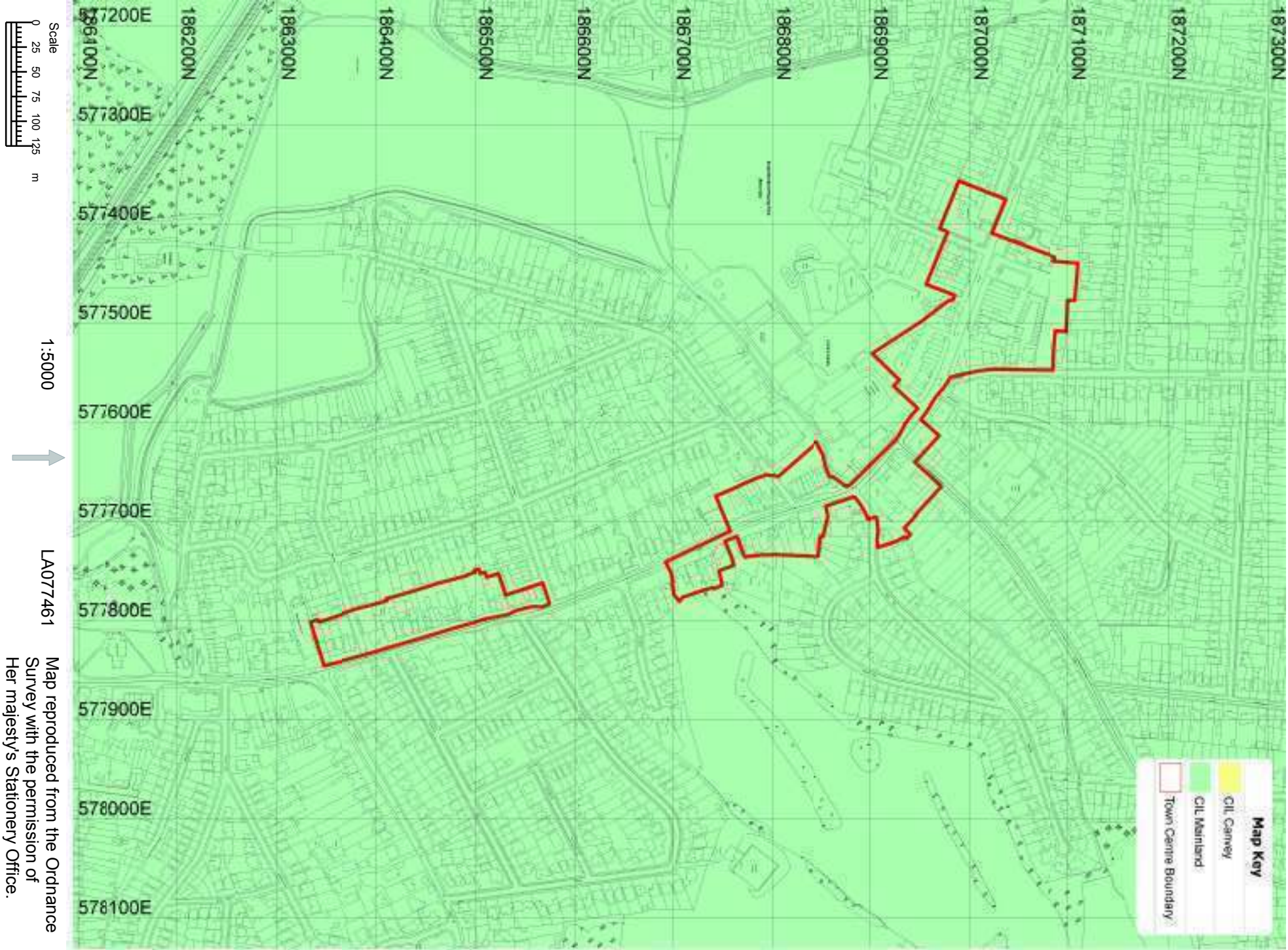
Canvey Town Centre Boundary CIL Draft Charging Schedule



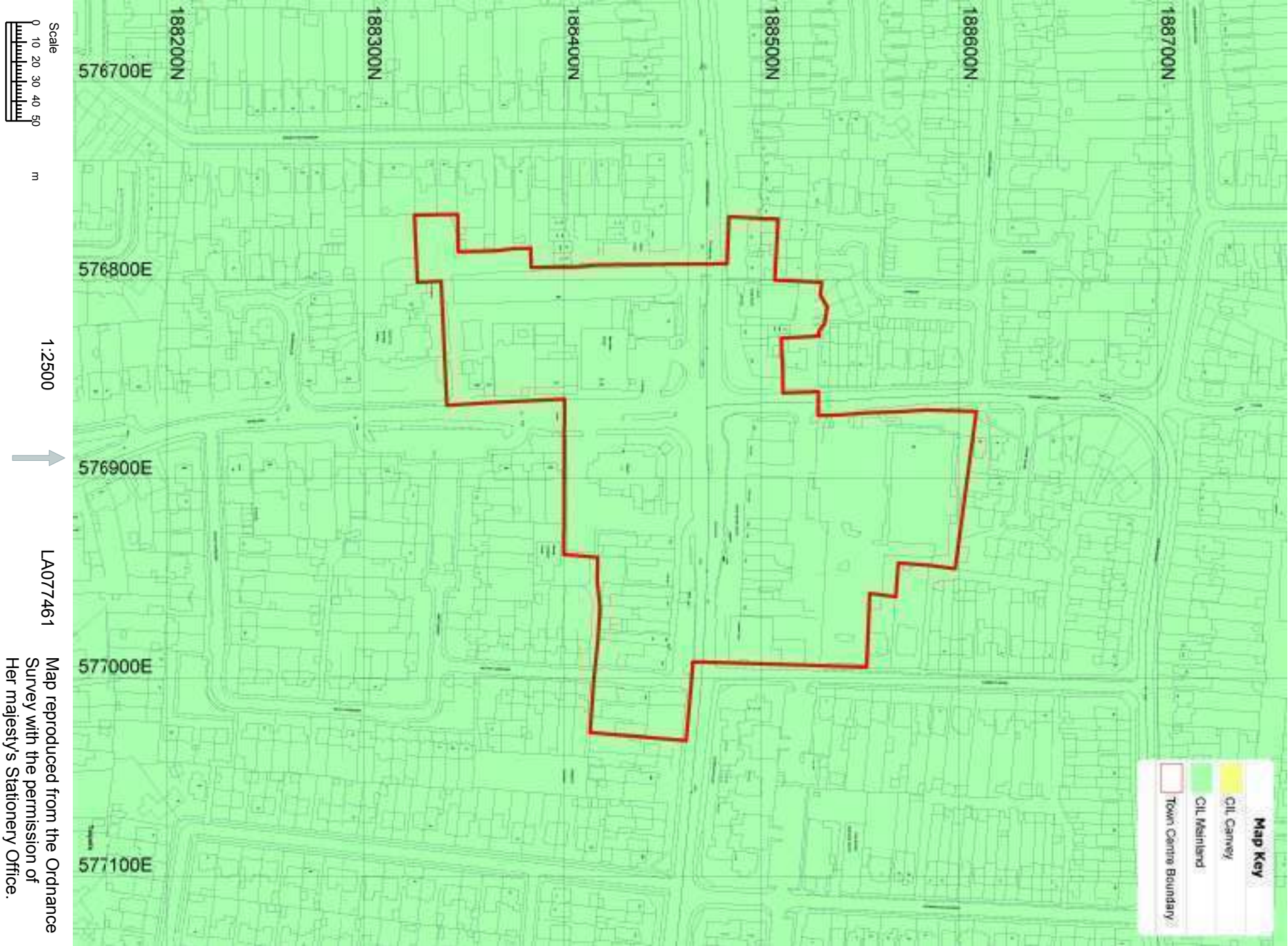
Hadleigh Town Centre Boundary CIL Draft Charging Schedule



South Benfleet Town Centre Boundary CIL Draft Charging Schedule



Tarpots Town Centre Boundary CIL Draft Charging Schedule



Castle Point Borough Council
Community Infrastructure Levy
Instalment Policy
Published 23rd March 2023
Effective 1st May 2023

Instalments Policy

The levy rates are required to be paid to the Council through the following instalments following the provision of a CIL Demand Notice issued by the Council.

Overall CIL liability	Payment instalments
£5,000 or less	Payment in full within 60 days (as per regulations)
£5,000.01 - £19,999.99	Instalment 1: 50% within 60 days Instalment 2: 50% within 180 days
£20,000 - £99,999.99	Instalment 1: 25% within 60 days Instalment 2: 25% within 180 days Instalment 3: 25% within 365 days Instalment 4: 25% within 540 days
£100,000 - £499,999.99	Instalment 1: 20% within 60 days Instalment 2: 20% within 180 days Instalment 3: 20% within 365 days Instalment 4: 20% within 540 days Instalment 5: 20% within 730 days
£500,000 or more	Agreement of project specific payment schedule

Any and all outstanding instalments become due immediately on completion of the final unit irrespective of the schedule shown in the table above.



Contact Castle Point Borough Council:

Website: www.castlepoint.gov.uk

Email: planningpolicy@castlepoint.gov.uk

Tel: 01268 882200

Address: Castle Point Borough Council, Kiln Road,
Thundersley, Benfleet, Essex, SS7 1TF

CABINET

15th MARCH 2023

Subject: Developer Contributions Guidance Supplementary Planning Document Library

Cabinet Member: Councillor W Gibson – Strategic Planning

1. Purpose of Report

The purpose of this report is to seek the Cabinet's recommendation to Council that the Developer Contributions Guidance (DCG) Supplementary Planning Documents (SPD) Library (hereon in known as the 'DCG SPD Library') be adopted and the existing Adopted Developer Contributions Guidance SPD 2008 be revoked. The report follows the public consultation of the DCG SPD Library from November 2022 to January 2023.

2. Links to Council's Priorities and Objectives

Developer contributions helps deliver the Council's Place priority by delivering the financial resources necessary to deliver infrastructure projects related to growth. There are potential overlaps with the Council's People and Environment priorities as developer contributions may be used on a variety of infrastructure types including education, health, community and sporting facilities and open spaces. Developer contributions is also an enabler through Partnerships and Resources.

3. Recommendations

- 1. To note the outcomes of the public consultation on the Developer Contributions Guidance Supplementary Planning Documents (Appendix 1).**
- 2. To recommend to Council the adoption of the Developer Contributions Guidance – Cover Document Supplementary Planning Document (Appendix 2) and publish the corresponding Adoption Statement (Appendix 7).**
- 3. To recommend to Council the adoption of the Developer Contributions Guidance – Affordable Housing Supplementary Planning Document (Appendix 3) and publish the corresponding Adoption Statement (Appendix 7).**
- 4. To recommend to Council the adoption of the Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document (Appendix 4) and publish the corresponding Adoption Statement (Appendix 7).**

5. To recommend to Council the adoption of the Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document (Appendix 5) and publish the corresponding Adoption Statement (Appendix 7).
6. To recommend to Council the adoption of the Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document (Appendix 6) and publish the corresponding Adoption Statement (Appendix 7).
7. To recommend to Council the revocation of the existing Adopted Developer Contributions Guidance Supplementary Planning Document 2008 and publish the Revocation Notice found in Appendix 8 in accordance with Regulation 15 of the Town and Country Planning Regulations 2012 (as amended).
8. To recommend to Council that the Head of Place and Policy in consultation with the Leader and Deputy Leader of the Council be authorised to make minor amendments to Appendices 1-8 prior to publication.

4. Background

- 4.1 Developer contributions are a way developers contribute towards infrastructure to support growth and mitigate the impact of development on existing infrastructure. This could be secured on-site or in kind through Section 106 Agreements. Financial contributions may be secured through Section 106 Agreements or Community Infrastructure Levy (CIL).
- 4.2 The Council adopted the Developers Contributions Guidance (DCG) Supplementary Planning Document (SPD) in 2008. Various national planning reforms have since been implemented such as the introduction of the CIL Regulations 2010 and the National Planning Policy Framework (NPPF) in 2012. There is a separate report addressing CIL as part of this agenda.
- 4.3 For the reasons set out above there is a case to implement an updated DCG SPD that accords with up-to-date national policy and regulations as well as ensuring the Council's position on developer contributions is clear, for all stakeholders, aligns with proposals for CIL and ensure that the Council can secure the right infrastructure in a timely manner.
- 4.4 The following documents were prepared and went through the Council's Place and Community Policy Scrutiny Committee process ([Agenda 12-10-2022; Appendices 1 – 5 Developers Contributions Guidance Sep 2022](#)).
 - DCG – Cover Document SPD
 - DCG – Affordable Housing SPD
 - DCG – Healthcare Facilities SPD
 - DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD
 - DCG – Playing Pitches and Indoor Built Facilities SPD

- 4.5 Following agreement of the recommendations in that report, some modifications were proposed and presented the Council's Cabinet on 16 November 2022 ([Agenda 16-11-2022](#)). Cabinet resolved to approve the DCG SPD library for public consultation.
- 4.6 Public consultation on the DCG library was undertaken from 18 November 2022 until 6 January 2023. During that time any person or organisation was able to respond.

5 Consultation Outcomes

- 5.1 Public consultation on the DCG SPD library was undertaken in accordance with the Town and Country Planning Regulations 2012 (as amended), the Council's adopted Statement of Community Involvement and the agreed Consultation Plan.
- 5.2 The consultation ran for a period of seven weeks and concluded on 6 January 2023. Details of the consultation methods undertaken to promote the consultation, as well as the responses to the consultation can be found in Appendix 1.
- 5.3 During the public consultation 17 responses were received. Following review of these representations various modifications have been proposed to the DCG SPD Library. Modifications can be found in Appendix 1 and a summary of the main issues and modifications are found below

Developer Contributions Guidance – Cover Document Supplementary Planning Document

- Inclusion of the emergency services as an infrastructure type – a methodology for calculating this was provided. It was recommended that further work is undertaken to consider how development impacts ambulance services within the area and how development can mitigate this impact.
- Strengthening the relationship in the wording of the documents with the wording with the National Planning Policy Framework (NPPF) as well as links to relevant documents and processes from partners such as Essex County Council, Anglian Water and the Environment Agency.
- Improvements to wording to remove ambiguous language.
- Representations challenged the robustness of evidence to require a monitoring fee for affordable housing.

Developer Contributions Guidance – Affordable Housing Supplementary Planning Document

- Questions were raised in relation to the process of affordable housing and how it is or can be implemented.

- Representations questioned the reliability of the evidence base supporting this SPD in relation to housing mix, proposed tenure split and viability.
- Improvements to wording to remove ambiguous language and to ensure consistency with national guidance.

Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document

- Representations requested a clearer differentiation between the spending split between CIL and Section 106.
- Representations requested the newest information is used for the NHS structures, specifically the NHS – Mid and South Essex Integrated Care System.
- It was requested that further information is implemented to reference secondary care, community care and ambulance services and how methodologies to determine how development can mitigate its impact towards these services are underway.

Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document

- Further information was requested to relate to how Essex County Council calculate Early Years and Childcare places.
- Information was provided for suitable surfacing for bridleways.

Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document

- It was requested that clarity was given on the purpose of the Playing Pitch and Sport Facility calculators to avoid misinterpretation.
- Further clarity was sought on what constitutes a 'larger family home'.
- Further clarity was sought on where on-site and off-site provision of sporting facilities would be acceptable.

5.4 Following public consultation, an updated suite DCG SPD documents have been prepared and can be found in Appendices 2-6, amendments are marked as tracked changes. The modifications reflect the views and issues raised by those that responded to the consultation. Members are asked to adopt these updated documents for the use of determining planning applications from 1st April 2023.

5.5 Following adoption of Appendices 2-6, final versions of the documents will be prepared and published.

6 Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment

- 6.1 The Planning Practice Guidance ([Paragraph: 008 Reference ID: 11-008-20140306](#)) highlights that in some exceptional circumstances Councils are required to produce a strategic environmental assessment (SEA) for an SPD if it is likely to have significant environmental effects. It states that these are unlikely to be required where the SPD deals only with a small area at a local level unless it is considered that there are likely to be significant environmental effects.
- 6.2 Section 5 of the Environmental Assessment of Plans and Programmes Regulation 2004 (as amended), identifies the circumstances at which an SEA would be required for a plan or programme. Section 5(2)(a) identifies town and country planning and land use as a requirement for an SEA.
- 6.3 The DCG SPD library proposed for adoption within this report deals with the financial aspect of planning obligations and developer contributions and does not directly determine how land is used. It provides guidance for how contributions are obtained, implemented, and monitored to ensure the development is acceptable in planning terms. The planning and land use aspect identified within the Regulations that would require an SEA would be dealt with at the development management stage prior to an approval being granted. Where an application may be considered to have significant environmental effects, these would be dealt with at the planning application stage.
- 6.4 For the reasons set out above an SEA is not required for the DCG SPDs proposed for adoption within this report. As new DCG SPDs emerge, a need for an SEA will be considered for such documents as they arise to assess whether they have the potential to have significant environmental effects.
- 6.5 For the same reasons, the DCG SPDs will not impact directly or indirectly on Habitats Sites, as in themselves the SPDs do not permit development. Therefore, a Habitats Regulations Assessment is not required in respect of these documents.

7. Corporate Implications

(a) Financial Implications

The collection of developer contributions already takes place through Section 106 Agreements. It is anticipated that the update to the DCG SPDs currently proposed will improve the levels of contributions sought for affordable housing, health and sports facilities. Additionally, it is proposed that monitoring fees for S106 Agreements will provide the revenue necessary to monitor compliance.

Minor printing costs will be incurred to allow for the relevant documents to be made available for inspection at the Council offices, this is set out in section 7(d). These costs can be met from existing resources.

(b) Legal Implications

The tests dictating when Section 106 agreements can be used are set out in the Community Infrastructure Levy Regulations at Regulation 122 (2). Section

106 agreements should only be used to secure infrastructure where the following tests are met:

- They are necessary to make the development acceptable in planning terms;
- They are directly related to the development; and
- They are fairly and reasonably related in scale and kind to the development.

The Council must therefore take care in the application of the Developer Contributions Guidance to ensure that these three tests are met. There is case law in respect of these three tests which will help the Council ensure that its interpretation in relation to these matters is correct.

S106 Agreements are drafted by the Council's legal team or appointed external team. They are legally binding on all parties to the agreement. Where there are requirements of Essex County Council in the agreement, as a local authority they are a party and any provision of payments is direct to Essex County Council. If there are provision to third parties who are not a party to the agreement, such as the NHS, then the Council will collect those contributions and hold them on behalf of the third party. The Council would release those funds when required with appropriate agreements in place with the recipient.

(c) Human Resources and Equality Implications

Human Resources

As identified in the CIL Cabinet report in January 2021 and Developer Contributions Cabinet report in November 2022 an officer will be required to implement CIL and monitor developer contributions, alongside an appropriate computer system. It is anticipated that revenue from CIL alongside S106 monitoring fees will be used to fund a CIL and S106 Officer post. The matter of resourcing has been addressed separately in a report on CIL Implementation to Cabinet.

Equality Implications

There are no negative equality implications arising from this report.

Developer contributions provide the opportunity for the Council and its partners to deliver the infrastructure needed to support the community in Castle Point, including those with protected characteristics.

(d) IT and Asset Management Implications

A copy of the adopted DCG SPDs will be made available on the Council's website, alongside the relevant adoption notices. In accordance with the Town and Country Planning Regulations 2012 (as amended) these documents will be printed and made available at the Council offices, this will involve a small printing cost.

Documents related to the 2008 DCG will be revoked and removed from the Council's website. The Revocation Notice will be made available on the Council's website and in accordance with the Town and Country Planning Regulations 2012 (as amended) will be printed and made available at the Council offices, this will involve a small printing cost.

9. Background Papers

As highlighted in the report

Report Author:

Maria Hennessy – Planning Policy Officer
Amanda Parrott – Planning Policy Manager

Appendices

- Appendix 1: Consultation Statement and Feedback Report Developer Contributions Guidance
- Appendix 2: Developer Contributions Guidance – Cover Document Supplementary Planning Document January 2023
- Appendix 3: Developer Contributions Guidance – Affordable Housing Supplementary Planning Document January 2023
- Appendix 4: Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document January 2023
- Appendix 5: Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document January 2023
- Appendix 6: Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document January 2023
- Appendix 7: Adoption Statements
- Appendix 8: Revocation Notice



Developer Contributions Guidance
Supplementary Planning Documents

Consultation Statement and Feedback Report
March 2023

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1. Introduction

1.1. This statement has been prepared to present the methods undertaken in consulting and the outcomes of the consultation on the following Developer Contributions Guidance (DCG) Supplementary Planning Documents (SPDs)

- Developer Contributions Guidance – Cover Document Supplementary Planning Document
- Developer Contributions Guidance – Affordable Housing Supplementary Planning Document
- Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document
- Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document
- Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document

2. Approach to Consultation

2.1. The consultation of the documents set out in paragraph 1.1 took place for a period of seven weeks from 18th November 2022 until 6th January 2023.

2.2. The following actions were undertaken:

- All documents set out in paragraph 1.1 were made available for consultation, these documents were made available on the Council's website (see Appendix 1 and 6) and paper copies were available for inspection at the Council Offices and local libraries (Canvey Island, Great Tarpots, Hadleigh and South Benfleet).
- A press release was issued at the beginning of the consultation (see Appendix 2).
- Individuals and organisations who have asked to be kept notified of planning policy updates and local planning agents and developers from planning records were directly notified via email or letter. See a list of consultees at Appendix 4 and a copy of the notification at Appendix 3.
- Statutory consultees were directly notified of the consultation via email or letter. See a list of consultees at Appendix 4 and a copy of the notification at Appendix 3.
- An electronic response form was made available on the Council's website.
- Posts were made on the Council's social media platforms (Facebook, Twitter and LinkedIn) were made at the beginning, during and near the end of the consultation period. The posts and a summary of the interaction of the posts can be found at Appendix 5.

3. Consultation Outcomes

3.1. During the consultation period 17 number of responses were made. The representations received can be viewed by the following links:

- 01 – Transport for London
- 02 - The Coal Authority
- 03 – Sport England
- 04 – Natural England

- 05 – Port of London Authority
- 06 – National Highways
- 07 – Mid and South Essex Integrated Care System
- 08 – Historic England
- 09 – The British Horse Society
- 10 – Environment Agency
- 11 – Mrs Debbie Kemp
- 12 – Essex County Council
- 13a – East of England Ambulance Service
- 13b – East of England Ambulance Service
- 14 – Essex County Fire and Rescue
- 15 – Pegasus Group on behalf of Redrow Homes
- 16 – CODE on behalf of This Land
- 17 – Anglian Water

3.2. A summary of the main issues and modifications for each documents are summarised below:

Developer Contributions Guidance – Cover Document Supplementary Planning Document

- Inclusion of the emergency services as an infrastructure type. It was recommended that further work is undertaken to consider how development impacts ambulance services within the area and how development can mitigate this impact, methodologies for calculating this are underway.
- Strengthening the wording between the infrastructure provision and the wording with the National Planning Policy Framework (NPPF) as well as links to relevant documents and processes from partners such as Essex County Council, Anglian Water and the Environment Agency.
- Improvements to wording to remove ambiguous language.
- Representations challenged the robustness of evidence to require a monitoring fee for affordable housing.

Developer Contributions Guidance – Affordable Housing Supplementary Planning Document

- Questions were raised in relation to the process of affordable housing and how it is or can be implemented.
- Representations questioned the reliability of the evidence base supporting this SPD in relation to housing mix, proposed tenure split and viability.
- Improvements to wording to remove ambiguous language and to ensure consistency with national guidance.

Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document

- Representations requested a clearer differentiation between the spending split between CIL and Section 106.
- Representations requested the newest information is used for the NHS structures, specifically the NHS – Mid and South Essex Integrated Care System.
- It was requested that further information is implemented to reference secondary care, community care and ambulance services and how methodologies to determine how development can mitigate its impact towards these services are underway.

Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document

- Further information was requested to relate to how Essex County Council calculate Early Years and Childcare places.
- Information was provided for suitable surfacing for bridleways.

Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document

- It was requested that clarity was given on the purpose of the Playing Pitch and Sport Facility calculators to avoid misinterpretation.
- Further clarity was sought on what constitutes a 'larger family home'.
- Further clarity was sought on where on-site and off-site provision of sporting facilities would be acceptable.

3.3. As a consequence of the consultation a number of modifications have been proposed to the consultation documents, these can be found in Appendix 6.

Appendix 1: Council Website

Home Page

Latest news

- Tree Planting - Volunteers Needed
- Christmas Closure Information
- Information on Reducing Damp and Mould over Winter
- Public Consultation - Developer Contributions Guidance
- Armistice Day and Remembrance Sunday Services - Castle Point
- Avian influenza: Housing order to be introduced across England
- Castle Point Mayor's Awards 2023
- Avian Flu Outbreak – Advice

Public Consultation - Developer Contributions Guidance




Public Consultation - Developer Contributions Guidance

Further information on the [Developer Contributions Guidance Consultation](#) can be found [here](#)

< || >

Designated Consultation Page



benfleet | canvey | hadleigh | thundersley

Enter keywords

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Please see our [Christmas closure information](#) including revised refuse and recycling collection dates.[Home](#) | [Planning](#) | [Planning Policy](#) | [Developer Contributions Guidance Consultation](#)

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Developer Contributions Guidance Consultation

Public Consultation - 18th November 2022 - 6th January 2023

What is being consulted on?

The Council is undertaking a consultation on its updated Developer Contributions Guidance Supplementary Planning Documents in order to allow residents and other stakeholders to comment on the documents.

Developer contributions are ways developers contribute towards infrastructure to support growth and mitigate the impact of development on existing infrastructure. A developer contributions guidance document sets out clearly what the Council will expect from developers in terms of infrastructure provision and the mechanisms to obtain and implement developer contributions.

Consultation on the Developer Contributions Guidance Supplementary Planning Documents begins on **Friday 18th November 2022** and closes on **Friday 6th January 2023**. All responses to the consultation must be received by the Council no later than **Friday 6th January 2023**. During this time, any person or organisation may make representations.

The following documents are being consulted on:

- [Cover Document - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 332KB](#)
- [Affordable Housing - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 414KB](#)
- [Healthcare Facilities - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 160KB](#)
- [Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 147KB](#)
- [Playing Pitches and Indoor Built Facilities - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 201KB](#)

How can I respond?

Anyone wishing to make a representation is encouraged to use the [Developer Contributions Guidance Response Form \[pdf\] 824KB](#) which is available to download from the Council's website and can be completed electronically. Representations can be:

Emailed: planningpolicy@castlepoint.gov.uk

Posted: Planning Policy, Castle Point Borough Council, Kiln Road, Thundersley, Essex, SS7 1TF

Representations made in respect of this consultation will be published on the Council's website alongside your name and, where applicable your organisation. Your address, signature and contact details will not be made available. Your consultation response will be stored on a database used solely for the purpose of preparing the Developer Contributions Guidance Supplementary Planning Documents and will be retained in accordance with the Council's Document Retention Policy.

For any further information about the Developer Contributions Guidance please email planningpolicy@castlepoint.gov.uk

Supporting Documents

[Essex County Council Developers' Guide to Infrastructure Contributions 2020](#)

[Essex Local Viability Protocol 2018](#)

[SUB-01 - Castle Point CIL Viability Study August 2021 \[pdf\] 3MB](#)

[DV-005 - Castle Point Local Plan and CIL Viability Study 2020 \[pdf\] 3MB](#)

[SUB-02 - Infrastructure Delivery Plan 2020 \[pdf\] 3MB](#)

[CPBC-1-N CP IDP Addendum_May 22 \[pdf\] 2MB](#)

[South Essex Strategic Housing Market Assessment \(SHMA\) 2016 \[pdf\] 8MB](#)

[South Essex Strategic Housing Market Assessment Addendum 2017 \[pdf\] 2MB](#)

[Addendum to the South Essex Strategic Housing Market Assessment for Castle Point 2020 \[pdf\] 2MB](#)

[Castle Point Playing Pitch Strategy \(PPS\) Assessment Report 2018 \[pdf\] 3MB](#)

[Playing Pitch Strategy and Action Plan 2022 Update.pdf \[pdf\] 1MB](#)

[Sport and Leisure Facilities Needs Assessment Castle Point Borough Council 2018 \[pdf\] 4MB](#)

[Indoor Built Facilities Strategy and Action Plan 2022 Update.pdf \[pdf\] 453KB](#)

[Castle Point Local Football Facility Plan 2018 \[pdf\] 4MB](#)

[Castle Point and Rochford Locality Estates Strategy 2018 \[pdf\] 1MB](#)

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Appendix 2: Press Release (made on 18th November 2022)

[Home](#) [Castle Point News](#)




Contact the Council

Phone: 01268 882200
Email: info@castlepoint.gov.uk

Council Office Hours:

Monday-Thursday: 09:00 - 16:00
Friday: 09:00 - 16:00

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Public Consultation - Developer Contributions Guidance

Developer Contributions Guidance Supplementary Planning Documents Consultation

Castle Point Borough Council is undertaking a consultation on its updated Developer Contributions Guidance Supplementary Planning Documents in order to allow residents and other stakeholders to comment the documents.

Developer contributions are ways developers contribute towards infrastructure to support growth and mitigate the impact of development on existing infrastructure. A developer contributions guidance document sets out clearly what the Council will expect from developers in terms of infrastructure provision and the mechanisms to obtain and implement developer contributions.

Consultation on the Developer Contributions Guidance Supplementary Planning Documents begins on **Friday 18th November 2022** and closes on **Friday 6th January 2023**. All responses to the consultation must be received by the Council no later than **Friday 6th January 2023**. During this time, any person or organisation may make representations.

The following documents are being consulted on:

- Cover Document Developer Contributions Guidance Supplementary Planning Document
- Affordable Housing Developer Contributions Guidance Supplementary Planning Document
- Healthcare Facilities Developer Contributions Guidance Supplementary Planning Document
- Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Developer Contributions Guidance Supplementary Planning Document
- Playing Pitches and Indoor Built Facilities Developer Contributions Guidance Supplementary Planning Document

The Developer Contributions Guidance Supplementary Planning Documents are available to view online at: **Developer Contributions Guidance Consultation**

These documents are also available to view at the following locations:

- Castle Point Borough Council Offices
- Canvey Island Library
- Great Tarpots Library
- Hadleigh Library
- South Benfleet Library

Representations may be made electronically or in writing. Anyone wishing to make a representation is encouraged to use the 'Developer Contributions Guidance Response Form' available to download from the Council's website. Representations can be:

Emailed: planningpolicy@castlepoint.gov.uk

Posted: Planning Policy, Castle Point Borough Council, Kiln Road, Thundersley, Essex, SS7 1TF

Representations made in respect of this consultation will be published on the Council's website alongside your name and, where applicable your organisation. Your address, signature and contact details will not be made available. Your consultation response will be stored on a database used solely for the purpose of preparing the Developer Contributions Guidance Supplementary Planning Documents and will be retained in accordance with the Council's Document Retention Policy.

For any further information about the Developer Contributions Guidance please email planningpolicy@castlepoint.gov.uk

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Appendix 3: Direct Correspondence to Consultees (Letter or Email)



Castle Point Borough Council
Council Offices, Kiln Road, Thundersley,
Essex SS7 1TF
Tel: 01268 882200
Email: planningpolicy@castlepoint.gov.uk

18th November 2022

NAME
ORGANISATION
ADDRESS LINE 1
ADDRESS LINE 2
TOWN
COUNTY
POSTCODE

Dear XXX,

Developer Contributions Guidance Supplementary Planning Documents Consultation

Castle Point Borough Council is undertaking a consultation on its updated Developer Contributions Guidance Supplementary Planning Documents in order to allow residents and other stakeholders to comment the documents.

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- Playing Pitches and Indoor Built Facilities Developer Contributions Guidance Supplementary Planning Document

The Developer Contributions Guidance Supplementary Planning Documents are available to view online at: www.castlepoint.gov.uk/developer-contributions-guidance-consultation

These documents are also available to view at the following locations:

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Anyone wishing to make a representation is encouraged to use the [Developer Contributions Guidance Response Form](#) which is available to download from the Council's website and can be completed electronically. Representations can be:

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Representations made in respect of this consultation will be published on the Council's website alongside your name and, where applicable your organisation. Your address, signature and contact details will not be made available. Your consultation response will be stored on a database used solely for the purpose of preparing the Developer Contributions Guidance Supplementary Planning Documents and will be retained in accordance with the Council's Document Retention Policy.

For any further information about the Developer Contributions Guidance please email planningpolicy@castlepoint.gov.uk

Yours sincerely,

Ian Butt
Head of Place and Policy

Appendix 4: List of Consultees Directly Consulted

Organisations

@Architect Ltd	Blue Clarity Design Services Ltd.	Domino Sky Building Design Limited
A & P Designs Ltd	Bowers Gifford and North Benfleet Parish Council	Doodle Architectural Design
A R Property Designs	Bradfor	Dot Surveying
A.S Construction & Structural Engineering	Braintree District Council	Dot Surveying Ltd
A9 Architects Ltd	Breley Design Ltd	Dove Jeffery Homes
A9 Architecture	Brentwood Borough Council	DP World London Gateway
Aarkz Design	British Horse Society	DSB Property Designs Ltd
ABG Architecture	British Pipeline Agency	Duncan Clark & Beckett Ltd
Academy Estate Consultants	Brooke Radley	DVSDesign
Ackman Architecture And Design Ltd	Building Control Basildon Council	E.H Planning Services
Adams Hendry	C T Planning	EA Town Planning Ltd
AJW Drawing Services	c2c Rail	East of England Ambulance Service
Alderton Associates Ltd	Canvey Island Town Council	Edith Garland Architecture
Al-Rasheed Dauda. Architect	Carringtons Tree Surgery	Environment Agency
Ambassador Design	Carter Jonas	Epping Forest District Council
Ana Sidorova	CET Architectural Design	Ergo Technics
Andrew Martin - Planning	CH Building Designs Ltd	Ergotechnics
Anglian Home Improvements	Chelmsford City Council	Essex and Suffolk Water
Anglian Water	CHP Consultants Ltd	Essex Bridleways Association
APS Design Associates Ltd	CODE Development Planners	Essex County Council
Architectural Design & Plan	Colchester Borough Council	Essex Developers' Group
Architectural Hub	Consilium Land and Planning	Essex Fire & Rescue Service
ARCHITECTURAL SERVICES	Contour Architectural Designs Ltd	Essex Police
Arcitek Building Design Ltd	Dandy Property Designs Limited	Essex Police Estates
Atomik Architecture	Daniel Gibbard Architectural Design Ltd	Essex Wildlife Trust
ATWorks	DAP Architecture	Estuary Design Ltd
AVD Architects	Davies Murch	Evolutionblue
Avison Young	DaviesMurch	Fixed Price Architecture Ltd
AYH DESIGNS	Deeks + Associates	Fletchers Trees Ltd
Barker Woodrow	Design Spec Ltd	FRONT Architecture Ltd
Basildon Borough Council	Designmatrix (UK) Ltd	FRONT. Architecture
Basildon Building Consultancy	Dewale Consulting Ltd	Futurevisions UK Ltd
BDA	DK Building Design	Gina Leonard
Bellway Homes Limited	DK Building Designs	Govresources Ltd
Besant Planning		Graham Miles
BGA Architects		Greater London Authority
Blackmore Design Ltd		Green Lantern Creative LLP
		Green Planning Studio Ltd
		Harlow District Council

Health and Safety Executive	Mid and South Essex Health	Rebecca Morgan Associates
Historic England	and Care Partnership	RedWood Tree And Land
Home Design & Consultancy	Mid and South Essex Health	Services Ltd
Limited	and Care Partnership	Refine And Resolve
Homefront Architecture Ltd	MiU Designs Ltd	Architects Ltd
Homes and Communities	MM Planning And Drawings	Ridgeway Building Design
Agency	More Space Architecture	Ltd
Homes England	Ltd	RJB Architect Ltd
Iceni	MRG Building Plans	Robert Turner Associates
Iceni Projects	MSW Design	Rochford District Council
In Property	Munday + Cramer	RSP Design
Ingleton Wood	My House Plan	RSPB
Ingleton Wood LLP	National Grid	SAM Planning Services
J Bell Design & Conservation	National Highways	Savills
Ltd	Natural England	SD Designs
J Butterworth Planning	Network Rail	SEHBAC
JAH Designs	NHS England	SHARPE Residential LTD
James Ware & Associates	Njrouse Architectural	Shorplans Architectural
Ltd	Design	Services
JAT Designs	NP Essex	Shotgate Parish Council
JFK Business Services	Office of Rail Regulation	SIG Design
Kent County Council	OMNI Architecture	SKArchitects
Kings Cuts Tree Services	P A Design	Skee-Tex Ski
Kingsley Smith Solicitors LLP	P D Smith Design & Build	SLP
KLE Design Limited	Ltd	Smart Skills Ltd
KMDS Designs	Parkers Design	South East Local Enterprise
Knight Gratrix Architects	Paul Malone	Partnership
Krystal Architecture Ltd	Pegasus Group	South Essex Housing Group
KVD PLANS LTD	Phase 2 Planning	Southend-on-Sea Borough
Lambert Smith Hampton	Phase 2 Planning and	Council
Leigh Planning Services Ltd	Development Ltd	Special FX Double Glazing
Leigh-on-Sea Town Council	Place Services	Ltd
Lewis Patten	Planman	Sport England
LJS	Planning By Design	Sport England (East)
London Consultants Ltd	Planning World	SSA Planning
London Southend Airport	Pomery Planning	Star Plans
Lotus Plan Design Build Ltd	Consultants Ltd	Steve Jackson Design
M.B Design & Surveyors	Port of London Authority	Limited
Limited	PowerHaus Consultancy	Stone Me Limited
M:architecture	Pringle Design Limited	Sustainable Planning Design
MACK 1DESIGN AND BUILD	Pyramid Architectural	Swale Borough Council
Maldon District Council	Designs	Tara Signs Ltd
Maplin Engineering Limited	Q And A Planning	Taylor Burroughs Architects
Marine Management	Quantity Surveyor Planning	Limited
Organisation	Consultant	Tendring District Council
Mark Hipsey	R&R Planning	Tetlow King
Medway Council	Rayleigh Town Council	TH Trees Ltd
Metson Architects Ltd	RD Architecture Ltd	The Coal Authority

The Draughtsman
Architectural Ltd
The Livemore Partnership
The Planning And Design
Bureau Ltd
The Woodland Trust
Third Dimension Arch.
Design Ltd

Thomas Huggins
Thurrock Council
Transport for London
Tree Fella Ltd
Trinity Construction
Consultancy Ltd
Trudy - Architectural
Consultant

Tugby And Tugby Surveyors
Ltd
Uttlesford District Council
Waldon Telecom Ltd
WHP Telecoms Ltd
WS Planning & Architecture
WSP
Wyeth Projects

Individuals

Joanna Adams
Alan Aldridge
Jean Andow
Stephen Ashley
Sarah Attrill
Ryan Auty
Robert Baillie
R E J Baker
Ed Bale
Graham Bateman
Alex Bateman
Sarah Beales
Peter Bewers
Lewis Billington
Corinne Birch
Benjamin Bizzell
Geoff Blackledge
Bridget Bloss
Marc Bloxham
Yana Bosseva
Graham Bracci
Shirley Bradley
Jacob Braunstein
Ronald Brooker
Malcolm Brown
Rebecca Brunton
Peter Butler
John Butt
John Campbell
Ciaran Carey
Alan Carlson
Helene Carver
George Cave
Steven Challenger
Laurence Chapman
John Cheesman

Adam Child
Richard Clayton
David Coghill
Kathryn Cooper
N.A Cooper
Tim Copsey
Leslie Cousins
Kathy Cowan
Julia Davis
Johanne Deverrick
Stephen Dewhurst
Alison Dilworth
Chriss Dodds
Vivien Drewer
Janet Dunford
Kim Ellis
Justine Elvin
Gillian Faherty
Terry Fennell
Gary Fisher
Keith Flanagan
Kevin Foley
Keith Foster
Mr Freed
Neal Garner
David Robert Gibson
Sean Gough
David Grew
Ian Gummery
Arthur Gunn
Roberta Hadnam
John Hall
David Hallam
Mark Hamlett
Vivien Hammond
Ian Harding

Glen Hardy
Barry Harle
Derek Harris
Paul Harris
Tom Harrison
Mark Harvey
S R Hill
Roy Hilton
Susan Hinton
Thomas Nigel Holdcroft
Paul Howard
Marie Howard
Terry Humphreys
Roy Hutson
Tracy Hutton
Steven Ireson
Cathy Jackson
Miss Jagers
Christine James
Nicky Jay
Zak Johnson
Eve Johnson-Jones
Rosalind Johnston
Colin Jones
Elaine Jouhari
M Keeble
Katie Kenny
Christopher Knight
Tracy Kreyling
R Laidlaw
Gary Langlois
Sandra Larkins
Amanda Lillis
Robert Lillis
Karen Looker
L Lowe

Robert Maeer	Stacey Probert	Lisa Stevens
Paul Major	Paul Prosho	A M Stirling
Andrew Marsh	Brenda Reeve	Julian Strauss
Anthony Maskell	Nicky Regan	Graham Stubbles
Betty McCarthy	Jane Revell	Scott Sullivan
John Merry	Erik Richardson	Marion Summers
Anthony Moran	James Robbins	Joan Taylor
Adam Morgan	Hayley Robinson	Susan Taylor
Dennis Morley	Ian Robinson	Nina Thickbroom
Annie Morter	Nigel Rogers	Simon Thomas
Hazel Mosedale	Linda Rose	Joe Tizard
Denise Neale	Patrick Rowe	Mr and Mrs Tobin
Andrew Netherton	Mark Runchman	Paul Tresadern
Janet Newman	John Ruse	Chris Turner
Tony Newman	Barry Rutherford	Michael Vigors
Ian Niblo	William Rutter	Tessa Wales
Linda Nichols	Alan Saddington	Natalie Walker
Taufiq Noor	Ray Santi	Pamela Wall
Debbie Nosworthy	Steve Sawkins	Lawrence Walton
J Nugent	Nalani Sharma	Linda Waskett
Matt Okeefe	Robert Sharp	John Webb
Derek Oliver	Margaret Shaw	Marion Wells
Janice Osborne	David Sheavill	Starr Wheaton
Janice Osbourne	Martin Sigournay	Michael White
David Overfield	Gillian Sims	John White
Elizabeth Paddison	Lesley Smith	Jean Williams
Adam Page	J Smith	Brian Wilson
Adam Page	Joseph Smith	Keith Wilson
John Park	Carol Smith	Brian Winzar
Patricia Parkins	Tim Sneller	L With
Eileen Peck	Elaine Spedding	Roger Worland
Christine Peters	Angela Spencer	Brian Wrigley
John Phillips	Robert Spink	Johanna Wylde
Jonathan Pinnock	Robert Spink	Jo Yates
David Plaskow	Sian Squires	Nicholas Young

Appendix 5: Social Media Posts and Statistics

Facebook

Facebook	Date	Impressions	Reach	Link clicks	Engagements
Post 1	18th Nov	2000	2000	21	9
Post 2	27th Nov	813	757	11	7



Twitter

Twitter	Date	Engagements	Link clicks	Engagement %
Post 1	18th Nov	340	4	2%
Post 2	27th Nov	233	4	1.7%

Appendix 6: Summary of responses and modifications proposed

The following tables provide a summary of the main issues raised during the consultation and the proposed amendments in light of the comments. The full responses can be viewed in the links found in paragraph 3.1

Table 1: Cover Document

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
11	Mrs Debbie Kemp	Paragraph 1.1.2	No mention is made of the enhanced recycling/composting/waste disposal facilities that would be essential to support sustainable developments that contribute to high quality environments.	Waste disposal facilities are important when planning for new populations. Essex County Council (ECC) is the waste disposal authority for the Castle Point area and has a section on 'Waste Management' within the Essex Developer's Guide to Infrastructure Contributions. This document is linked in Section 2.7 of the Cover Document, and to avoid duplication it has not been included within this document.
13b	East of England Ambulance Service NHS Trust	Paragraph 1.1.2 – 1.1.3	Insert a new bullet point 'Ambulance Facilities' after 'Health Facilities'	It is considered that ambulance and fire and rescue facilities could be included in this list, therefore the following is proposed: AMENDMENT <i>Emergency service facilities</i>
14	Essex County Fire and Rescue Service		Request the addition of Emergency Services to the list	
15	Pegasus on behalf of Redrow Homes	Paragraph 1.1.2 – 1.1.3	It is noted that Examination of a Community Infrastructure Levy Charging Schedule for Castle Point is currently underway, which when adopted would secure contributions towards many of the infrastructure requirements listed in paragraph 1.1.2. Such as highways, health facilities, open spaces and sports facilities. While 1.1.3. states that developers should be made aware of what will be required by S106 Agreements and CIL, this clarification has not been provided to the extent that there is certainty over the specific infrastructure that will be secured by either S106 and CIL. This clarification is important and should be provided.	Appendix one of the Cover Document sets out the type of infrastructure will be expected from Section 106 Agreements and CIL, some of these aspects will be defined on a site-by-site basis based on the specific needs arising from development and this is set out in the relevant SPD.
11	Mrs Debbie Kemp	Paragraph 1.1.4	I am in support of all developments contributing (pro rata based on the size of the development) to all obligation types to prevent developers cherry-picking the sites they feel will require the lowest levels of developer contributions. How can you distinguish which services will be utilised by inhabitants/occupants within a developed area? How can you be sure that the benefits of building facilities in one development will not be enjoyed by residents outside the immediate area eg, building a school, or medical facility will no doubt support a reduction in pressure for pupil/patient places in other developments up to 10 miles away. Rather than determining what contributions are required on a site by site basis, why not calculate for the whole borough? This approach would then be aligned to the overall objective of the Local Plan - to provide a co-ordinated approach to development across the entire borough, rather than siloed areas?	It is agreed that a plan led approach, whereby infrastructure is planned for in line with development will help achieve co-ordinated communities and a wider benefit of infrastructure provision. This approach will be undertaken through the preparation of the Castle Point Plan and creation of an infrastructure delivery plan. The developer contributions guidance sets out the evidence for which infrastructure is or will be required and how that has been calculated fairly. In many instances infrastructure will not solely benefit new developments e.g. new open spaces would be accessible to existing communities. Requirements for developer contributions have to accord with the CIL Regulations which mean that they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they are fairly and reasonably related in scale and kind to the development.
12	Essex County Council (ECC)	Paragraph 2.2.3	ECC recommends that bullet 3 in paragraph 2.2.3 also makes reference to school transport to read: • <i>Education, Childcare and <u>School Transport</u></i> Where schools are beyond the 'statutory walking distance', which is two miles for children under the age of 8 and three miles for older children via a safe route, ECC must bear the long-term revenue cost of school transport. ECC will resist developments or potential site allocations that are unsustainable in school transport terms. This amendment will clarify that CPBC will require developers to provide contributions for school transport where appropriate.	AMENDMENT <i>Education, and childcare <u>and school transport</u></i>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
13b	East of England Ambulance Service NHS Trust		Insert a new bullet point 'Ambulance Facilities' after 'Health'	It is considered that ambulance and fire and rescue facilities could be included in this list, therefore the following is proposed: AMENDMENT <i>Emergency service facilities</i>
14	Essex County Fire and Rescue Service		Request the addition of Emergency Services to the list	
11	Mrs Debbie Kemp	Paragraph 2.2.4	<p>Just because the NPPF supports developments that prioritise walking, cycling or high quality public transport, it does not necessarily mean that residents will willingly adopt the same priorities. Homeowners will need incentivising, or should be mandated, to swap their vehicles (and accept a likely increase in travel time for local journeys) to leverage any investment in cycle paths and/or public transport. Failure to do this will see residents continuing to use their vehicles, contributing to congestion of development sites which have been designed with inadequate parking facilities. Will the sites distinguish between visitor and resident parking? If so, how will disputes be settled?</p> <p>For this approach to be successful, developers must:</p> <p>(1) be mandated to seek undertakings from all homeowners/ residents/landlords/tenants that a maximum of one vehicle per household will be permitted (encouraging the use of car-shares in the community where no other public transport is available). This should allow sufficient space for visitors to park, as well as parents on the school-run, without the area becoming rapidly overcrowded with cars bumped up onto kerbs, or parking dangerously close to junctions.</p> <p>(2) design and promote all development sites as 'clean air, environmentally friendly communities'. Potential homeowners would be attracted to the benefits of living/raising families in such a healthy environment and would be happy to adapt their behaviours and lifestyles and accept the conditions in (1) above to be part of it.</p>	Developer contributions can provide infrastructure and developments can be designed in a way to help encourage the use of active and sustainable travel options. However, it is down to the individuals as to whether they use such transport options. The Council adopted the Essex Vehicle Parking Standards in 2010 which sets out the requirements for parking from new developments. The reduction of car use and promotion of active and sustainable travel modes is a priority within Essex. Preparation of new parking standards are underway and will consider the best way to accommodate parking for future developments to make best use of land without compromising the design of new developments by providing adequate parking.
12	Essex County Council (ECC)	Paragraph 2.2.5	<p>For clarity, reference should be made to the need for development proposals to be supported by a Transport Statement/Assessment, with the thresholds identified in the Guide, Section 5.5.2. ECC recommend a new second sentence is included in paragraph 2.2.5 to read:</p> <p><i>Development proposals will be required to be supported by a Transport Statement/Assessment as set out in Section 5.5.2 of the ECC Developers' Guide to Infrastructure Contributions (2020) or successor document.</i></p>	<p>AMENDMENT – Insert the below text as a second sentence to paragraph 2.2.5</p> <p><i>Development proposals will be required to be supported by a Transport Statement/Assessment as set out in Section 5.5.2 of the ECC Developers' Guide to Infrastructure Contributions (2020) or successor document.</i></p>
11	Mrs Debbie Kemp	Paragraph 2.2.6	Developers must all collectively contribute to the creation and maintenance of all new cycle routes/bus lanes around all Castle Point routes. Funding obligations should be calculated so every developer contributes to this investment - this will prevent developers cherry-picking sites which require the lowest levels of CIL/Section 106 payments.	The developer contribution guidance documents propose fair and reasonable costs associated to developments; this is in accordance with relevant regulations. Developer contributions have to be fair and reasonable to the specific development, it would be unreasonable, for example, for a developer building two homes to contribute to continued maintenance of cycle routes or bus lanes. In some instances, for example where a large development leads to the creation of a new cycle lane, it would be reasonable to establish how the infrastructure will be maintained in the future and where appropriate contributions towards this. This would be agreed within a Section 106 Agreement, details of this can be found under section 3.9 of the Cover Document.
12	Essex County Council (ECC)		<p>ECC recommend paragraph 2.2.6 is amended to make reference to the contribution made by the 'setting of a heritage asset' in accordance with NPPF, paragraph 194.</p> <p><i>'Where proposals may cause harm to a heritage asset and the contribution made by their setting there are certain criteria that needs to be met to ensure that harm is first of all avoided and then mitigated'.</i></p>	

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			ECC recommend reference is made to the Essex Historic Environment Record (HER) managed and maintained by Place Services on behalf of ECC and other local planning authorities. A summary version of the Essex HER can be searched on-line at the Heritage Gateway. This would clarify to developers that this data source should be used with regards planning applications etc.	AMENDMENT <i>Where proposals may cause harm to a heritage asset <u>and the contribution made by their setting</u> there are certain criteria that needs to be met to ensure that harm is first of all avoided and then mitigated</i>
12	Essex County Council (ECC)	Paragraphs 2.2.7 - 2.2.8	<p>ECC draws attention to the change to the exception test which now relates to all forms of flood risk, including from surface water. Where land with existing flood risk is still be developed following an initial sequential test, the developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk.</p> <p>It should be noted that one example of how a developer could demonstrate that the wider sustainability benefits to the community outweigh delivery on a site with existing flood risk, would be to deliver an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.</p> <p>On the basis of updated guidance, ECC, as LLFA, would seek that CPBC identifies this requirement and where necessary requests contributions from developers towards wider flood mitigation.</p>	AMENDMENT – insert new paragraph after paragraph 2.28 <i>The NPPF requires the use of a Sequential and Exceptions test where necessary. Where land with existing flood risk is developed following an initial sequential test, the developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk. One example of how a developer could demonstrate that the wider sustainability benefits to the community outweigh delivery on a site with existing flood risk, would be to deliver an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.</i>
11	Mrs Debbie Kemp	Paragraph 2.2.10	<p>'No contribution is sought where sufficient existing surplus capacity exists to meet the demand from the specific development' - how is surplus capacity calculated? what timeframe is used? - is it based on the number of available spaces at the time that a development is approved, or the time it is finished, or the projected capacity at the expiry of the local plan - eg 2033? In order to mitigate the impact on existing infrastructure and homeowners, the latter would be preferable to take into account population growth that would otherwise occur had the development not taken place.</p> <p>Consideration should absolutely be given to all the planning applications for developments under 20 dwellings - why are these numbers not taken into consideration? Are you expecting smaller development sites to have no children, or for them not to be educated? This approach will also would incentivise developers to 'share' land and develop 19 dwellings each to avoid paying any contribution levies. This also applies to 2.2.11, and 2.2.12 - in relation to community and medical facilities and sporting/recreational facilities.</p>	ECC as the Education Authority forecast school places based on a 10 year timescale and set the development thresholds for developer contributions. The 10 year plan is published annually and calculates where there is sufficient capacity within existing schools to accommodate a potential uplift in student numbers based on expected development within local areas of when such development will be implemented.
12	Essex County Council (ECC)		<p>ECC recommend paragraph 2.2.10 is amended to reflect both schools and early years and childcare.</p> <p><i>As of 2022, ECC Essex County Council assess all planning applications of 20 or more dwellings with regards to the anticipated pupil <u>and early years and childcare places</u> numbers generated, checked against current capacity of the relevant school <u>or setting</u> and <u>the potential solution is identified</u>, which may be a contribution towards expansion or the provision of serviced land and contribution towards a new <u>school, nursery or pre-school</u>facility.</i></p>	<p>The proposed modification is appropriate and the following amendment is proposed:</p> <p>AMENDMENT <i>As of 2022 Essex County Council assess all planning applications of 20 or more dwellings with regards to the anticipated pupil <u>and early years and childcare places</u> numbers generated, checked against current capacity of the relevant school <u>or setting</u> and <u>the potential solution is identified</u>, which may be a contribution towards expansion or the provision of serviced land and contribution towards a new <u>school, nursery or pre-school</u>facility.</i></p>
13b	East of England Ambulance Service NHS Trust	Paragraph 2.2.12	<p>After paragraph 2.2.12 insert a new subheading "Ambulance Facilities" & new paragraphs as follows;</p> <p>2.2.13 The National Planning Policy Framework requires the planning system to provide for sustainable development through local authority plan making and development management processes, which should aim to achieve healthy, inclusive and safe places.</p>	<p>The intention of this paragraph is to detail the requirements within the NPPF towards health. The modification proposed would go beyond that scope. A modification to better reflect the wording within the NPPF and social facilities is however reasonable, and the following amendment is proposed:</p> <p>AMENDMENT – new paragraph after 2.2.11 and renumber paragraphs thereafter</p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			<p>2.2.14 In promoting healthy lifestyles the planning system should provide the social facilities and services the community needs. It should take into account and support the delivery of local strategies to improve health and social wellbeing for all sections of the community, and ensure an integrated approach to considering the location of housing and community facilities and services.</p> <p>2.2.15 As an essential social infrastructure provider EEAST has an important role to play in contributing to the achievement of sustainable new places (and along with its health and blue light partners) creating the conditions for healthy, safe and cohesive communities.</p> <p>2.2.16 Financial contributions and ambulance facilities provision will be sought where development will increase the impact on EEAST's operational capacity, efficiency and resources, comprising staff, vehicle fleet and estate assets.</p>	<p><u>In promoting healthy lifestyles the planning system should provide the social facilities and services the community needs. It should take into account and support the delivery of local strategies to improve health and social wellbeing for all sections of the community, and ensure an integrated approach to considering the location of housing and community facilities and services.</u></p>
14	Essex County Fire and Rescue Service	Paragraph 2.2.17	Request the inclusion for consideration of appropriate water and land management for open spaces to reduce the likelihood and/or severity of water incidents and wildfires	The intention of this paragraph is to detail the requirements within the NPPF towards open space. The modification requested goes beyond that. Essex County Fire and Rescue Service will be engaged when work is being undertaken on open spaces, through plan-making and creation of new SPDs on the topic.
12	Essex County Council (ECC)	Paragraphs 2.2.18 – 2.2.20	<p>ECC provided information of emerging work being undertaken at ECC in regard to biodiversity net gain as a consequence of the Environment Act 2021.</p> <p>ECC recommend paragraphs 2.2.18 – 2.2.20 of the SPD should make reference to biodiversity offsetting consistent with the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/Restoration and Offsetting. Any residual impacts will need to be compensated for on-site or off-site with long term management/stewardship secured, and appropriate enhancements included to ensure biodiversity net gain for at least 30 years via obligations/ conservation covenant.</p>	<p>The work being undertaken at ECC in regard to biodiversity net gain is noted. The Council will prepare a separate SPD on this matter in due course once further evidence has been collected to fully inform the document. Representations received during this consultation will be used to aid in the drafting of such document and ECC will be engaged further.</p> <p>It is agreed that reference could be made the biodiversity mitigation hierarchy and the following modification is proposed. AMENDMENT – insert new paragraph after 2.2.18 and renumber paragraphs thereafter <u>In accordance with the NPPF, the Council will follow the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/ Restoration and Offsetting. Any residual impacts will need to be compensated for on-site or off-site with long term management/stewardship secured, and appropriate enhancements included to ensure biodiversity net gain for at least 30 years via obligations/ conservation covenant.</u></p>
08	Historic England	Paragraphs 2.2.25 – 2.2.27	Support for text supporting heritage provision.	Support is noted.
12	Essex County Council (ECC)	Paragraphs 2.2.28 – 2.2.30	<p>It is recommended that the SPD ensures there is a commitment to consult ECC for advice on the needs for Specialist Residential Accommodation based on identified local demand.</p> <p>ECC is supportive of the need to increase the supply of affordable housing from new development. ECC considers reference should also be made to housing needs of specific groups. Planning Practice Guidance (004 Reference ID: 63-004-20190626/ 005 Reference ID: 63-005-20190626) identifies the differing needs of older persons through extra-care housing and independent living; supported living for people with disabilities and/or care needs and provision of affordable housing for those leaving supported accommodation, including care leavers.</p>	<p>A modification is considered reasonable to highlight the differing needs for groups that require affordable housing. The following amendment is proposed: AMENDMENT – insert at the end of 2.2.28 <u>National guidance also identifies that affordable housing should meet the needs of groups with different needs, such as older persons or those with disabilities and specialist needs.</u></p>
11	Mrs Debbie Kemp	Paragraph 2.2.30	'Where affordable housing cannot be met on-site, off-site provision or an appropriate financial contribution in lieu of this will be required' - These options should not be offered - how can any additional locations for 'off-site' provision be found when so much is already earmarked for development	On-site provision of affordable housing is the preferred delivery of affordable housing, however in some instances this may not be appropriate. Where every opportunity is used to provide on-site

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			in the local plan? How will a financial contribution benefit the hundreds of families in need of affordable housing?	affordable housing but this is not possible for a variety of different reasons financial contributions in lieu of that will be suitable, this contribution could reasonably be used by the Council to provide affordable housing.
10	Environment Agency	Section 2.2	<p>This section could be strengthened by a clear and direct reference to the current, albeit old, Flood and Coastal Resilience Partnership Funding Defra policy statement (FCRM policy statement)</p> <p>This policy statement applies to any existing FCRM infrastructure that is seeking Grant-in-Aid for its capital maintenance, replacement or raising of flood defences. The policy statement also applies to any new or proposed, FCRM infrastructure scheme that is not yet constructed.</p> <p>Page 4 of the FCRM policy statement under the section ‘how much national funding might a project attract’ states</p> <p><i>“All projects supported under the new approach will need to achieve an OM Score of 100% or above. Many projects will achieve this, and qualify for full funding. In other cases, cost savings and/or other sources of funding may need to be found. Both of these reduce the whole-life costs of the project to national budgets. Where an OM Score is below 100%, the deficit describes the amount of cost savings and/or contributions necessary in order for the scheme to proceed.”</i></p> <p>The section “<i>Encouraging long-term management of flood and coastal risk as part of each local strategy</i>” on page 9 outlines:</p> <p><i>“To help meet any funding shortfalls for lower scoring projects, risk management authorities could seek to leverage external contributions from all investments that proceed, including those qualifying for full funding. Any contributions secured towards projects scoring 100% or above can either a) reduce the cost of the scheme to the national taxpayer, making it more likely to go ahead sooner rather than later, or b) be used to help fund other schemes in the local strategy that score less than 100%.”</i></p> <p>Where we (Environment Agency) need contributions to schemes, this will include not only the construction phase but also the development of business cases and associated flood modelling, design as well as future maintenance. The DEFRA Partnership Funding calculator allows us (Environment Agency) and other risk management authorities promoting FCRM schemes to calculate our Grant-in-Aid eligibility. It will give a total the value of contribution required. We would need specific discussions with planning officers and applicants as to how a bespoke calculation and agreement of contribution is made – the latter via our standard Heads of Terms and Legal Agreement process.</p> <p>Given the comments above we think the Partnership Funding policy statement needs to be clearly referenced within the “Flood Protection and Water Management (including SuDS)” section of the SPD on pg.5 as well as Appendix 1.</p> <p>The Thames Estuary 2100 Plan sets out the recommendations for flood risk management for London and The Thames Estuary. The estuary is split into policy units, outlining the flood management needs for specific areas. We have highlighted the situation with regards to funding for the Policy Units that cover the Castlepoint area, these are subject to periodic review based on changes to costs and climate change.</p> <p>The Canvey Island Policy Unit (PU) has a current PF score of 201% - thus eligible for full GIA. Part of the Bowers Marsh Policy Unit, covers South Benfleet, with a current PF score of 13% - meaning we’d need to find 87% of costs towards any proposed scheme in that policy unit from non-GiA sources.</p> <p>The Hadleigh Marshes PU has a PF score of 2% - meaning 98% of any scheme would need to come from non-GiA sources. The PU currently has a 40-year cost profile that is greater than the benefits it provides</p>	<p>AMENDMENT – new paragraph after 2.2.7 and renumber subsequent paragraphs accordingly</p> <p><i><u>In some instances it may be appropriate for development to contribute towards flood defences where projects have been identified, such as within the Thames Estuary 2100 Plan. The Environment Agency has the Flood and Coastal Resilience Partnership Funding Defra Policy Statement, which applies to such infrastructure that would seek grant aid to help obtain additional funding where shortfalls have been identified. Developer contributions may be sought in appropriate circumstances to help funding of such initiatives.</u></i></p> <p>AMENDMENT – new bullet point under ‘Flood defences’ in the ‘CIL Contributions’ column in Appendix 1</p> <p><i><u>Infrastructure projects within the Thames Estuary 2100 Plan</u></i></p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			over a 40 year period – meaning its has a Benefit to Cost ratio of less than 1. This is significant as it means public money (GiA) could not be spent in the PU. Costs would either need to be drastically revised or funded completely from private sources. The Hadleigh Marsh Policy Unit contains a range of infrastructure, that could support development such as the railway line and A130 as well as containing existing infrastructure such as a Waste Water Treatment Plant, an electricity generating plant and landfill site, which could be impacted by climate change.	
12	Essex County Council (ECC)	Section 2.4	ECC highlighted points for future governance arrangements for the implementation of CIL. ECC also welcome any governance arrangements that included a more formal role for the County Council in the CIL governance process, in particular regarding when CIL monies are made available for bids; the amount of funds made available to bid for and how any monies will be prioritised and apportioned to strategic projects. ECC would recommend that CPBC keeps this in mind when identifying any governance arrangements for how CIL monies will be spent over and above the statutory requirements to parish councils and administration costs.	The comments from ECC are noted. Governance arrangements for the implementation of CIL will be undertaken by the Council in due course.
15	Pegasus on behalf of Redrow Homes		Section 2.4 requires further commentary and detail about how the Council will differentiate between infrastructure to be funded by S106 and CIL monies respectively and ensure any risk of 'double counting' is avoided. The Infrastructure Delivery Plan is referred to as evidence supporting this SPD. It is questioned how this can form a sound evidence base for the application for this SPD, given it was produced to assess infrastructure requirements in the Borough on the basis of growth planned by the now withdrawn Local Plan. It must therefore be re-considered whether the Council has prepared a sound evidence base to support and justify the current Developer Contributions SPD, given the change in circumstances following withdrawal of the new Local Plan.	The Council's Infrastructure Delivery Plan (IDP) was updated following the withdrawal of the 'New Local Plan 2018-2033', the updated IDP reflects the current situation within Castle Point. The governance arrangements for CIL will be undertaken by the Council within due course and will comply with national legislation and regulations.
12	Essex County Council (ECC)	Section 2.5	ECC considers that it is important that the SPD demonstrates a clear understanding of the two-tier local government system. ECC recommend the following paragraph be added to this section to provide clarity regarding the role of the Minerals and Waste Local Plans as follows: <i>Essex County Council is the Minerals and Waste Authority for Castle Point Borough and is responsible for the production of mineral and waste local plans. The Development Plan therefore also comprises of the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.</i>	It is agreed that a modification could be made to highlight the role of Essex County Council: AMENDMENT – insert new paragraph after 2.5.1 <i>Essex County Council is the Minerals and Waste Authority for Castle Point Borough and is responsible for the production of mineral and waste local plans. The Development Plan therefore also comprises of the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.</i>
13b	East of England Ambulance Service NHS Trust	Paragraph 2.6.2	Insert "the East of England Ambulance Service NHS Trust" after NHS in line 2.	AMENDMENT Information contained within the IDP is produced in collaboration with relevant infrastructure providers such as the NHS, Essex County Council, the Environment Agency, the East of England Ambulance Service NHS Trust and Anglian Water...
12	Essex County Council (ECC)	Section 2.6	ECC support section 2.6.	Support is noted.
11	Mrs Debbie Kemp	Section 3	3.5, 3.6 .5.1 - Re the calculations to determine the impact of development on the need for community infrastructure - who is accountable if the impact has been miscalculated, how will mistakes or shortfalls be remedied without impacting existing council budgets, how transparent will this process be?	Implementation of this SPD will be monitored by a specific monitoring officer, if it is identified that the provisions within this SPD do not adequately support development then it can be reviewed by the review mechanism. This will be monitored

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				annually through the Council's Authority Monitoring Reports which are published annually.
12	Essex County Council (ECC)		ECC recommends that reference is made to the ECC Garden Communities and Planning School Places Guide. Whilst it does refer to Garden Communities in the title it also refers to larger development. This guide seeks to describe how new mainstream state funded statutory age range schools, serving new Garden Communities and larger development in Essex, will be established. ECC therefore considers that this is appropriate for CPBC to acknowledge in the SPD to ensure the delivery of education that meets future needs.	Reference to ECC's Garden Communities and Planning School Places Guide is made under paragraph 2.7.2 in this document which is deemed sufficient, therefore no modification is proposed.
16	CODE on behalf of This Land		<p>CODE notes the expectation that contributions will be sought via Section 106 and CIL for education contributions. Whilst pooling restrictions have been removed which enables this approach, I note the Council's response to the CIL examiner, dated 25 November 2022, which states "Based on current available capacity, and the estimated needs arising from the growth identified within the schedule of sites, ECC has confirmed that there would be no demonstrable need for additional school places in the Borough to meet projected demand for additional primary, secondary, and post-16 school places. All costs associated with primary, secondary, and post-16 schools contributions have therefore been removed from the Infrastructure Schedule."</p> <p>In light of this, CODE considers it would be appropriate for Castle Point Borough Council and Essex County Council to only seek contributions via Section 106 or CIL, not both, in light of the existing capacity in the borough for primary, secondary and post-16 school places. It is clear that in many cases requests for contributions would not meet the requirements of the relevant CIL tests outlined at paragraph 57 of the National Planning Policy Framework (NPPF, July 2021).</p>	<p>Appendix 1 of the Cover Document highlights the indicative split of developer contributions between CIL and Section 106, it is not presumed that contributions would be sought through both contribution types for the same infrastructure and would therefore not be 'double counted'. It is recognised that this could be made clearer and the following amendment is proposed:</p> <p>AMENDMENT -Appendix 1 title <i>Appendix 1: Indicative Split on Developers Contributions Spending between Section 106 and CIL Contributions</i></p>
12	Essex County Council (ECC)	Paragraph 3.1.1	ECC have different thresholds for developer contributions, and this is set out in table 2 of the ECC Developer's Guide. ECC want reference within this paragraph to a potential for different thresholds and process for planning obligations, similar to paragraph 1.2.2 of the Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD.	<p>AMENDMENT <i>Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more, therefore CIL will be the primary means by which the Council will seek contributions from developments below that threshold towards meeting the infrastructure demands of new growth. It should be noted that Essex County Council (ECC) implements its own thresholds for planning obligations and therefore regard should be had to Table 2 – Developer Contributions Reference Table in the ECC Developers' Guide to Infrastructure Contributions in determining thresholds for specific infrastructure types.</i></p>
15	Pegasus on behalf of Redrow Homes	Paragraph 3.1.1 – 3.1.2	<p>3.1.1. Does a differentiation from non-residential developments need to be considered.</p> <p>3.1.2. For the example given, it should be acknowledged that the provision of serviced land would be a benefit for the primary school (in this example) as well in its own right. This should be taken into account when calculating the necessary financial contribution from the developer, such as by discounting the value of the education land from the contributions. This applies to other infrastructure for which serviced land is provided as well. Again, for the example given in 3.1.3. of delivering off-site highways improvements, this needs to take into account any delivery issues that may arise if the land is outside of the developer's control. Also, as mentioned above, the distinction between improvements to be secured by S106 and improvements that will be secured by CIL needs to be clarified - while Appendix 1 sets out a high level split on spending, there are no details provided on the mechanism that will be used to ensure S106 contributions will be discounted when CIL is in effect.</p>	<p>It is noted that a differentiation for different type of development could be made clear and the following is proposed:</p> <p>AMENDMENT to paragraph 3.1.1 <i>Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more and other major development, therefore CIL will be the primary means...</i></p> <p>Appendix 1 of the Cover Document highlights the indicative split of developer contributions between CIL and Section 106, it is not presumed that contributions would be sought through both contribution types for the same infrastructure and would therefore not be 'double counted'. It is recognised that this could be made clearer and the following amendment is proposed:</p> <p>AMENDMENT -Appendix 1 title</p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
				<i>Appendix 1: Indicative Split on Developers Contributions Spending between Section 106 and CIL Contributions</i>
15	Pegasus on behalf of Redrow Homes	Paragraph 3.2.1 – 3.2.1	The operation of 3.2.1. and 3.2.2. which envisage agreement of draft heads of terms at the pre-application stage and submission of completed obligations with the planning application is considered to be too optimistic. This would require detailed engagement at the pre-application stage and officer resource, which should be committed to. As engagement with third party consultees would be needed as well, this has the risk of prolonging the pre-application period unreasonably while details of infrastructure requirements are provided. It would therefore be more reasonable for draft heads of terms to be discussed with Planning Officers only at the pre-application stage, with detailed discussion reserved for post-submission of the application when details of the scheme are fully known and all consultees are engaged with the application. It is also important to ensure requests for contributions from third party consultees are clearly justified from the outset with reference to the statutory CIL tests.	It is highlighted in paragraph 3.2.1 that the Council encourages the use of the pre-application process, this is not a requirement. It is agreed that the process could be made clearer within paragraph 3.2.2 and the following amendment is proposed: AMENDMENT <i>Applicants will be expected to discuss and agree draft heads of terms of the planning obligations at the pre-application stage and submit the completed obligation this with the application</i>
12	Essex County Council (ECC)	Paragraph 3.2.2	ECC notes reference is made in paragraph 3.2.2 to the pre-application process. ECC recommend CPBC should consider making reference to the use of Planning Performance Agreements (PPAs). ECC seeks to establish PPAs for large planning applications/NSIPs to provide a project management framework for such development. This is vital to potentially fund officer time and commission additional specialist advice where the resource does not exist within an authority.	The use of PPAs is useful when considering larger applications to ensure all parties are aware of the process going forward. However, this is a wider matter and not considered directly necessary for the developer contributions guidance, therefore no modification is proposed.
13b	East of England Ambulance Service NHS Trust	Paragraph 3.2.6	Add "Ambulance Facilities" after 'health facilities' in line 3.	The examples given in this paragraph are not exhaustive and it could reasonably be considered that ambulance facilities could fall under 'health facilities', therefore no modification is proposed.
15	Pegasus on behalf of Redrow Homes	Section 3.3	Section 3.3 relating to masterplans is potentially concerning, with regard to the amount of detail that is requested. Masterplans are produced early in the design process and are intended to confirm the key principles and form a framework for the detailed scheme to be provided. Given masterplans are prepared for large scale schemes which have a long-term delivery period, seeking to confirm detailed matters relating to the thresholds, standard charges and formulae of planning obligations is excessive as needs may change. It is difficult at the masterplan stage to accurately calculate costs.	It is recognised that large schemes which produce master plans have greater detail and details may change, however estimated costs for how infrastructure will be provided through the application of this SPD is considered appropriate.
13b	East of England Ambulance Service NHS Trust	Paragraph 3.5.5	At the end of the paragraph ending 'scale of development' insert "and to Section 6 which provides further advice on key infrastructure issues".	AMENDMENT – add the following text to the end of paragraph 3.5.5 <i>...and Section 6 of that document which provides further advice on key infrastructure issues.</i>
16	CODE on behalf of This Land	Section 3.8	CODE notes the document seeks to enforce the following phasing limits in "most cases" for the timing of paying planning obligations in relation to the number of dwellings occupied: "For residential developments, all planning obligations will need to be delivered before more than 80% of the market dwellings can be occupied." CODE considers that this section should be the subject of a minor redraft to state "...the following phasing limits will be applied (unless otherwise agreed between the Council and the developer/landowner)", rather than "in most cases". This enables further flexibility for larger sites which may come forward in the borough which might have greater infrastructure requirements.	It is considered that this paragraph could be amended. The following is proposed: AMENDMENT <i>However, the Council is mindful that a developer may seek to avoid delivering a planning obligation by not completing the development. To this end, the following phasing limits will be applied, unless otherwise agreed by the Council in most cases:</i>
15	Pegasus on behalf of Redrow Homes	Section 3.10	The Viability Study (2021) is referred to by the Council as supporting evidence. A separate review has been undertaken by ULL Property, which is appended to these representations. This review notes that the value assumptions that have been made in the Viability Study are optimistic in some regards, and therefore does not represent an accurate representations of the costs required to deliver a site. It is unreasonable to rely on the Viability Study as supporting evidence for this SPD. The report prepared by ULL Property should be referred to for further detail.	The study completed by ULL Property can be accessed in the full representation. Multiple stakeholders were consulted on during the preparation of the Viability Study, this included questionnaires and workshops with developers in the local area to determine accurate costs. The Council's viability evidence, alongside representations made by other parties has been examined as part

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
				<p>of the CIL examination and has been found to make sufficient provision for development costs.</p> <p>It is recognised that viability studies reflect a point in time and market forces can change the outcomes. As a consequence of this section 6.2 of the Cover Document highlights where a viability review may be necessary, which includes where 'the SPD is insufficiently effective in enabling developer contributions'. This is considered sufficient to account for any changes.</p>
11	Mrs Debbie Kemp	Section 3.11	What provision has/will be made in the event of a crash in the housing market? Where the cost of materials remain high/inflated, yet the market falls, there is a risk that developers may be out of pocket and will seek ways to recoup losses - will the cost of 'affordable homes' be reduced to reflect the state of the housing market (in line with other market homes) or are those prices fixed and non-negotiable - if fixed, we could find that 'affordable homes' end up being more expensive than a standard market home (and ultimately less desirable).	The viability study supporting the SPD and CIL has contingencies for changes to market which have been factored into the costs. Where developers determine that schemes are not viable they will need to provide a full viability report to be reviewed by an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant. Only then, if accepted by the Council, would a deviation from the developer contributions set out in the SPD be allowed. In terms of affordable homes, schemes such as First Homes have a 30% discount from the market value, with a maximum cost of £250,000 from the first sale to ensure they remain affordable.
12	Essex County Council (ECC)	Section 4.4	<p>ECC recommend reference is also made to the use of bonds with regards highway works as follows, and which is included within the ECC Developers' Guide, Section 5.5.4 – Highway works and surety:</p> <p><i>Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relation to the works. This bond will vary dependent on the works required. The bond can be a formal bond with an approved third-party surety or it can be a deposit in cash to Essex County Council as the Highway Authority.</i></p> <p><i>Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in value.</i></p>	<p>The use of bonds for highways works is noted. To avoid duplication between the Cover Document and ECC's Developers' Guide a modification referring to the document is proposed.</p> <p>AMENDMENT – insert new paragraph after 4.4.2</p> <p><i>Developers should refer to the Essex County Council's (ECC) Developer's Guide to Infrastructure Contributions for bond requirements specific to ECC.</i></p>
15	Pegasus on behalf of Redrow Homes	Section 5	The proposed affordable housing monitoring fee, at £100 per affordable housing unit, appears to be excessive especially as this would be in addition to the per obligation monitoring fees set out in Section 5.2. Section 106 Agreements would include specific requirements for developers to notify the Council of completions and occupations, which should be sufficient without requiring further monitoring by the Council. In addition, 5.3.3. implies that the monitoring fee includes time spent by the Council entering into nomination agreements with Registered Providers. This is a service that the Council is expected to provide and falls outside of the scope of a cost that is reasonable to seek from developers in planning terms.	The justification for the proposed affordable housing monitoring fee is set out in paragraph 5.3.2 and is considered reasonable. Paragraph 5.3.3 highlights that the cost of entering a nomination agreement will exclude the cost of the Council's legal service team.
11	Mrs Debbie Kemp	Section 6	Given the strong public opinion about the local plan and its impact, I would like to see a lot of care and attention given to the way in which the public is kept informed of progress on the infrastructure to support the local plan. Issuing an annual funding statement is inadequate - updates need to be tailored and 'pushed' to the audiences that will wish to consume them - in reader-friendly updates/bulletins written in an easy-to-digest format (not reams of detail buried in financial reports which many will find impossible to interpret). The updates should clearly articulate original targets, changes to plans, progress against deliverables, benefits, risks, issues and remediations. We want residents to follow the progress of the local plan and celebrate its success and the benefits it delivers to the community. Equally, we want transparency so that residents are kept informed when things are not going to plan, together with remediations and accountability information.	This comment is welcomed. The Council agreed in November to start work on the new Castle Point Plan, this will include a significant amount of public engagement. It recognises that planning documents can be long and not very accessible for the wider audience and documents such as a new Infrastructure Delivery Plan will be presented in a way that is user friendly. This consultee is encouraged to engage within that process in the future.

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
04	Natural England	Appendix 1	Natural England note the reference of open spaces, biodiversity and green and blue infrastructure within appendix 1.	Noted
09	The British Horse Society		Comments were made over the lack of inclusion of horse riding and bridleways improvements in appendix 1 and safety issues over the disjointed bridleway network across Castle Point. Route improvements were proposed. Improvements could be made to existing public rights of way by making them multi-user to avoid issues with different users.	The Council note the lack of reference to bridleways and horse-riding and propose an amendment to appendix 1. This amendment highlights that Section 106 contributions may be sought for improvements to such infrastructure. Where bridleway provision is sought on sites the type of route provision would be discussed with Essex County Council, as the highways authority, on a case-by-case basis. AMENDMENT – ‘Roads and other transport facilities’, third bullet point: <i>On-site cycle, <u>bridleway</u> and walking network infrastructure, and connections into wider network</i>
12	Essex County Council (ECC)		CPBC could make it more explicit in the SPD, Appendix 1 – Open Spaces category how development can provide and improve green infrastructure rather than primarily concentrating on the provision of ‘open space’. ECC recommend reference is made to the need for developers to use the Essex Green Infrastructure Strategy (2020) (where its preparation included CPBC) and Essex Green Infrastructure Standards-Technical-Guidance (June 2022).	Reference to specific documents is not considered necessary within appendix 1 as it gives an indicative split on developer contributions only. Further detail on open spaces and green infrastructure will likely be part of a future SPD which ECC would be engaged on.
13b	East of England Ambulance Service NHS Trust		After 'Medical Facilities' insert a subheading for "Ambulance Facilities" In column 1 insert <ul style="list-style-type: none"> • An increase in the number & type of ambulances; • Provision of additional medical, pharmacy & IT equipment/digital software to manage the increased number of incidents arising from the new population; • The recruitment, training, equipping & tasking of Community First Responders (CFR) based within the locality of development sites & their environs; • Redevelopment or relocation of existing ambulance stations to a more suitable location to meet the increased local demand arising from housing developments. In column 2 insert <ul style="list-style-type: none"> • Improvements to EEAST’s Estate, including premises modernisation. 	The requirements set out in this representation although are important for emergency services, go beyond infrastructure provision e.g. through recruitment. It is considered that the modification below is sufficient. However, going forward future infrastructure requirements of the ambulance and emergency services are considered in greater detail through the preparation of the Castle Point Plan and Infrastructure Delivery Plan. The Council will engage with the East of England Ambulance Service NHS Trust. It may be considered at that time that a further SPD are prepared at that time. AMENDMENT Appendix 1 – under ‘Other matters - list is not exclusive but is indicative of common requirements’ Section 106 column – add a new bullet point <i><u>Emergency service facilities</u></i> CIL contributions column – add a new bullet point <i><u>Emergency Service Estate Improvements</u></i>
14	Essex County Fire and Rescue Service		Request consideration of Emergency Service provision to be included. This includes: Within the Section 106 column to include: Emergency Services Provision to support the enhancement and development of Services related to the impact of the proposed development. Within the CIL column to include: Emergency Services Estate Improvements, including modernisation, growth and collaborative facilities.	The proposed modifications are considered appropriate and the following changes have been incorporated: AMENDMENT Appendix 1 – under ‘Other matters - list is not exclusive but is indicative of common requirements’ Section 106 column – add a new bullet point <i><u>Emergency service facilities</u></i> CIL contributions column – add a new bullet point <i><u>Emergency Service Estate Improvements</u></i>
04	Natural England	General comments	Reference was made to Strategic Environmental Assessments being required only in exceptional circumstances to support SPD’s. SPD’s are unlikely to give rise to likely significant effects on European Sites however they should be considered as a plan or project under the Habitats Regulations.	The need for a Strategic Environmental Assessment to support this SPD has been assessed and it is considered that it is not required as the use of land is determined through a planning application.

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
				<p>Similarly, a Habitats Regulation Assessment is not necessary as these SPDs will not have an effect directly, or indirectly on European Sites.</p> <p>Developer contributions are a way of ensuring planning applications are acceptable in planning terms.</p>
08	Historic England		A number of measures were proposed to improve this SPD in terms of heritage, from enhancement to heritage assets and improved public access.	The Council may prepare a separate heritage SPD to accompany the existing Developer Contributions library in due course. The Council will engage with Historic England at that time.
13a	East of England Ambulance Service NHS Trust		The East of England Ambulance Service NHS Trust (EEAST) sets out reasoning for an additional SPD to support the developer contributions library and support ambulance services. The representation proposes a chargeable rate for development of £340 per dwelling. This would be used to support infrastructure and facilities including an increased number and type of ambulances, equipment, recruitment and training and redevelopment or relocation of existing ambulance stations. The representation provides wording for a new SPD, specifically for the ambulance service.	The requirements set out in this representation although are important for emergency services, go beyond infrastructure provision e.g. through recruitment. Going forward future infrastructure requirements of the ambulance and emergency services will be considered in greater detail through the preparation of the Castle Point Plan and Infrastructure Delivery Plan. The Council will engage with the East of England Ambulance Service NHS Trust at the appropriate time. It may be considered at that time that a further SPD is prepared, where developer contributions are fully justified and in accordance with national legislation, regulations and guidance.
17	Anglian Water		<p>As the statutory sewerage undertaker for Castle Point BC, Anglian Water is responsible for building, operating, and maintaining their infrastructure which is required to provide for additional growth. Wastewater network capacity can be dependent on the specific connection points and the network available in the area. Proposed developments will require local upgrades and connections in order to connect to the existing sewer network - these works are typically funded by the developer. In terms of major developments seeking surface water connection to our network, we require modelling of our network and any upgrades required to accommodate the connection to be funded at the developer's expense.</p> <p>With regard to surface water management we welcome opportunities to work in partnership with local authorities and other stakeholders to address specific issues where these can be jointly funded.</p> <p>In addition, the government has announced their intention to implement Schedule 3 of the 2010 Flood and Water Management Act to make the use of sustainable drainage mandatory for all new developments. The provisions in Schedule 3 also provide a framework for the approval and adoption of SuDS; the creation of a SuDS approving body (SAB); and national standards on the design, construction, operation, and maintenance of SuDS.</p>	<p>As Anglian Water (AWA) is the statutory Sewerage undertaker in the Castle Point area, S106 Agreements cannot be used to cover drainage matters which are the responsibility of AWA.</p> <p>It is however recognised that some SUDs features may not fall within the remit of AWA, and therefore there is scope for ECC, as the Lead Local Flood Authority (LLFA) to enter into S106 Agreements for SUDs features within a development.</p> <p>It is noted that the Government has announced its intentions to implement Schedule 3 of the Flood and Water Management Act. When the implications of this are known, it may be the case that a separate SPD on SUDs will be required. The Council will monitor this situation.</p>

Table 2: Affordable Housing

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
11	Mrs Debbie Kemp	Sections 1, 2 and 3	<p>Can any guarantees be made that the quality, durability and aesthetics/design of any affordable housing will be the same as standard market housing? What criteria needs to be met to ensure it integrates with/is indistinguishable from other market housing? If affordable housing is built using lower standards, lower cost materials, it is likely to require maintaining/repairing more regularly than standard market dwellings - the costs associated with these repairs and maintenance would fall to the homeowners who would be unlikely to afford them - and there is a higher risk that areas of the development may fail into disrepair.</p> <p>Given the increased density of dwellings being introduced to the area, what obligations will be imposed on the owners of dwellings with regard to building extensions, outbuildings, converting garages, building walls/conservatories/other structures - to avoid further build-up in an already densely populated area? and provide peace of mind to existing residents</p> <p>Is there any restriction on the number of dwellings that can be available for rent? It seems counter-intuitive to make provision for affordable housing for the primary purpose of facilitating residents to own their own home, and then restrict the numbers by selling to landlords who will profit and leave residents with no option but to rent a property - we should make as much housing as possible available for purchase to facilitate people getting on the property ladder.</p>	<p>All new homes should have regard to the Council's residential design guidance, this includes market and affordable homes. The colours of materials and type would be considered through a planning application, however the standard of materials is not a planning matter. All new homes should accord with Building Regulations. Considerations to restrict further works to developments would be considered on a case-by-case basis and would not be relevant for this SPD.</p> <p>The Council are unable to restrict the number of homes that are purchased and rented by private landlords.</p>
15	Pegasus on behalf of Redrow Homes	Section 4 (Evidence)	<p>The South Essex Strategic Housing Market Assessment (SHMA) referred to in Section 4.1 was prepared over six years ago in support of the now withdrawn Local Plan 2018. The SHMA addenda published in 2017 and 2020 took into account more recent data in some respects, but did not constitute a full review. This is therefore a dated evidence base and should be updated for a more accurate and current picture of the Borough's affordable housing needs and requirements. Indeed, it is understood that work on the New Local Plan, expected to commence January 2023, will include gathering new evidence on local housing needs. It is unclear from this consultation document how the SPD will take this new evidence into account. Any material change in the evidence base supporting the SPD should result in further public consultation.</p> <p>At 4.1.1, reference is made to the Council holding specific information on housing needs on the Council's housing register. This information should be published in some form as evidence to support the stance that is being taken in this document, in respect of affordable housing requirements.</p> <p>At 4.2.1, reference is made to the CIL Viability Assessment (August 2021) being based on the Infrastructure Delivery Plan. It is assumed this refers to both the Infrastructure Delivery Plan (September 2020) and subsequent Addendum (May 2022). The 2020 version of the IDP focused on growth expected to come forward as a result of the withdrawn Local Plan 2018. As this IDP was prepared to deliver local plan growth that it is now unclear will come forward, the validity of continuing to rely on the IDP as evidence for securing developer contributions is questioned. In addition, despite the IDP Addendum being issued post withdrawal of the Local Plan, this continues to refer to sites allocated by the withdrawn Local Plan as well as sites allocated by the adopted Local Plan 1998.</p> <p>We strongly agree with the point made at 4.1.4. regarding sustained under delivery of affordable homes. It should be stressed that the affordable housing need identified in the SHMA (353 homes per annum for the period 2014/15 to 2018/19 and thereafter 291 homes per annum up to 2035/36) is the minimum amount of affordable homes that need to be delivered in the Borough. As mentioned above, the SHMA is dated and it is therefore very likely that the scale of affordable need has been underestimated. It should also be taken into account that the withdrawal of the Local Plan 2018 means the Borough's shortfall in delivering affordable homes will have continued to accrue, requiring a greater level of affordable housing delivery if the shortfall is to be recovered.</p>	<p>It is recognised that the SHMA evidence base is slightly dated. As a consequence of this, the affordable housing mix requirement is based on the Council's housing register for affordable rented products. In terms of affordable home ownership routes, the SPD allows for flexibility where a developer can provide evidence of the deviation from the mix. This is considered sufficient to account for market changes since the SHMA was published. Where necessary and as a consequence of the work to support the new Castle Point Plan, there may be a need to update this mix, if appropriate that would be undertaken at a later date following the evidence.</p> <p>In relation to the Council's housing register, this is published under table 5.1 of the SPD, this of course changes based on the households on the register and the table is a point in time. Applicants can be given up to date information at the time of an application.</p> <p>In terms of the viability evidence and IDP, this evidence has been updated through the CIL examination process to account for the withdrawn local plan. It is considered that this evidence base can support infrastructure provision for sites that can come forward for development under the adopted local plan.</p> <p>It is recognised that viability studies reflect a point in time and market forces can change the outcomes. As a consequence of this section 6.2 of the Cover Document highlights where a review may be necessary, which includes where 'the SPD is insufficiently effective in enabling developer contributions'. This is considered sufficient to account for any changes.</p>
15	Pegasus on behalf of Redrow Homes	Section 5.2	<p>The circumstances in which exemptions for the applications listed at 5.2.1. will apply requires clarification. The section as currently drafted is too ambiguous in its wording, as it implies there are times when the exemptions will not apply. It should not be left to the Council's discretion to determine when exemptions will not apply, as this raises uncertainty. The section should instead state that the exemptions will always apply; if the Council has</p>	<p>AMENDMENT – paragraph 5.2.1 <i>Affordable housing will not normally be sought for the following:...</i></p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			specific circumstances in which the exemptions will not apply, these should be clearly stated and the opportunity provided for negotiation and discussion between the Council and applicants as to whether exemptions should or should not apply.	
15	Pegasus on behalf of Redrow Homes	Section 5.3	No concerns were raised over the affordable housing requirement of 35% on development sites providing 10 or more units based on the current evidence.	Comments are noted.
11	Mrs Debbie Kemp	Section 5.4	This representation did not support the proposed affordable housing tenure mix in the SPD. It stated the following: I'd like to see a higher percentage of affordable home ownership products, paying rent to landlords will not facilitate more families being able to own their own home.	The support for a higher level of affordable home ownership products is noted. The tenure split proposed in the SPD provides routes for home ownership and the affordable-rented products helps provide affordable homes for households on the Council's housing register, both are essential to meeting different affordable housing needs.
15	Pegasus on behalf of Redrow Homes		This representation did not support the proposed affordable housing tenure mix in the SPD. It stated the following: The SPD provides no evidence in support of this proposed tenure mix, which amounts to a split of roughly 71% affordable rent and 29% other affordable home ownership products. This differs from the Council's current SPD which requires a 50:50 splits between affordable rent and other home ownership products. The reason for this change, and the evidence supporting this change, should be provided for assessment before comment can be provided as to whether the affordable housing tenure mix proposed by section 5.4 is appropriate. The proposed affordable home ownership tenure should allow for at least 25% of the affordable housing provision to be comprised of First Homes, in accordance with current national planning guidance. The split of 71:29 does not allow this provision without actively resulting in a significant reduction in shared ownership homes. Shared ownership is an important affordable housing tenure, providing an affordable route towards home ownership. Table 4.1 shows that the delivery of intermediate (shared ownership) tenure homes has lagged even more than that of social and affordable rent. A continuation of the 50:50 tenure split would therefore be more appropriate in meeting the unmet tenure needs for other affordable home ownership products. The allowance at 5.4.7 for a variation in the tenure mix if needed is acknowledged, however this is not considered to be sufficient given there is ambiguity as to the circumstances in which a variation in the tenure mix will be accepted by the Council. Clarification should be provided as to the evidence that developers will be expected to provide in support of a site's affordable housing tenure mix. The evidence expected should be reasonable and proportionate.	The government through the planning practice guidance highlighted that First Homes are the preferred discounted market tenure and should account for 25% of all affordable housing units delivered by developers (Paragraph: 001 Reference ID: 70-001-20210524). This SPD through the proposed tenure split allows both the implementation of 25% of affordable housing products to be First Homes and that these products will be the majority of discounted market tenure homes. In terms of evidence, it is agreed that there has been a sustained under delivery of affordable homes within the borough for different types of affordable home products, as apparent through table 4.1 within the SPD. The tenure split set is considered appropriate based on the sustained level of households on the Council's housing register at around 500-600 households and planning guidance. For the reasons set out above there are no proposals to amend this tenure split. The SPD allows for a review of this SPD, where it is found that delivery of affordable homes does not meet the needs within the area or is undeliverable. In addition, paragraph 8.1.2 sets out what information developers can provide for productive discussions on affordable housing.
15	Pegasus on behalf of Redrow Homes	Section 5.5	This representation did not support the proposed housing mix in the SPD. It stated the following: The affordable housing mix set out in the above table is acknowledged as the illustrative guide that should be referred to. However, this is a district-wide housing mix and 5.5.3. makes an important point in acknowledging that site specific factors play an important part in informing the final housing mix for a site. As stated in the table above, it is considered appropriate for the housing mix set out in the above table to constitute the starting point only, with the specific mix to be reached in consultation with the Council and its housing team. This will allow the latest housing need data to be taken into account, as well as local market factors rather than relying on a housing mix that is based on district-wide data and relates to a specific point in time.	It is recognised that the SHMA evidence base is slightly dated. As a consequence of this, the affordable housing mix requirement is based on the Council's housing register for affordable rented products. In terms of affordable home ownership routes, the SPD allows for flexibility where a developer can provide evidence of the deviation from the mix. This is considered sufficient to account for market changes since the SHMA was published. Where necessary and as a consequence of the work to support the new Castle Point Plan, there may be a need to update this mix, if appropriate that would be undertaken at a later date following the evidence. The wider market housing mix is separate to this SPD.
15	Pegasus on behalf of Redrow Homes	Paragraph 5.5.1	The evidence base documents that are referred to as supporting the required affordable housing mix should be specifically referenced in this paragraph. As previously mentioned, the fact that the current evidence base, in particular the SHMA, is dated should be acknowledged.	It is agreed that the evidence base could be referenced and the following amendment is proposed: AMENDMENT <i>The evidence base (SHMA 2016, SHMA Addendum 2017 and SHMA Addendum 2020) indicates that there is a clear need for a diverse mix of house sizes and types in Castle Point in order to respond to demographic trends in the borough including an increasing number of</i>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
				older people. By securing an appropriate mix of homes on development sites, these needs can be met.
15	Pegasus on behalf of Redrow Homes	Paragraph 5.6.1	Paragraph 5.6.1. is unclear, as at 5.5.1. it is stated that there is a clear need for a diverse housing mix "in order to respond to demographic trends in the borough including an increasing number of older people". Paragraph 5.6.1. should be clarified as to whether it is stating that a need for specialist accommodation for older people has already been identified and further evidence is not required.	AMENDMENT to paragraph 5.5.1 <i>The evidence base (SHMA 2016, SHMA Addendum 2017 and SHMA Addendum 2020) indicates that there is a clear need for a diverse mix of house sizes and types in Castle Point in order to respond to demographic trends in the borough including an increasing number of older people. By securing an appropriate mix of homes on development sites, these needs can be met.</i>
15	Pegasus on behalf of Redrow Homes	Paragraph 5.10.3	Relating to vacant building credit is negatively worded and is inconsistent with national policy and the planning practice guidance. The paragraph should be re-worded to clarify that the vacant building credit will be automatically applied to relevant vacant buildings that are either re-used or demolished. This includes any scale of brownfield development, as the objective of the policy is to provide an incentive for developing brownfield land. The proposition at 5.10.4. that vacant building credits should not be applied to viable schemes is not a reasonable factor to consider when determining the application of building credits.	This representation is noted and the following modification is proposed to be clearer and consistent with national guidance: AMENDMENT Vacant building credit will not automatically be applied. <i>The intention of vacant building credit is to incentivise brownfield development and the re-use of vacant buildings so only relevant buildings will be considered as being able to generate vacant building credit.</i>
15	Pegasus on behalf of Redrow Homes	Section 6	In terms of completion of all affordable housing before 80% of the market housing is completed. The practicalities of meeting this requirement on a major site may make this difficult, such as where the 20% 'remaining' market housing still constitutes a large quantum of homes - meaning the affordable homes would be built and potentially occupied while within a building site. The practicalities of transferring serviced land before 40% of market homes are occupied is again a requirement that would be onerous on a large site, given the significant costs involved in providing serviced land. This could be suitably addressed by allowing the relevant thresholds to be reviewed on a site by site basis to ensure it is an appropriate threshold to be applied. In terms of 6.6.3. this would require clear wording of obligations to allow phasing to be agreed first. The exact phasing of sites is usually not known at the stage that a Section 106 is agreed. Ensuring a sequential link between agreement of phasing, and then agreement of affordable housing delivery within each phase would mean a logical process is followed.	The thresholds set out in section 6 are not considered to be unreasonable. Allowing 80% of market homes to be completed before all affordable housing has been constructed, transferred or leased to the Registered Provider, allows sufficient cash flow before the remaining 20% of homes are completed and obtained as profit. In terms of the serviced land, the requirement is for the land to be serviced and transferred before the market housing has been constructed rather than occupied as stated within the representation. This is not considered unreasonable and practicalities of this can be planned from the outset.
11	Mrs Debbie Kemp	Section 6.4	What provision has been made for a crash in the housing market? Will the pre-agreed cost of affordable housing be re-negotiated to reflect revised market rates to avoid the risk of (a) negative equity (b) a scenario where affordable homes are more expensive than standard market homes	The viability study supporting the SPD and CIL has contingencies for changes to market which have been factored into the costs. Where developers determine that schemes are not viable they will need to provide a full viability report by an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant. Only then, if accepted by the Council, would a deviation from the developer contributions set out in the SPD be allowed.
11	Mrs Debbie Kemp	Section 7	I don't think this option should be available to developers - it is a 'get out' clause which will not benefit (a) those in need of affordable homes (b) the wider community who will likely see an additional area of land (over and above that identified in the local plan) being usurped for housing. Residents are having enough trouble coming to terms with their land being surrendered for development in the local plan, there will be fierce resentment to any additional land being used to meet housing quotas that developers failed to meet in their original proposals.	On-site provision of affordable housing is the preferred delivery of affordable housing, however in some instances this may not be appropriate. Where every opportunity is used to provide on-site affordable housing but this is not possible for a variety of different reasons financial contributions in lieu of that will be suitable, this contribution could reasonably be used by the Council to provide affordable housing.
12	Essex County Council (ECC)	General comments	ECC recommends that reference be given to the Essex Housing Strategy. ECC also recommends that the SPD includes reference to the ECC Developers Guide and in particular Appendix K which provides details on the characteristics of suitable sites/ buildings for older people and adults with learning disabilities. ECC support section 5.6 – Specialist Accommodation.	This SPD should be read in conjunction to the Cover Document, the Cover Document clearly links to the Essex Developers Guide, therefore it is considered unnecessary to duplicate this information within this SPD.

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			ECC support the use new build targets set out in the ECAC 'Net zero: Making Essex Carbon Neutral' report (2021). This recommends that ' <i>New homes and all new commercial buildings granted planning permissions to be net zero carbon by 2025 and carbon positive by 2030</i> '. 	

Table 3: Healthcare Facilities

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
15	Pegasus on behalf of Redrow Homes	Section 2	<p>This representation did not agree with the approach for collecting developer contributions for healthcare facilities in the SPD. It stated the following:</p> <p>As with other sections, clear articulation is needed on how S106 contributions will avoid any potential 'double counting' with CIL. While the NHS Estates Plan is referred to elsewhere, a clear link is needed in Sections 2.2 and 2.3 to that Plan so it is clear what infrastructure is being funded. This is especially important given the most recent NHS Estates Plan is from 2018.</p> <p>Paragraph 2.2.1. states that developers will be expected to build the healthcare facility in addition to providing land for the facility. An allowance should be made for construction costs when calculating Section 106 calculations and overall viability to ensure an appropriate accounting of development costs. Mechanisms should also be in place to ensure requiring construction of a healthcare facility by the developer is not held up by the healthcare provider, in terms of agreeing specifications, securing detailed permission and other matters.</p>	<p>It is agreed that the differentiation between CIL and Section 106 could be clearer within this document, an amendment is therefore proposed below:</p> <p>AMENDMENT</p> <p><i>Contributions to be collected through CIL, where Section 106 contributions have not been made CIL will help deliver improvements to healthcare infrastructure as per the actions set out in the NHS Estates Plan for Castle Point. This will be utilised where those actions address the impacts of any growth arising in the borough.</i></p>
07	NHS – Mid and South Essex Integrated Care System	General comments	<p>Support was made to the intention of the SPD.</p> <p>Amendments are recommended to the text within the document to ensure that it reflects the current position. References to the health system in the document should be updated to reflect the new structures implemented in July 2022 that introduced the integrated care system. In addition, it is requested that reference is made to the need to mitigate development impacts on secondary care, community care and ambulance service and to explain that methodologies for calculating these are being developed.</p>	<p>Support for the SPD is noted.</p> <p>AMENDMENT – paragraph 1.2.3</p> <p><i>The provision and commissioning of primary and secondary healthcare services is the responsibility of the <u>Mid and South Essex Integrated Care System (ICS)</u> which was established in 2022 Clinical Commission Groups (CCG) in liaison with NHS England and NHS Improvement. The Castle Point and Rochford CCG Mid and South Essex ICS maintain a strategy for the delivery of high-quality healthcare services within the area.....</i></p> <p>AMENDMENT – Paragraph 1.2.5</p> <p><i>New homes will increase pressure of existing provision, creating additional demand for healthcare services. As appropriate, new development proposals will therefore be asked for contributions towards the provision of healthcare facilities. <u>Methodologies for calculating how development will mitigate secondary care, community care and the ambulance service are being developed.</u></i></p>
12	Essex County Council (ECC)		<p>ECC recommends that the SPD provides further advice on healthy place-making with reference to the Active Design principles embedded throughout the Essex Design Guide. It is also recommended that the SPD signposts to Health Impact Assessments (HIAs) as this will ensure that greater consideration is given to what needs to be considered when looking at health, wellbeing and the environment, to ensure there is a wider focus than just primary healthcare provision and general practice.</p>	<p>While the Active Design principles within the Essex Design Guide and use of Health Impact Assessments (HIAs) help provide active and healthy places, the purpose of this SPD is to set out how health infrastructure will be delivered through developer contributions. The use of HIAs and Active Design principles and creating healthy places will be looked at in more detail through the preparation of the Castle Point Plan. The Council will engage with ECC at this time through the creation of local plan policies.</p>
16	CODE on behalf of This Land		<p>CODE's only comment in relation to the Healthcare Facilities DPD is to query whether the NHS has been consulted in the drafting of the document. The document states that "Where the NHS has identified a need for a new healthcare facility on site, the developer will be expected to provide land and build the facility."</p> <p>CODE notes the now withdrawn policy HO13 which only ever expected the provision of land for a new healthcare facility, and previous meetings with the NHS have not highlighted a desire or requirement from them to construct the facility directly. Indeed, there is a significant amount of work to be undertaken by the NHS before it can consider procuring a site for the provision of a new healthcare facility, and therefore CODE would be grateful for clarification that the NHS has been appropriately consulted in the preparation of this document, and that their require</p>	<p>The NHS were consulted on the SPD, and the wording for the document have been based on previous discussions with the NHS.</p>

Table 4: Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
12	Essex County Council (ECC)	Paragraph 2.1.2	Whilst the Guide is a material consideration when considering development proposals, it does not form part of the adopted Castle Point Local Plan and therefore the requirement 'to be in accordance with' is not justified. ECC recommend paragraph 2.1.2 is amended to refer to 'have regard to' as follows: <i>Planning obligations for infrastructure that is provided for by ECC will be sought <u>having regard to the</u> in accordance with ECC's Developers' Guide to Infrastructure Contributions</i>	AMENDMENT <i>Planning obligations for infrastructure that is provided for by ECC will be sought <u>having regard to the</u> in accordance with ECC's Developers' Guide to Infrastructure Contributions</i>
12	Essex County Council (ECC)	General comments	ECC recommend reference is made to the 'Position Statement April 2021 Essex County Council Developers' Guide to Infrastructure Contributions 2020: Cost of contributions to Early Years and Childcare Facilities', as outlined in Appendix 1. This updates the costs for Early Years and Childcare places contained in the published Guide to mirror primary school places as recommended in the DfE's guidance 'Securing developer contributions for education' (Nov 2019, see point 16, pg10).	AMENDMENT – insert new paragraph after 2.1.3 <u>The cost of Early Years and Childcare places have been updated to reflect the published DfE's guidance 'Securing developer contributions for education' (Nov 2019, see point 16, pg10). Therefore, regard should be made to ECC's Position Statement April 2021 Essex County Council Developers' Guide to Infrastructure Contributions 2020: Cost of contributions to Early Years and Childcare Facilities'.</u>
09	The British Horse Society		To avoid injury to horseriders if they were to fall off a horse, hard, rocklike grades of surfacing should be avoided. Patch surfacing and wider paths suitable for multiple users are preferred for safety. Reference was made to a current planning application and how Section 106 contributions should be sought to provide multi-user routes.	This SPD does not deal directly with the type of material that should be used within development. This would be dealt with within a planning application and based on guidance from the Highways Authority.

Table 5: Playing Pitches and Indoor Built Facilities

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
03	Sport England	Paragraph 2.1.2	It should be clarified that the Playing Pitch Calculator and the Sport Facility Calculator will be used to estimate the demand for playing pitches and indoor sports facilities that may be generated by a new population as this is the principal purpose of the calculators. The calculator can then also be used for identifying the current capital cost of meeting this demand which can then be used for informing the amount of any financial contributions that are secured. This amendment would help clarify that the main purpose of the calculators is to estimate the demand generated for sports facilities to avoid potential misinterpretation that the sole purpose of the calculators is to determine developer contributions.	It is agreed that an amendment could be made to clarify that the costs associated with the playing pitch and sport facility calculators are associated to new population rather than just associated to developer contributions. The following modification is therefore proposed: AMENDMENT <i>Sport England have a Playing Pitch Calculator and a Sport Facility Calculator. These tools will be used to <u>estimate the demand for playing pitches and indoor sports facilities that may be generated by a new population.</u> clarify the contributions that will be sought from development <u>The calculator can also be used for identifying the current capital cost of meeting the demand associated with the new population from a particular development site which can then be used for informing the amount of any financial contributions that are secured.</u> Based on the net number of dwellings that are being built these tools will calculate the increase in population and generate the costs associated with growth for the various sports.</i>
15	Pegasus on behalf of Redrow Homes	Paragraph 2.1.4	Clarification should be provided in 2.1.4. on the definition of a 'larger family home'.	It is agreed that an amendment could be made to provide greater clarity on where a 2.5 household assumption could be made. Therefore, the following modification is proposed: AMENDMENT <i>For a residential scheme providing <u>a greater mix of homes which include larger family homes of three or more bedrooms</u> a 2.5 person house assumption may be used within the above formula.</i>
16	CODE on behalf of This Land	Sections 2.2. and 2.3	This representation highlighted that it may not be appropriate for all developments to provide on-site provision, where large enough, and highlighted that the SPD could be clearer and more flexible in stating that off-site provision of sports facilities may be appropriate.	It is agreed that an amendment could be made to provide greater clarity on where off-site sport facility provision may be appropriate. Therefore, the following amendment is proposed. AMENDMENT – Paragraph 2.3.1 <i>Where development does not generate a need for new sporting provision on-site <u>or off-site provision is preferred to enhance existing provision and increase capacity</u>, contributions will be sought in accordance with section 2.1 for off-site provision. This could include improvements to existing sporting facilities.</i>
03	Sport England	General comments	Support was stated for the Council's approach to securing playing pitch and indoor sports facility provision in the SPD, including the evidence base, the use of the Playing Pitch and Sport Facility Calculator and other provisions within the SPD.	Support for the SPD is noted.



CASTLE POINT BOROUGH COUNCIL

ADOPTION STATEMENT

Notice of the adoption of the Developer Contributions Guidance – Cover Document Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Cover Document Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Cover Document SPD focuses on how developer contributions will be obtained, implemented, monitored and enforced. It provides overarching guidance to how the Council will draft Section 106 Agreements. The DCG – Cover Document SPD is part of the wider DCG SPD Library which provide greater detail to the developer contribution requirements for the specific infrastructure types.

The draft DCG – Cover Document SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Cover Document SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Clarification/wording changes to align with national policy in respect of flood risk, the biodiversity hierarchy
- Reference to the needs of the emergency services
- Clarifications that reflect the roles and policies of partner organisations
- Other minor typos and corrections

More details on the modifications made to the DCG – Cover Document SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Cover Document SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Cover Document SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Cover Document SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Cover Document SPD.

For further information please refer to:

- The Council's website: www.castlepoint.gov.uk/

Or contact Planning Policy:

- By email: planningpolicy@castlepoint.gov.uk
- By telephone: 01268 882200

Angela Hutchings

Chief Executive

(ADOPTION DATE)



CASTLE POINT BOROUGH COUNCIL

ADOPTION STATEMENT

Notice of the adoption of the Developer Contributions Guidance – Affordable Housing Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Affordable Housing Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Affordable Housing SPD focuses on how developer contributions will be calculated, obtained, implemented and monitored for affordable housing. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will implement developer contributions.

The draft DCG – Affordable Housing SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Affordable Housing SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Minor clarification in respect of the evidence base
- Minor clarification in respect of the application of vacant building credit
- Other minor typos and corrections

More details on the modifications made to the DCG – Affordable Housing SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Affordable Housing SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Affordable Housing SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Affordable Housing SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

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Angela Hutchings

Chief Executive

(ADOPTION DATE)



CASTLE POINT BOROUGH COUNCIL

ADOPTION STATEMENT

Notice of the adoption of the Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Healthcare Facilities Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Healthcare Facilities SPD focuses on how developer contributions will be calculated, obtained and implemented healthcare facilities. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will implement developer contributions.

The draft DCG – Healthcare Facilities SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Healthcare Facilities SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Clarifications regarding the details and policies of partners
- Reference to the emergency services
- Clarification that S106 will not be collected for projects being funded by CIL

More details on the modifications made to the DCG – Healthcare Facilities SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Healthcare Facilities SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Healthcare Facilities SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Healthcare Facilities SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

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Angela Hutchings

Chief Executive

(ADOPTION DATE)



CASTLE POINT BOROUGH COUNCIL

ADOPTION STATEMENT

Notice of the adoption of the Developer Contributions Guidance – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD focuses on how developer contributions will be obtained for infrastructure provided for by Essex County Council. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will draft Section 106 Agreements.

The draft DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). No modifications have been proposed to the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD in response to the consultation.

More details on the consultation responses made in respect of the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Highways, Travel, Education, Libraries,

Flooding and Drainage Infrastructure SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

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Angela Hutchings

Chief Executive

(ADOPTION DATE)



CASTLE POINT BOROUGH COUNCIL

ADOPTION STATEMENT

Notice of the adoption of the Developer Contributions Guidance – Playing Pitches and Indoor Built Facilities Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Playing Pitches and Indoor Built Facilities Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Playing Pitches and Indoor Built Facilities SPD focuses on how developer contributions will be calculated, obtained and implemented for sporting facilities. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will implement developer contributions.

The draft DCG – Playing Pitches and Indoor Built Facilities SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Playing Pitches and Indoor Built Facilities SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Clarification that the calculators reflect to new population as opposed to the development
- Clarification that 2.5 person households will be assumed in relation to developments comprising a high proportion of 3 and 4 bedroom homes
- Clarification around when off-site provision may be acceptable

More details on the modifications made to the DCG – Playing Pitches and Indoor Built Facilities SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Playing Pitches and Indoor Built Facilities SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Playing Pitches and Indoor Built Facilities SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Playing Pitches and Indoor Built Facilities SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Playing Pitches and Indoor Built Facilities SPD.

For further information please refer to:

- The Council's website: www.castlepoint.gov.uk/

Or contact Planning Policy:

- By email: planningpolicy@castlepoint.gov.uk
- By telephone: 01268 882200

Angela Hutchings

Chief Executive

(ADOPTION DATE)



CASTLE POINT BOROUGH COUNCIL

REVOCATION NOTICE

Notice of the revocation of the Adopted Developer Contributions Guidance Supplementary Planning Document 2008

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

**The Town and Country Planning Act (Local Planning) (England) Regulations
2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally revoked the Adopted Developer Contributions Guidance Supplementary Planning Document 2008 on **DATE**

In accordance with Regulation 15 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) this Revocation Statement has been made available to view on the Council's website at **WEBSITE LINK**. A Paper copy is also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Revocation Notice will be sent to all parties who have asked to be notified.

For further information please refer to:

- The Council's website: www.castlepoint.gov.uk/

Or contact Planning Policy:

- By email: planningpolicy@castlepoint.gov.uk
- By telephone: 01268 882200

Angela Hutchings

Chief Executive

(REVOCATION DATE**)**

CABINET

15th March 2023

Subject: Corporate Performance Scorecard Quarter 3 2022/23

Cabinet Member: Councillor Cole - Special Projects

1. Purpose of Report

To set out the performance figures for the Corporate Performance Scorecard for Q3 2022/23.

2. Links to Council's priorities and objectives

The scorecard is explicitly linked to the Council's priorities.

3. Recommendations

That Cabinet notes the report and continues to monitor performance.

4. Background

4.1 The corporate scorecard reports on performance indicators for important service outcomes that are relevant to the Council's priorities.

4.2 The indicators and targets for the corporate performance scorecard for 2022/23 were approved by Cabinet in October 2022.

5. Report

5.1 Summary of performance

5.1.1 Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard, together with trend data and commentary on performance.

5.1.2 Of the 23 indicators reported, 18 are at or above target, a further 4 are near target and 1 indicator is below target. Trend in performance shows that there is improving performance in 10 indicators, declining performance for 10 indicators and performance levels maintained for 3 indicators.

5.1.3 Performance is set out against the four priorities in the new corporate plan as follows:

Economy & Growth

The indicators under this priority area are annual indicators and will be included in the Q4 2022/23 report.

People

The Homelessness performance indicator is split into two parts and looks at the success rate of the homelessness team in preventing and relieving homelessness. Year-to-date at the end of Q3, the service secured accommodation for just under 7 out of every 10 households to whom the Council owed a Prevention duty and over 5 out of 10 households owed a Relief duty. Prevention performance is above target and higher than at the same time last year. Relief performance is also above target and higher than over the same period last year.

Satisfaction with Leisure Services is measured by a Net Promoter Score which can range from -100 (where everybody is a detractor and would not recommend the service) to +100 (where everybody is a promoter and would recommend the service). Both Waterside Farm and Runnymede Leisure Centres scored well over the quarter (78 and 76, respectively), both on target although lower than at the same time last year. Feedback received at Waterside Farm Leisure Centre indicated some dissatisfaction with the number of available car parking spaces. A further 28 spaces have been created and the service is considering further extension of the main car park. It should be noted that nationally, leisure facilities score around 40-45 for Net Promoter Score.

At the end of Q3 2022/23, there were 3,890 leisure members, a reduction from the previous quarter but higher than at the same time in the previous year. There were a number of cancellations in October following increases to the gas and electric price cap. However, the service is confident on hitting the year-end target with memberships recovering in the final quarter.

97% of rated food premises (473 out of 487) were classified as 'broadly compliant' with food regulations, having been awarded 3 stars or above on the Food Hygiene Ratings Scheme.

Place

Tenant satisfaction with repairs and maintenance is reported monthly by the Council's contractor. All jobs are rated out of 10 with anything below 7.5 considered as dissatisfied. At the end of Q3, satisfaction was 95.8% which is fractionally below target, and slightly lower than the same period last year. Within this period, there were just 3 tenants who were dissatisfied. On void turnaround times, performance has improved, compared with the same period last year, to an average of 17.2 days, including one hard-to-let property (which impacts negatively on performance).

Performance data on planning performance comes from official Government statistics. Data to the end of December 2022 is not yet available and so commentary below reflects performance to the end of September 2022 but with some updates on staffing and progress reducing backlog. The percentage of planning applications processed within target times has two measures – one for major and one for non-major applications – and gives a longer-term view of performance, looking over a rolling two-year period. Nationally set standards have

been comfortably achieved (note that these have been reduced by Government from 80% to 60% for major applications and 80% to 70% for non-major applications).

Since April 2022, the service lost a number of staff members and, as a result, was operating between April and August with a significant staffing shortage. This led to a drop in the number of applications that the team were capable of processing, and the backlog was managed by keeping agents/applicants informed of progress through regular contact.

Despite this severe lack of resources and pressure from a large number of applications, the service has still managed to operate above the nationally set minimum performance standards and, for the most part, feedback of how the delays have been handled has been positive.

During the Autumn, the service managed to recruit five new team members, to fill the vacant posts, and who have started to help bring down the backlog of out-of-time applications whilst also determining a great many new applications in time.

Existing staff have also gone above and beyond to train new team members and ensure their more complex caseloads are also being addressed. Since the start of September the backlog of applications has more than halved from over 80 to under 30 applications.

The service will continue to manage this backlog and update agents/applicants whilst working towards maintaining and improving our current performance levels. The team continues to work on a number of major applications have been recently received and which will impact upon the capacity of the existing team.

Environment

The total recycling and composting rate at the end of Q3 2022/2023 is 47.93% (interim calculation, subject to change) which is just below the target and a slight decline in performance compared to last year. Dry recycling was 21.77 % (+1.17% compared to the previous year) and composting (inc. food waste) was 26.16% (-2.31% compared to the previous year). In Q1 our recycling had improved compared to the previous year and the forecast was optimistic for the remainder of the year, that was if the green waste tonnages had remained similar to previous years. However, green waste represents a significant percentage of recycling, and the dry summer has impacted the green waste tonnages and the overall recycling rate.

There has been a slight increase in litter levels this quarter, despite the percentage of streets deemed to be unsatisfactory (9.03%) remaining better than the contractual target of 10%. The Council continues to work with the Street Cleansing Contractor to identify the worst areas so that action can be taken to reduce litter levels.

As expected, coming into the winter months, no defaults needed serving in relation to highway grass verge cutting and the number of service requests were minimal.

99% of fly tips were removed within one working day over the quarter. Just one fly tip was not removed within timescales in the contract specification, resulting in a financial default being served on the contractor. Levels of fly tipping continue to be low.

Enablers

The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office. This is above target and maintains a consistently high level of performance.

The number of subscribers to the wheeled bin garden waste collection service was 14,220 at the end of Q3 2022/23. In general, at this stage of the year, we see a levelling off of the number of residents who would want to register for the service, with very few if any new subscribers in Q4. The surge in new subscribers was observed during the Covid-19 lockdown and similar profiling led to an optimistic target of 14,750 subscribers by year-end. However, subscriber numbers began to plateau in Q2 and Q3 confirms this. Therefore, the year-end target is very likely to be missed.

The sickness absence indicator has been split between short-term and long-term (4 calendar weeks or more) with targets adjusted upwards to reflect higher levels in 2021/22 compared with 2020/21. At 5.5 days, short-term absence is off target although remains stable. Long-term sickness absence is 6.2 days, off target and has also increased from the previous quarter. Main causes of short-term absence are infections (Covid, colds and flu). A very small number of employees are on long-term sickness absence with mental health being the main reason.

The Council is keen to encourage members of the public and businesses to transact with the Council online. The “channel shift” indicators cover the numbers signed up to the e-billing service for council tax and business rates and a measure of Council Tax transactions using online forms (called Open Channel). The number of customers signed up to the e-billing service was 9,569 which is improvement since the last quarter and is higher than for the same period last year. Performance has now exceeded the annual target figure and is expected to increase further during Q4 following the release of the annual bills. Performance for use of Open Channel online forms is above target in respect of Q3 with 1,565 transactions being made by online forms. This is a reduction on the performance in comparison with 2021/22 - this is as a result of a refresh of the Council Tax web pages and increased usage of a new suite of more customer friendly online forms rather than Open Channel.

The average time to process housing benefit claims is split into new claims and change of circumstances. For new claims, performance has improved from the same period last year and is better than the target set (20 days against a target of 21 days). Change of circumstances over the quarter were processed in 4 days, better than target and an improvement in performance compared with the same period last year.

6. Corporate Implications

a. Financial implications

Good performance on some indicators can lead to reduced costs.

b. Legal implications

There are no direct legal implications.

c. Human resources and equality

There are no direct human resource or equality implications.

d. Timescale for implementation and risk factors

Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

7. Background Papers: None

Report Author: Ben Brook bbrook@castlepoint.gov.uk

Corporate Performance Scorecard

Quarter 3 2022/23

Appendix 1



Economy and Growth

Annual indicators (reported at Q4):

- E&G001 (NEW): Gross Value Added (GVA) per head
- E&G002: Number of businesses operating in Castle Point
- E&G003 (NEW): Average workplace-based earnings per week
- E&G004 (NEW): Average resident earnings per week
- E&G005 (NEW): Percentage of the working-age population with NVQ Level 4+
- E&G006: Number of apprenticeship starts in the Borough

People

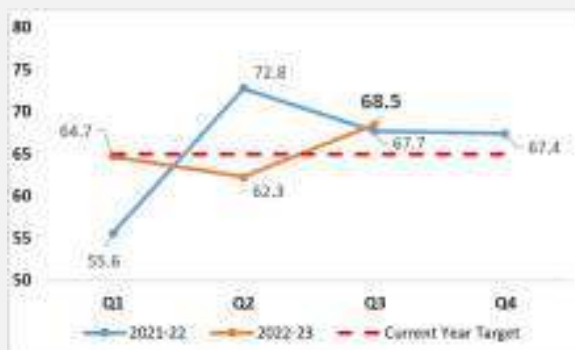
HOT021a: Percentage of homelessness *prevention* duties which ended during the quarter with a successful outcome

On target 

Improving 

Target
65%

Latest Performance
68.5%



Up to the end of Q3, the prevention duty ended for 89 households of which we secured housing for 61 households (68.5%) which is above target and higher than at the same period last year.

National average for prevention is around 55%.

HOT021b: Percentage of homelessness *relief* duties which ended during the quarter with a successful outcome

On target 

Improving 

Target
45%

Latest Performance
55.5%



Up to the end of Q3, the relief duty ended for 119 households of which we secured housing for 66 households (55.5%) which is above target and higher than the same period last year.

National average for relief is around 39%.

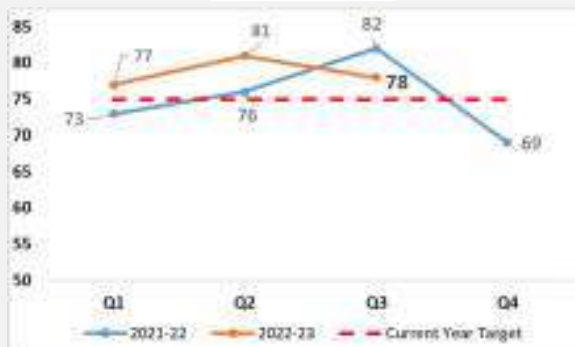
L001a: Leisure satisfaction – Net Promoter Score (NPS) Waterside Farm

On target 

Declining 

Target
75

Latest Performance
78




The NPS at Waterside Farm the end of Q3 2022/23 was 78, above target although slightly lower than over the same period last year.

Feedback received indicated some dissatisfaction with the number of available car parking spaces. A further 28 spaces have been created and the service is considering further extension of the main car park.

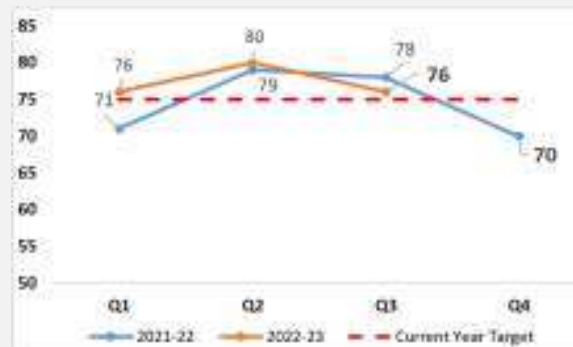
L001b: Leisure satisfaction – Net Promoter Score (NPS) Runnymede

On target 

Declining 

Target
75

Latest Performance
76



The NPS at Runnymede the end of Q3 2022/23 was 76, above target although slightly lower than over the same period last year.

It should be noted that nationally leisure facilities typically score around 40-45 for NPS.

People

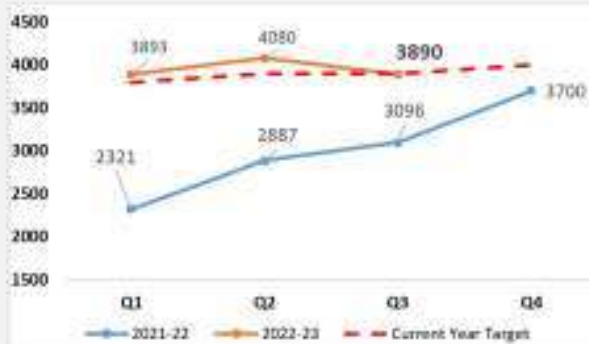
L003: Leisure Memberships

On target 

Improving 

Target
4,000
(by year end)

Latest Performance
3,890



At the end of Q3 2022/23, there were 3,890 leisure members, a reduction from the previous quarter but higher than at the same time in the previous year.


There were a number of cancellations in October following increases to the gas and electric price cap. However, the service is confident on hitting the year-end target with memberships recovering in the final quarter.

Annual indicators (reported at Q4):

- PE001: Percentage of people who agree that there is a strong sense of community in their local area
- PE003: Proportion of people participating in physical activity
- LCT13: Proportion of people who feel safe after dark
- PE006 (NEW): Life Satisfaction Score

EH002: Percentage of food premises that are awarded a score of at least 3 on the food hygiene rating scheme

On target 

Maintained 

Target
95%

Latest Performance
97%



473 out of 487 rated premises were classified as 'broadly compliant' with food regulations, having been awarded 3* or above on the Food Hygiene Ratings Scheme.

This is consistent with the same period last year and above target.

Place

HOS001: Overall tenant satisfaction with repairs and maintenance

Near target

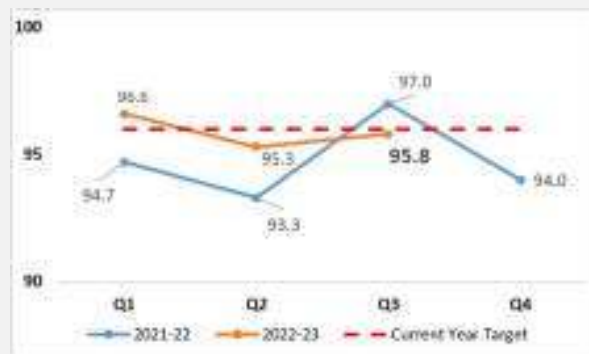


Declining



Target
96%

Latest Performance
95.8%



All jobs are rated out of 10 with anything below 7.5 considered as dissatisfied.

At the end of Q3, satisfaction was 95.8% which is fractionally below target, and slightly lower than the same period last year. Within this period, there were just 3 tenants who were dissatisfied.

HOS006: Average Void Turnaround Time

On target



Improving



Target
20 days

Latest Performance
17.2 days



At 17.2 days, there has been a slight improvement in turnaround time compared with Q2 and still safely below the target of 20 days.

17.2 days is a significant improvement in performance compared with the same period last year, which was 25.8 days by comparison.

DC007: Percentage of planning applications processed within target time limits for major applications

On target

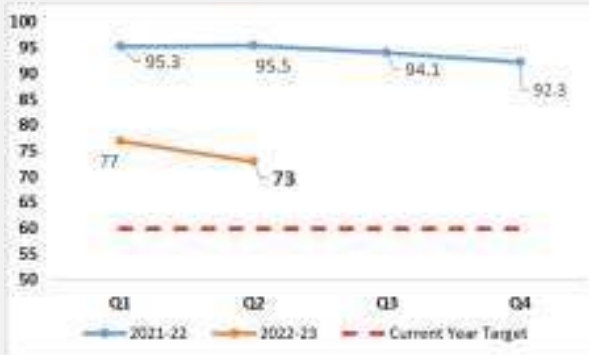


Declining



Target
60%

Latest Performance
73%



Performance is shown on a two-yearly rolling basis to the end of September 2022. Performance determining major applications is 73%, a drop since the same period last year, although still comfortably above target. See covering report for commentary.

Note: Performance data comes from official Government statistics. Data to the end of December 2022 is not yet available.

DC008: Percentage of planning applications processed within target time limits for non-major applications

On target

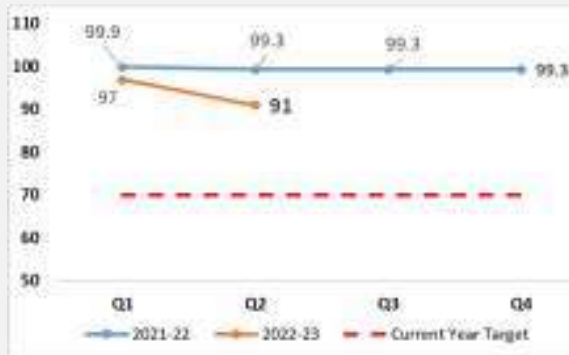


Declining



Target
70%

Latest Performance
91%



Performance is shown on a two-yearly rolling basis to the end of September 2022. Performance determining non-major applications is 91%, a drop since the same period last year, although still comfortably above target. See covering report for commentary.

Note: Performance data comes from official Government statistics. Data to the end of December 2022 is not yet available.

Place


Annual indicators (reported at Q4):


PP003: Number of new affordable homes in the Borough

PP004: Number of new homes built in the Borough

Environment

OPS004&OPS005: Percentage of Household Waste Recycled or Composted (inc. food waste)

Near target 

Declining 

Target 50%




Latest Performance


47.93%

The total recycling and composing rate at the end of Q3 2022/23 is 47.93% which is just below target and a slight decline in performance compared with last year. Recycling was just over 21.77% and Composting (inc. food waste) was just over 26.16%. The dry summer has impacted on composting tonnages.

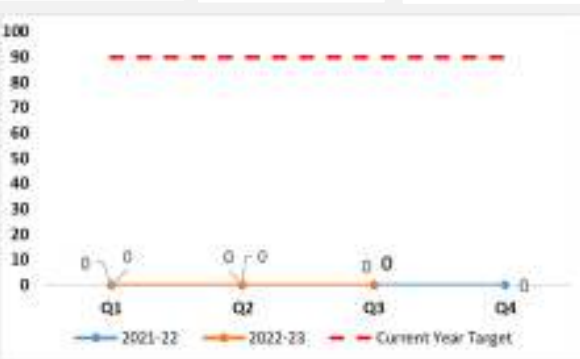
Note: Figures presented are on a year-to-date basis and are early calculations which may be subject to change.

SS014: Number of default notices served in relation to Highway Grass Verge cutting

On target 

Maintained 

Target <90





Latest Performance

0

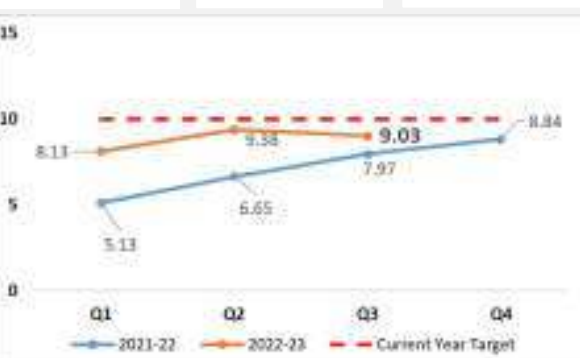
No defaults were served over the quarter.

SS002: Percentage of streets inspected which are deemed to be unsatisfactory using Code of Practice for Litter and Refuse methodology

On target 

Declining 

Target <10%




Latest Performance


9.03%

Performance remains better than the contractual target of 10%, despite an increase in the percentage of streets deemed to be unsatisfactory compared with the same period last year.

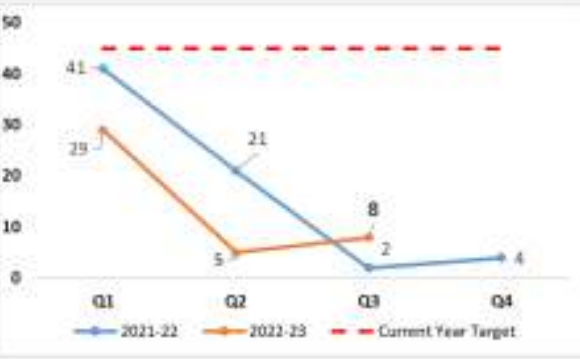
The Council continues to work with the Street Cleansing Contractor to identify the worst areas so that action can be taken to reduce litter levels.

SS013: Number of service requests received in relation to Highway Grass Verge cutting

On target 

Declining 

Target <45




Latest Performance


8

As expected coming into the winter months, the number of service requests received in relation to grass cutting was low, although a slight increase on the number received over the same period last year.

Environment

SS003: Percentage of fly tips removed within one working day

On target 

Maintained 

Target
90%

Latest Performance
99%



All fly tips except one were removed within the timescales in the contract specification, with the one not removed resulting in a financial default being served on the contractor.


Levels of fly tipping continue to be at a low level

Annual indicators (reported at Q4):

- OPS002: Satisfaction with maintaining parks and open spaces
- OPS003: Satisfaction with household waste collection, including recycling and composting
- SS001: Satisfaction with Council's efforts to keep public land clear of litter and refuse
- EH013: Amount of CO2 produced from the Council's buildings and operations

Enablers

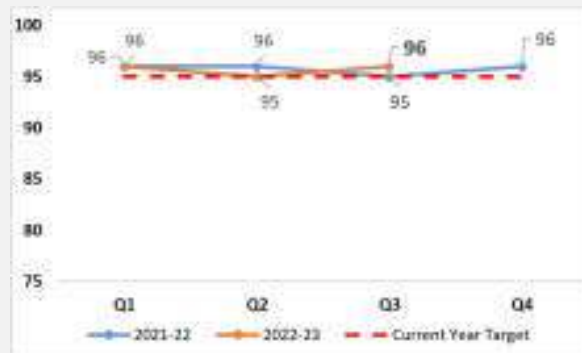
FC001: Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office

On target 

Improving 


Target
95%

Latest Performance
96%



The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office. This is a increase on performance at the same period last year.

OPS016: Number of wheeled bin garden waste subscribers

Near target 

Improving 


Target
14,750 (A)

Latest Performance
14,220



The number of subscribers to the wheeled bin garden waste collection service was 14,220 at the end of Q3 2022/23, which is an increase on the same period last year, although slightly below expected target at this stage of the year. It is unlikely that the Council will see an increase in subscribers in Q4 2022/23 and, therefore, very unlikely to meet the annual target of 14,750 subscribers.

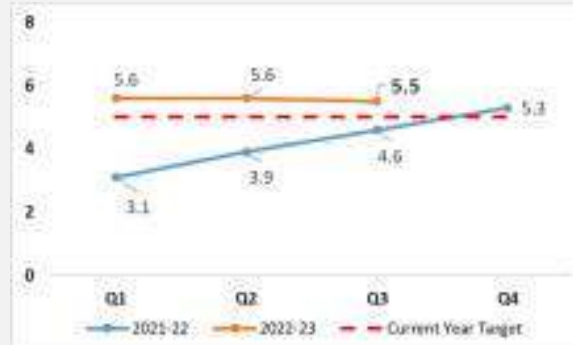
CORP1a: Average number of days sickness absence per FTE staff for all Council Services (rolling year) *short term*

Near target 

Improving 


Target
5.0 days


Latest Performance
5.5 days



Sickness absence is reported on a rolling year basis. Short-term sickness absence is 5.5 days, a slight improvement on Q2, although higher than at the same time last year and remains slightly higher than the target.

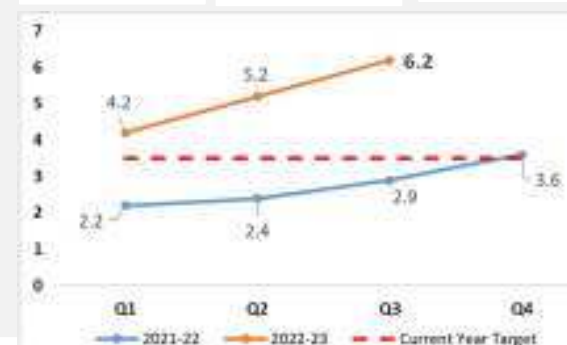
CORP 1b: Average number of days sickness absence per FTE staff for all Council Services (rolling year) *long term*

Off target 

Declining 

Target
3.5 days

Latest Performance
6.2 days




Sickness absence is reported on a rolling year basis. Long-term sickness is defined as 4 calendar weeks or more.

Long-term sickness absence is 6.2 days, off target, and higher than at the same time last year.

Enablers

REV006: Channel shift to online services: take up of e-billing for Council Tax and Business Rates

On target  Improving  Target 9,500


Latest Performance
9,569



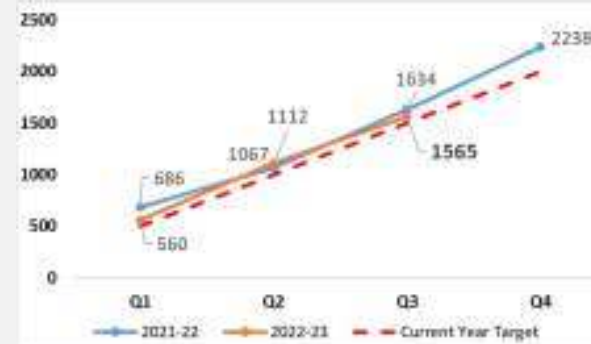
The number of customers signed up to the e-billing service has improved since the last quarter and is higher than at same period last year.

Performance has now exceeded the annual target figure and is expected to increase further during Q4 following the release of the annual bills.

REV011: Channel shift to online services: use of Open Channel online forms

On target  Declining  Target 2,000 (A)*



Latest Performance
1,565



Up to the end of Q3 2022/23, there were 1,565 Council Tax transactions conducted using Open Channel online forms.

*The target has been reprofiled from 2,200 transactions to 2,000 transactions over the year as customers are moving to using more user-friendly alternative online forms following webpage redesign.

BEN001: Average time to process benefits claims: new claims



On target  Improving  Target 21 days

Latest Performance
20 days

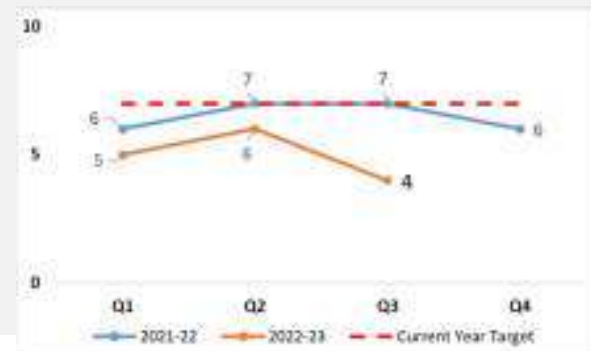


New housing benefit claims processing times have improved since the same period last year and at 20 days is better than the target of 21 days.

BEN002: Average time to process benefits claims: change of circumstances

On target  Improving  Target 7 days

Latest Performance
4 days



Performance times processing housing benefit change of circumstances has improved when compared with the same period last year and at 4 days is better than the target of 7 days.

Enablers

Annual indicators (reported at Q4):

ENA001: Overall satisfaction with the Council

CABINET

15th March 2023

**Subject: ASELA (Association of South Essex Local Authorities)
– Report on Examination by Scrutiny Committee**
Cabinet Member: Councillor Blackwell – Leader of the Council

1. Purpose of Report

To consider a report on the examination of ASELA by the Scrutiny Committee.

2. Links to Council's priorities and objectives

ASELA links to all Council priorities Economy & Growth People, Place and Environment

3. Recommendations

- 1. To support the conclusion of the Scrutiny Committee that more action should be taken to demonstrate to the public the benefit of membership of ASELA.**
 - 2. To that end to endorse that the Scrutiny Committee should continue to review regularly the work undertaken through the ASELA Joint Committee.**
-

4. Background

- 4.1** Castle Point Council has been part of ASELA since 2018 operating through a Memorandum of Understanding. This key partnership comprises:

- Castle Point Borough Council
- Rochford District Council
- Brentwood Borough Council
- Basildon Borough Council
- Southend City Council
- Thurrock Council
- Essex County Council

- 4.2 In September 2021 formal arrangements were put in place to establish a Joint Committee. Under the Governance arrangements for scrutiny of the Joint Committee was for individual Councils to determine through their arrangements for scrutiny.
- 4.3 Formal meetings of ASELA take place on a quarterly basis. the council is represented by the Leader of the Council supported by the Chief Executive.
- 4.4 A meeting of the Scrutiny Committee took place on 8th February 2023 to examine the operation of this key partner organisation. Both the Leader of the Council and the Chief Executive were at the meeting to assist the examination together with the Head of Place and Policy who provides support for ASELA work streams

5. Proposals

- 5.1 The Committee considered a report which included a summary of progress on ASELA's five anchor programmes contained in the ASELA Growth and Recovery Prospectus submitted to Government. The priorities outlined in the Prospectus were:

- Superfast Digital
- South Essex Estuary Park (SEEPark)
- South Essex Technical "University"
- Infrastructure and Housing
- Optimising the impact of the Thames Freeport

- 5.2 The Committee examined the report and asked questions of the Leader, Chief Executive and Head of Place and Policy on the various workstreams.

- 5.3 Discussion took place during which benefits to Castle Point were identified. These included:

- Connections through the full fibre network - the Superfast Digital Programme. Although it was felt this should be improved as Castle Point had the lowest take up. This project works by connecting 'public' sites (such as the Council offices, community centres etc) to the full fibre network from which spurs can link to businesses and residents. This does not duplicate existing full fibre networks in the Borough.

Members sought reassurance that this project is restricted by the existing network operators which do not allow new operators.

- What was envisaged by the SEEPark and in particular plans for the central marshes' areas, which included marshes within the Borough. SEEPark is a long-term project – it provides a framework for investment of, for example, green financing or bio-diversity net gain credits and a framework for grant funding applications.
- Accessibility was raised as a major issue that could be considered at a South Essex level and in particular access to Canvey Island, to and from the

Thames Freeport and London Gateway to create jobs opportunities; and access to hospitals, particularly Southend. Transport companies need to work with key destinations to ensure services are right for local communities.

- Infrastructure and housing - unlocking of brownfield sites, through the work with Homes England, that includes sites within the borough. The project focusses on improvement of infrastructure and presenting a technical case to government for funding community infrastructure projects, where those projects impact on viability of projects.

5.4 There was consensus recognising the benefits of this partnership. However, all agreed that the communication of ASELA's activities needed to be improved and communicated more widely to the Council and the community.

5.5 The Scrutiny Committee agreed that undertaking more regular scrutiny of ASELA's activities would be of benefit in highlighting the work and benefits to the Council and the community.

5.6 The Committee agreed that formal scrutiny of ASELA could be undertaken to coincide with meetings of the Joint Committee.

5.7 The Committee agreed that a report should be made to Cabinet seeking support for improved communication regarding the work of ASELA and continuing scrutiny of the Joint Committee.

6. Corporate Implications

a. Financial implications

None in this report.

b. Legal implications

None.

c. Human resources and equality implications

None.

d. Timescale for implementation and risk factors

Meetings of ASELA take place quarterly it is proposed the Scrutiny Committee includes examination of ASELA in the work programme for the Committee.

7. Background Papers:

Report to Scrutiny Committee 8.2.2023

Report Author:

Ann Horgan, Head of Governance