



CODE Development
Planners



Planning Statement

Land east of Rayleigh
Road, Thundersley

This Land
Development
Limited



CONTENTS

EXECUTIVE SUMMARY	III
1 INTRODUCTION	1
2 SITE DESCRIPTION	2
3 PROPOSED DEVELOPMENT	3
4 RELEVANT PLANNING HISTORY	4
5 PRE-APPLICATION ENGAGEMENT AND ADVICE	6
6 PLANNING POLICY ASSESSMENT	8
7 VERY SPECIAL CIRCUMSTANCES	13
8 OTHER KEY PLANNING ISSUES	19
9 CONCLUSIONS AND OVERALL PLANNING BALANCE	30

Appendices

- Appendix A – Policy compliance assessment against the policies of the Withdrawn Castle Point Local Plan 2018-2033
- Appendix B – Policy compliance assessment against the saved policies of the Castle Point Local Plan (adopted November 1998, policies saved September 2007)





EXECUTIVE SUMMARY

This planning statement has been prepared on behalf of This Land, to support an outline planning application (all matters reserved except access) for “*the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.*”

This planning statement contains CODE Development Planners’ assessment of the policy compliance of the above outline planning application with the adopted (and emerging) policies of Castle Point Borough Council (CPBC). In addition, this statement considers the relevant key material considerations which might indicate a decision otherwise than in accordance with the provisions of the adopted Castle Point Local Plan (adopted 17 November 1998).

The site was included in the now withdrawn Castle Point Local Plan (2018-2033). The local plan included the site as an allocation under policy HO13, which allocated the site for “*around 455 new homes*”, and for the following additional infrastructure:

- Land (0.13ha) for a new early years childcare/nursery facility
- Land for a new healthcare facility; and
- A new multi-use community building.

This planning application has been prepared alongside the ongoing preparation and examination of the now withdrawn Local Plan (2018-2033). Whilst the planning application has been prepared to be in accordance with the withdrawn policies, this planning statement also considers the proposals against the relevant saved policies of the Castle Point Local Plan (adopted 1998). Detailed assessments of policy compliance with both plans are included as appendices to this planning statement.

The now withdrawn Castle Point Local Plan (2018-2033) was found sound by the examining inspector in their letter of 3 March 2022. Further to receipt of the inspector’s report, CPBC presented the final version of the local plan and the report to a meeting of Full Council, on 23 March 2022. Unfortunately, a decision was taken not to adopt the local plan. At a meeting of Special Council on 15 June 2022, a decision was taken by members to formally withdraw the local plan. Whilst the local plan can therefore be afforded no weight in the decision-making process, the evidence base remains the most up to date assessment of housing need and potential housing supply in the borough. It is considered, as outlined within this planning statement, that the evidence base documents can be afforded significant weight in the determination of this planning application.



The site is considered to be in full accordance with the policies of the withdrawn Local Plan (2018-2033). With regard to the saved policies of the 1998 Local Plan, the site is in accordance with all policies except for the site's location within the Green Belt. The National Planning Policy Framework (NPPF), at paragraph 149, clarifies that local planning authorities should regard the construction of new buildings in the Green Belt as *'inappropriate development'*. Paragraph 147 of the NPPF states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

Paragraph 148 of the NPPF clarifies that any harm to the Green Belt should be afforded substantial weight and stipulates that *"Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

This Planning Statement therefore outlines the material considerations in favour of the development of land east of Rayleigh Road which CODE consider cumulatively outweigh the identified harm to the Green Belt, and other minor adverse impacts arising from the proposals. The very special circumstances in favour of the development include:

- Provision of new market housing, in light of the significant under supply of housing in the borough and the acute unmet housing needs identified in the latest Strategic Housing Market Assessment (SHMA).
- The provision of new affordable housing units (40% of the total housing to be provided on site). Just 169 affordable properties have been delivered in the borough since 2011, and only 18 affordable properties have been provided since 2018. The latest Annual Monitoring Report for the borough (published in December 2022) confirmed that no affordable houses were provided in the borough for the period 1 April 2021 to 31 March 2022. The SHMA update (2017) identified that the affordable housing need per annum in the borough is 291 homes.
- A significant contribution towards rectifying CPBC's substantial housing land supply shortfall. At a recent meeting of CPBC's Development Management Committee, the officer presenting an application for 44 affordable homes on another withdrawn allocation site confirmed that CPBC can only demonstrate a 2.3-year housing land supply. The most recent Annual Monitoring Report for the borough (December 2022) confirmed CPBC's housing land supply to be 1.86 years for the period 2022-2027, and this is predicted to further worsen to 1.44 years by the period 2027-2032). Weight should not only be afforded to the contribution the scheme can make to rectifying the severe housing land supply shortfall, but also the scale of the shortfall. In addition, the application is made in the context of the latest Housing Delivery Test (HDT) results for the borough (published in January 2022), which were confirmed to be just 49% of housing required over the previous three-year period. If the site were not located on Green Belt land, the presumption in favour of sustainable development would therefore be engaged.



- Associated economic benefits of the development, including the economic and employment benefits from the construction of the scheme and the additional purchase power of new residents which will help to boost the local economy further to the completion of the development.
- The ability for the site to achieve in excess of 10% biodiversity net gain. The submitted biodiversity net gain report concludes the site can achieve a 10.39%.
- The provision of new community infrastructure, including land for a new healthcare facility and early years childcare facility, in addition to the provision of a new multi-use community building.
- The evidence base supporting the now withdrawn local plan justified the site's proposed release from the Green Belt. The inspector considering the now withdrawn local plan concluded, at paragraph 92 of their report (with regard to site HO13), *"Whilst there would be harm to the Green Belt, the Policy requirements would serve to reduce that harm. Overall, given the need for housing which cannot be accommodated within the existing urban area, and subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt."*

CODE therefore consider that the adverse impacts of the proposal are demonstrably outweighed by the substantial benefits associated with this application. It is considered that the above benefits cumulatively demonstrate very special circumstances exist in favour of the proposals, as per paragraph 147 of the NPPF. There would therefore be no conflict with the relevant Green Belt policies in the NPPF and, as such, it follows that the proposals do not conflict with the relevant saved policies of the Castle Point Local Plan 1998 (particularly considering policy GB1 – Control of Development was not saved by the Secretary of State's saving direction of 20 September 2007). Paragraph 11c) of the NPPF is clear that development proposals that accord with an up-to-date development plan should be approved without delay (as highlighted within this planning statement, it is not considered that the most important policies for determining this planning application are up to date, however the development is in compliance with the development plan as a whole nonetheless). It is therefore respectfully submitted that planning permission should be granted for the proposals.

Paragraph 12 of the NPPF is clear that decisions that depart from an up-to-date development plan can be made where material considerations in a particular case indicate that the plan should not be followed (as also included at Section 38(6) of the Planning and Compulsory Purchase Act 2004). Even if it could be concluded that there is a conflict with the development plan in this instance, CODE consider that the material considerations (which amount to Very Special Circumstances) weigh so strongly in favour of granting planning permission that any adverse impacts are demonstrably outweighed.

1 INTRODUCTION

- 1.1 This planning statement has been prepared by CODE Development Planners Ltd (CODE) in support of an outline planning application for the following:

“Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.”

- 1.2 The site is currently within the Metropolitan Green Belt, as designated by the adopted Castle Point Local Plan (adopted 1998, reviewed 2007). The site was proposed to be allocated for ‘around 455 new homes’ within the emerging Castle Point Local Plan (2018-2033). The local plan examination has now concluded. On 3 March 2022, Castle Point Borough Council (CPBC) received the inspector’s final report regarding the local plan, which found that the local plan was **sound**, subject to main modifications. At a meeting of Full Council, on 23 March 2022, members voted not to adopt the local plan. Further to this, at a meeting of Special Council on 15 June 2022, members voted to formally withdraw the local plan. Whilst the local plan can therefore be afforded no weight in the determination of this planning application, the weight to be afforded to the withdrawn plan’s evidence base is considered in detail in this planning statement.
- 1.3 The application is submitted on behalf of This Land. This statement should be read in conjunction with the other documents which form the outline planning application (please refer to the Submission Schedule submitted with the planning application for a full list of supporting documents).
- 1.4 This Land is a development business established with the aim of offering a new approach to development, that is much more customer and community focussed than the traditional UK housebuilder model. Placemaking is central to the ethos of This Land’s business, and it governs and drives their approach to the creation of the homes they build, the places they make and the relationships they create. This Land seek to forge long-term relationships and provide a superior customer experience, rather than simply selling homes and moving onto the next project. They incorporate creative design into their developments to ensure flexibility and adaptability, which can enable customers to adapt their homes when their families grow and their requirements change.
- 1.5 The purpose of this planning statement is to draw together the key components and considerations of the planning application and to outline the case for the development proposed. The preparation of the planning application follows thorough site assessment, detailed discussions with Castle Point Council’s planning policy and development management teams, joint preparation of the illustrative masterplan through the master plan working group meetings organised by CPBC (which included input from elected members and key stakeholders) and pre-application advice from CPBC.



2 SITE DESCRIPTION

- 2.1 The site is located in Thundersley, between Rayleigh and Hadleigh, immediately south of Weir Retail Park and the A127 and is bound by Stadium Way and Weir Retail Park to the north, Rayleigh Road and existing residential units to the west and by Daws Heath Road to the south.
- 2.2 The centre of the Site is located about 1.2 miles south of Rayleigh town centre and about 1.4 miles north of Hadleigh town centre. There are a number of important local facilities in both Rayleigh and Hadleigh, including schools, leisure, retail and employment. These meet many of the day-to-day needs of existing local residents in Hadleigh, reducing the need to travel outside of the Borough.
- 2.3 The site comprises seven grassland fields with associated boundary hedgerows and ditches, with small fragments of semi-natural broadleaved woodland and scrub. There are 13 existing buildings on site, currently used for a mixture of agriculture, equine, fishing and industrial purposes. A stream runs through the site, and there is a large fishing pond in the north of the site. There are currently two access points from Daws Heath Road to the south, with the site bordering Rayleigh Road to the west and Stadium Way to the north.



3 PROPOSED DEVELOPMENT

- 3.1 Policy HO13 of the now withdrawn Castle Point Local Plan (2018-2033) provisionally allocated the site for residential purposes, to deliver ‘around’ 455 new homes by 2033. The policy (alongside policy HO2) required a master plan approach to the site to ensure that the scheme is attractively designed, contributing to environmental quality and that infrastructure is provided to support growth in this location. The applicant has worked collaboratively with CPBC, its officers, elected members and key stakeholders (including local residents) to finalise a masterplan which accords with policy HO13 (of the emerging local plan) and promotes a positive vision for the future development of the site and its relationship with the existing communities in Hadleigh and Thundersley.
- 3.2 Whilst the local plan has now been withdrawn, the applicant has ensured that the scheme is still in compliance with the withdrawn policies, in addition to the saved policies of the Castle Point Local Plan 1998. The compliance with saved and withdrawn policies is considered in more detail in Section 6 of this planning statement and within appendices A and B.
- 3.3 The development proposed is as follows:
- “Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.”*
- 3.4 The development includes main vehicular access from Stadium Way in the north and Daws Heath Road in the south. In working with CPBC and Essex County Council (ECC), it has been agreed that the two accesses will be joined by a new public transport link, which allows only sustainable transport options passage through the centre of the site (buses, cyclists and pedestrians). Private vehicles will not have an ability to travel between the access points. The promotion of sustainable transport options has been key in the preparation of the master plan for the site to ensure all new residents will be within a 400m walking distance of existing or proposed bus stops.
- 3.5 Whilst the planning application is made in outline, the submitted design and access statement and masterplan demonstrate how a mix of urban design approaches have been introduced into the site. It is important that the parameters agreed in the preparation of the masterplan are broadly carried through to the detailed design stage (subject to a grant of outline planning permission). CODE considers that appropriately worded conditions can be imposed on any grant of outline planning permission requiring broad accordance with the parameters shown on the masterplan and the submitted parameter plans.



4 RELEVANT PLANNING HISTORY

4.1 The site has been subject to the following previous planning application and appeal:

- CPT/356/10/OUT – Application submitted by Barton Willmore (on behalf of Barratt Strategic) on 3 June 2010, for a residential development of up to 239 dwellings, new access infrastructure, parking, landscaping and green spaces.
- The applicant appealed for non-determination (APP/M1520/A10/2138342) after a failure of CPBC to give notice of its decision within the appropriate period.
- The appeal was withdrawn on 16 December 2010.

4.2 There is limited information available on CPBC's website to understand how the planning application would have been determined if CPBC had determined the planning application within the statutory timescales (as extended by agreement).

4.3 The only other planning application on site was a retrospective planning application for the use of the land and lake to the northeast of the site as a fishing club (retaining caravan and storage building). This retrospective planning application received a grant of planning permission on 19 May 1998. Whilst the grant of planning permission included a schedule of conditions, these do not preclude the development of land east of Rayleigh Road for development.

4.4 In addition to the above, a formal request for a Screening Opinion was submitted to CPBC on 16 April 2021. A formal Screening Opinion was received from CPBC on 6 May 2021. The Screening Opinion concluded, *"From an analysis of the information submitted by the applicant, the Local Planning Authority is of the formal opinion that the proposed development, either independently or cumulatively with the development of other sites, is unlikely to have such significant effects on the environment that an EIA should be carried out and an Environmental Statement submitted."*

For the above reasons, it is determined that an Environmental Statement is not required for the above development."

4.5 Relevant conclusions from the formal Screening Opinion issued by CPBC on 6 May 2021 are referred to within this Planning Statement. It should also be noted that the Screening Opinion was previously issued prior to the withdrawal of the emerging local plan which would, had it been formally adopted, have allocated new residential development sites which were considered within the Screening Opinion and its assessment of whether the cumulative impacts could have had significant effects on the environment. Further to the formal withdrawal of the local plan, there is no 'planned' development in the borough. The conclusions of the Screening Opinion remain valid, but it should be noted that the potential cumulative effects on the environment have significantly lessened further to the local plan's withdrawal.



4.6 It should also be noted that the technical evidence submitted alongside this planning application is robust in its conclusions that there are no significant environmental impacts arising out of the proposed development.

4.7 No other relevant planning history is known for the site.

4.8 **Relevant planning history in Thundersley**

4.8.1 In addition to the relevant planning history on site, it is important to consider other planning decisions in the local area which are material considerations in the determination of this planning application.

4.8.2 An appeal decision for land at London Road, west of Rhoda Road North, Thundersley for 22 dwellings¹, was allowed at appeal on 6 August 2020. Whilst for a smaller quantum of development, the appeal decision has relevance to the determination of This Land's application. At paragraph 18 of the appeal decision letter, the Inspector concludes:

"This case is made in the context of a very long period of housing under delivery in this Borough and a failure to adopt a Local Plan providing the Green Belt releases necessary to address this."

4.8.3 The appeal decision was issued in the context of the emerging local plan. The inspector considered that the plan had *"yet to reach a stage advanced enough for it to attract any more than limited weight."* This planning application has been submitted further to the decision of CPBC's Full Council not to adopt the emerging local plan. The inspector's comments in the London Road, Thundersley case therefore remain relevant and material considerations in the determination of this application.

4.8.4 Where relevant, this planning statement also makes reference to recent appeal decisions within other local planning authority areas which are also material considerations in the determination of this planning application.

¹ Land at London Road, west of Rhoda Road North, Thundersley, APP/M1520/W/20/3246788, allowed 6 August 2020.



5 PRE-APPLICATION ENGAGEMENT AND ADVICE

5.1.1 Policy HO13 of the now withdrawn Castle Point Local Plan (2018-2033) included a requirement for a master plan approach to be taken to ensure that the development is attractively designed, contributes to environmental quality, and to ensure that infrastructure is provided to support growth in this location. Policy HO2 (including proposed main modifications as of 26 January 2022) of the withdrawn Local Plan stated:

“The Council expects master plans or planning or development briefs for all allocations for housing development within this plan, to be prepared having regard to local design guidance set out in the Essex Design Guide, and where relevant the National Design Guide and National Model Design Code.

The Council will expect entering into voluntary planning performance agreements (PPA) with promoters of such development, to cover matters such as master planning, the pre-application process and a timetable for key events and the nature of engagement with the Council and the community.”

5.1.2 The masterplan submitted in support of this application has been prepared in partnership with CPBC, including members of the Local Plan Delivery Board and officers of the planning policy and development management teams. This partnership approach has been integral to the preparation of the planning application, to ensure that the proposals reflect CPBC’s key aims and policy requirements contained within the local plan, but also to ensure that the development will be a place which reflects national planning policy and guidance which seek the creation of beautiful places. Public engagement has also been critical to the preparation of the site wide masterplan, as detailed within the submitted Statement of Community Involvement.

5.1.3 From project inception to submission of the planning application, a multi-functional open space led approach has been encompassed at the heart of the master planning process. This approach has realised a network of key new greenways and green links across the site, increasing permeability with the local area.

5.1.4 The proposals embody the key principles of the new national design code and associated guidance with the NPPF. The submitted Design and Access Statement demonstrates how the site has responded to its local and wider context, reflecting key characteristics in the local area. The site is bounded by a variety of edges, comprising both built and open space. The variation in townscape components results in a mixed character dominated by larger scale retail and commercial units to the north and housing and domestic scale development to the west and south. The new neighbourhood will respond to these edges sensitively, with new housing along the western and northern edges providing a continuation of the existing development pattern, providing an active interface where appropriate; and housing along the southern and eastern edges forming a more informal, undulating edge, pulling back from the site boundary to provide a gentle transition.



5.1.5 The applicant has worked pragmatically with CPBC in preparing the planning application, including through detailed cooperative meetings in agreeing an illustrative masterplan for the site, working with key stakeholders and elected members and exploring how best to accommodate the infrastructure sought from the site within policy HO13 of the withdrawn Local Plan (2018-2033).

5.2 **Public engagement**

5.2.1 Community engagement has been at the heart of the preparation of the masterplan. The covid-19 pandemic limited the applicant's ability to undertake in person public engagement early on in the preparation of the masterplan. In light of the inability to engage in person with members of the local community during the pandemic, CODE worked with the applicant to create an online webpage which enabled direct engagement with local residents. The website was designed to enable regular updates regarding the preparation of the masterplan, with dedicated questions to assist the applicant's consultant team in the preparation of the masterplan.

5.2.2 The submitted Statement of Community Involvement includes a detailed overview of the public engagement undertaken in the preparation of the masterplan and application, including how the proposals have responded to requests made by the local community.

5.3 **Pre-application meeting**

5.3.1 A pre-application meeting was held with CPBC on 12 May 2022. The advice of officers received during and within written advice received on 27 May 2022 has been incorporated into the preparation of the planning application.

5.3.2 The officer concluded, within the pre-application advice that *"In combination with the weight attached to the findings in respect of the New Local Plan, it is however considered that the harm to the Green Belt is outweighed by other considerations and consequently it is not considered that the proposal would attract a recommendation of refusal based on Green Belt considerations."*

5.3.3 It is, of course, noted that the advice provided by officers at the pre-application stage is not determinative and advice is offered on a 'without prejudice basis'. However, it is clear that the officer in this case considered that the material considerations in favour of the scheme cumulatively demonstrate Very Special Circumstances exist in favour of granting planning permission.

5.4 **Planning Performance Agreement (PPA)**

5.4.1 A Planning Performance Agreement (PPA) was signed between This Land and CPBC on 12 October 2021. The PPA underpins the commitment to a partnership approach between This Land and CPBC towards the preparation of a site wide masterplan and delivery of the allocation.



6 PLANNING POLICY ASSESSMENT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Paragraphs 7, 8, 10 and 11 of the NPPF emphasise the requirement for decision makers to contribute to the achievement of sustainable development.
- 6.3 At the time of writing, the adopted development plan in Castle Point consists of the following documents:
- Castle Point Local Plan (adopted November 1998, reviewed in September 2007)
 - Essex Waste Local Plan (adopted July 2017)
 - Essex Minerals Local Plan (adopted July 2014)
- 6.4 The most recently adopted local plan in Castle Point is the Castle Point Local Plan (adopted November 1998). On 20 September 2007, the Secretary of State issued a direction confirming policies which would be saved and policies which would expire on 27 September 2007. It is important to note the following from the saving direction letter:
- i. The letter is clear that saved policies would not remain up-to-date because they had been saved. The letter states, *“The extension of saved policies listed in this Direction **does not indicate that the Secretary of State would endorse these policies if presented to her as new policy.** It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a **continual supply of land for development.**”* [Our emphasis];
 - ii. The Secretary of State anticipated that the saved policies would be replaced ‘promptly’: *“The exercise of extending saved policies is not an opportunity to delay DPD preparation. Local planning authorities should make good progress with local development frameworks according to timetables in their local development schemes. **Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy.**”* [Our emphasis]; and
 - iii. The Secretary of State was clear that that *“**Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.**”* [Our emphasis]
- 6.5 Before considering the compliance of the proposals with the adopted policies of the Castle Point Local Plan 1998 (and the provisions of national planning policy and guidance), CODE notes the focus and determination of the officers at Castle Point to prepare a new, national policy compliant and up-to-date



local plan, which was found sound by the examining inspector. Whilst the emerging Castle Point Local Plan (2018-2033) was not adopted (and formally withdrawn on 15 June 2022), the supporting evidence base is important to the determination of this planning application.

- 6.6 Paragraph 48 of the NPPF determines the weight that may be afforded to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Given the Local Plan 2018-2033 has now been formally withdrawn, CODE considers it can be afforded no weight in the determination of this application. CPBC will note references within planning application reports to the withdrawn local plan. The planning application has been prepared in accordance with the policy objectives of the now withdrawn allocation and local plan policies which set a detailed policy framework for the site's delivery. Whilst the policies can no longer be afforded weight in decision making, their aims and objectives still have relevance for the development of the site wide parameter plans and proposed mitigation measures.
- 6.7 Furthermore, it is important to recognise the evidence base which underpins the withdrawn local plan, particularly with regard to the assessments undertaken by CPBC to determine how much of its local housing need could be accommodated within the urban area in Castle Point, and the requirement for Green Belt releases as part of the emerging local plan. The conclusions of the evidence base are relevant to the determination of this application and are considered in more detail within this planning statement. In addition, the evidence base has similarly helped to inform the planning application documents which have been submitted with this scheme. Where relevant, references are made within this planning statement and across the suite of planning application documents.
- 6.8 The site is shown on the adopted policies map as being within the Green Belt. It is pertinent to note policy GB1 (Control of Development) was not included within the list of policies in the saving direction issued by the Secretary of State (September 2007). Policy GB1 previously outlined when planning permission might be granted for development within the Green Belt, including in very special circumstances, and for purposes related to agriculture, mineral extraction, forestry and cemeteries (amongst other limited uses).
- 6.9 In the absence of an adopted policy providing guidance for the consideration of new development in the Green Belt, CODE refers to the guidance contained within the National Planning Policy Framework (NPPF, July 2021). Paragraphs 147 and 148 of the NPPF clarify that inappropriate development should not be approved except in 'very special circumstances.'
- 6.10 Further to the decision of CPBC to withdraw the emerging local plan (on 15 June 2022), this planning statement outlines the material considerations that CODE consider cumulatively combine to demonstrate very special circumstances in favour of granting planning permission.



6.11 Parallel conclusions can be drawn with the recent Codicote appeal decision², in which the Inspector considered the very special circumstances in favour of an appeal for a site included as an allocation within the emerging local plan. At paragraph 105, the Inspector concluded:

“...the circumstances of this application are quite extreme. The context is of a critically inadequate and deteriorating 5YHLS [five-year housing land supply] set against pressing housing needs, no recent local provision of affordable housing, and a local school unable to meet the needs of the village and with subsequent implications for local children, for Codicote’s social cohesion, and for its future as a sustainable settlement supporting itself and minimising the need to travel. Such circumstances are acute and highly compelling. The proposal would make a very significant contribution in all those regards and would be accompanied by high quality mitigation to help offset and minimise the visual implications of additional built form.”

“I attach very substantial weight to the critically needed housing benefits of the scheme, significant weight to addressing the urgency for school expansion and further weights to the range of other lesser scale benefits as identified. In that context, and irrespective of the further support in favour of the proposal drawing from the advanced status of ELP itself and from the Council’s affirmation of it, I find potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to be clearly outweighed by these particular other considerations. Very special circumstances therefore exist to justify the proposal.”

6.12 Additionally, and importantly, the Inspector in this case outlined their understanding of the consideration of whether very special circumstances exist (paragraph 103):

“In addressing this subject, the Courts have made clear that a particular mathematical exercise is not required. Rather, a single exercise of judgement is necessary to assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt and the seriousness of any harm to it.”

6.13 CODE’s consideration of potential very special circumstances is outlined at section 7 of this planning statement. However, following a review of the conclusions of the Inspector in the Codicote case, it is important to draw out the following parallel considerations:

- Castle Point has not had an up-to-date local plan in place since the first National Planning Policy Framework was published in March 2012 (and since the end of the plan period for the Castle Point Local Plan 1998). In a Green Belt authority with limited opportunities for new brownfield development, this has significantly suppressed the delivery of new affordable homes in Castle Point (indeed, just 169 affordable properties have been delivered in the borough since 2011). The inspector, in their report into the soundness of the withdrawn Local Plan 2018-2033, noted that CPBC’s urban capacity assessments had demonstrated *“that around 53% of the housing*

² Land south of Heath Lane, Codicote, APP/X1925/W/21/3273701, allowed 28 September 2021



need could be met within the urban area (that is to say outside of the Green Belt). Therefore, it is not possible to rely on increasing the supply of housing within the urban area to avoid the need to alter the boundaries of the Green Belt to meet housing need.”

- The South Essex Strategic Housing Market Assessment (2016) provided an overview of the anticipated objectively assessed need. As part of this assessment, the SHMA considered there to be an annual shortfall of 62 affordable properties in Castle Point to meet the (at the time of drafting” backlog of affordable properties. Considering this, the SHMA considered an annual net need for affordable properties in Castle Point to be 236 new homes. To rectify the shortfall within five years, CPBC would need to deliver 298 affordable homes per annum.
- The latest annual monitoring report (published January 2022) demonstrates that the number of affordable homes provided since 2011 (gross), is just 169, over 10 monitoring years. The SHMA update (2017), found that the affordable housing need per annum in Castle Point was 291 homes (an increase from 236 homes per annum identified in the 2016 SHMA).
- The now withdrawn Castle Point Local Plan (2018-2033) outlined a minimum housing requirement of 5,325 new homes over the plan period. The local plan requires the delivery of 40% affordable housing (except for noted exceptions, primarily on Canvey Island).

6.14 Appendix B of this planning statement outlines CODE’s assessment of the compliance of the proposals with the saved policies of the 1998 local plan.

6.15 Appendix A of this planning statement has been prepared to primarily consider the compliance of the application proposals against the policies of the withdrawn Castle Point Local Plan 2018 to 2033. Whilst the plan has been withdrawn and the policies should be afforded no weight, the plan provides important context regarding the elements to be delivered through this planning application (based upon CPBC’s evidence base which robustly informed the now withdrawn policies). It is notable that the inspector found the now withdrawn local plan sound subject to modifications on 3 March 2022.

6.16 The tables at appendices A and B are colour coded to indicate the proposal’s compliance (green). If the proposal was not in compliance with policies, then the relevant policy would have been colour coded red or orange for neutral. In our view, having regard to each policy and material consideration, including local priorities and needs as guided by the NPPF, the conclusion of a balanced compliance with the emerging development plan policies is compelling.

6.17 **Levelling-up and Regeneration Bill: reforms to national planning policy**



- 6.17.1 CODE notes the consultation published by the government on 22 December 2022 regarding proposed reforms to national planning policy. The consultation is open until 2 March 2023 and seeks comments upon the government's proposed approach to updating the National Planning Policy Framework (NPPF).
- 6.17.2 At the time of preparing this planning statement, the consultation is ongoing. As the proposed reforms to national planning policy are still in draft, it is considered that the proposed revisions to the NPPF can only be afforded limited weight at this time. However, CODE notes the government's intention to publish the updated NPPF (further to the close of the consultation and review of comments received) in April 2023. CODE intends to submit a further statement to CPBC specifically concerning the updated NPPF upon its formal publication (and once all parties have clarity regarding the wording of the proposed revisions), in relation to the proposals on land east of Rayleigh Road, Thundersley.
- 6.17.3 Of significant importance to the determination of this planning application are the policies concerning proposals affecting the Green Belt within the NPPF. It is notable that the government has not suggested any revisions to these policies within the current consultation, including to the very special circumstances test which is outlined in paragraph 147 of the NPPF. The very special circumstances associated with land east of Rayleigh Road, Thundersley are considered in further detail in section 7 of this Planning Statement.
- 6.17.4 Finally, CODE notes that *"A fuller review of the Framework will be required in due course, and its content will depend on the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill."* CODE therefore reserves the right to submit additional comments regarding future proposed revisions to national planning policy, if these are published in advance of this planning application being determined by CPBC's Development Management Committee.



7 VERY SPECIAL CIRCUMSTANCES

7.1 Policy context

7.1.1 The site is not allocated for development within the Castle Point Local Plan 1998. The site is designated as Green Belt, as shown on the relevant planning policy maps for the borough. In the absence of up-to-date policies in Castle Point which provide guidance for the determination of planning applications for unallocated sites in the Green Belt, it is important to consider the relevant policies in the NPPF.

7.1.2 Paragraphs 147 and 148 of the NPPF provide specific guidance for the consideration of new development within the Green Belt. Paragraph 148 is clear that substantial weight should be afforded to any harm to the Green Belt (paragraph 147 of the NPPF clarifies that inappropriate development is, by definition, harmful to the Green Belt). The guidance therefore confirms that planning permission will only be granted in very special circumstances. Paragraph 148 is clear that:

“Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

7.2 Material considerations in favour of the planning application

Castle Point Local Plan (2018-2033) – evidence base

7.2.1 The Castle Point Local Plan was found sound by the examining inspector on 3 March 2022. Whilst the local plan was ultimately withdrawn by CPBC on 15 June 2022, the inspector’s commentary regarding the site and the policies of the emerging local plan relevant and important material considerations in the determination of this planning application. With regard to the site on land east of Rayleigh Road, Thundersley, the inspector concluded the exceptional circumstances existed to amend the Green Belt boundary and release the site from the designation for the provision of new housing:

“Whilst there would be harm to the Green Belt, the Policy requirements would serve to reduce that harm. Overall, given the need for housing which cannot be accommodated within the existing urban area, and subject to my recommendations, there are exceptional circumstances for releasing the site from the Green Belt.”

7.2.2 It is also pertinent to note the Statement of Common Ground (SOCG) signed between This Land and CPBC, on 6 May 2021. Paragraph 2.1 of the signed SOCG states:

“Allocation HO13 is located within the current extent of the Green Belt to the east of Rayleigh Road. The Green Belt Topic Paper 2018 (GB-003) establishes the exceptional circumstances which exist for releasing land from the Green Belt for the purpose of housing land supply. The Green Belt Review Part Two Update 2019 (GB-004) indicates that harm arising from the release of allocation HO13 for housing purposes would primarily be in respect of the purpose of preventing urban coalescence. TL



[This Land] supports the council's conclusion that sufficient exceptional circumstances exist to justify a review of the green belt as required in paragraph 136 of the NPPF [now paragraph 140 in the NPPF, July 2021]. The allocation of the land east of Rayleigh Road (Policy HO13) demonstrates a proper and robust review of green belt boundaries with due consideration of the need to promote sustainable patterns of development. The site is largely surrounded by existing urban development with easy and short access to existing employment, retail, residential uses and public transport. The assessment is therefore entirely in accordance with the advice contained in paragraph 138 of the NPPF and the guidance provided by a series of other green belt reviews detailed in the Green Belt Topic Paper 2018."

7.2.3 It is clear that both CPBC and the inspector considered exceptional circumstances existed in favour of releasing the site from the Green Belt, to enable the full market and affordable housing needs to be met, and to provide much needed new community infrastructure. It is also important to consider the content of CPBC's Green Belt reviews and the conclusions reached regarding the potential harms to the Green Belt from the development of the scheme.

7.3 Green Belt Reviews (2018)

7.3.1 It is recognised that the demonstration of exceptional circumstances is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires 'very special circumstances'. However, in preparing this planning statement, CODE has been mindful of the policies and guidance contained within the NPPF, regarding both exceptional and very special circumstances.

7.3.2 For plan making, CODE notes paragraph 140 of the NPPF which stipulates, "*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.*" It is also, however, important to bear in mind (in the consideration of whether very special circumstances exist) paragraph 141 of the NPPF, which advises:

"Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development."

7.3.3 Paragraph 42 of the inspector's final report into the soundness of the local plan concluded:

"The Council has undertaken a thorough assessment of the availability of land within the urban area through its SHLAA 2018 (H-007 to 010) and the assessment of windfall sites. A total of 477 sites were considered and a design led approach was taken to determine their potential capacity, with higher densities assumed as appropriate, along with assessments of deliverability/developability as per national policy, and the assessment of viability. Additionally, through the large site capacity assessments (H-012 and H-013), the Council sought to optimise the capacity of proposed sites, including those in the urban areas. This work indicates that around 53% of the housing need could be



met within the urban area (that is to say outside of the Green Belt). Therefore, it is not possible to rely on increasing the supply of housing within the urban area to avoid the need to alter the boundaries of the Green Belt to meet housing need.”

7.3.4 In the absence of an up-to-date local plan, it is clear that CPBC can only deliver 50% of its housing need (both for market and more importantly, affordable homes) within the urban area of the authority. The local housing need for the authority is 5,325 homes over the extent of the plan period to 2033 (equivalent to 355 per annum). With the result of the urban capacity study, there is still an acute need for a further 2,662 new homes across the borough, which can only be accommodated on sites beyond urban areas, in the Green Belt.

7.3.5 In addition, the inspector considering the soundness of the Castle Point Local Plan (2018-2033), concluded the following regarding land east of Rayleigh Road:

“The proposed allocation is comprised of predominantly open fields with internal boundaries marked by hedgerows. The site contains a farm and several other buildings and a reservoir, and falls partly within the designated Historic Natural Landscape under Policy NE2. The development of the site would cause harm to the openness of the Green Belt and some harm to its purposes as it would cause a loss of countryside and serve to reduce the strategic gap between Thundersley and Daws Heath. However, the site would be enclosed by existing development to the west, north and along much of its southern boundary. A new Green Belt boundary would be formed to the east of the allocation with the nature reserve. This would be readily recognizable and is likely to be permanent, maintaining a gap and preventing coalescence between Thundersley and Daws Heath.”

7.3.6 Whilst there would be some identified harm to the purposes of the Green Belt it is clear that the development of the site will create a new defensible boundary to the east of the site, which would prevent further development sprawling to the east (this is reinforced by the presence of the Little Haven Nature Reserve). Coalescence between Thundersley and Daws Heath can therefore be prevented.

7.4 Meeting CPBC’s housing requirement

7.4.1 In addition to the other allocation sites identified within the emerging local plan, the site at Rayleigh Road, Thundersley will make an important contribution towards meeting CPBC’s housing requirement over the plan period to 2033. The site is included within the housing trajectory for the local plan, with delivery commencing early after the local plan is found sound and subsequently adopted (subject to the grant of outline and detailed planning permission).

7.4.2 In addition to meeting CPBC’s identified housing needs, the site will make a positive contribution towards CPBC’s five-year housing land supply, both within the current five year period, and on a rolling basis over the period to 2027/28 (CPBC’s most recent housing trajectory identifies the site could be delivered over an 11-year period; however, the applicant is confident the site could be delivered in its entirety by the 2027/28 monitoring year).



7.4.3 The adoption of the emerging Castle Point Local Plan (2018 to 2033) will significantly assist CPBC in its ability to demonstrate a five-year housing land supply. Its adoption will enable the release of sites such as land east of Rayleigh Road from the Green Belt, which will make a substantial contribution to meeting the identified local housing need for the Borough over the period to 2033. The delivery of market housing in this context should therefore be afforded **significant weight**.

7.5 Provision of affordable housing

7.5.1 Policy HO4 (securing more affordable housing) of the withdrawn local plan required the provision of new affordable homes for all sites of 11 or more net additional homes.

7.5.2 In the absence of an up-to-date local plan in place, it is important to understand the adopted policy requirements for new affordable housing provision. The Castle Point Local Plan (1998) included Policy H7 (Affordable Housing), which stated:

“Where appropriate the council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes. The number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of other necessary infrastructure, and will be determined by the council, following negotiation with the applicant.”

7.5.3 The adopted 1998 local plan’s supporting text to policy H7 stated, at paragraph 4.28 that *“The Council will therefore seek to negotiate with developers to provide up to 20% of all dwellings built on large sites as affordable housing, where appropriate.”* This is the only stated requirement within adopted policy (and supporting text).

7.5.4 The Strategic Housing Market Assessment Addendum (2017) outlines on page 59 (within table 4.1) the recommended affordable housing requirement for the borough. The percentage range is stated as 15-25%. Further to the withdrawal of the Castle Point Local Plan (2018-2033), the provision of 40% affordable housing is therefore in excess of stated adopted policy requirements and above the level required within the most recent assessment of affordable housing need in the borough.

7.5.5 Furthermore, the South Essex Strategic Housing Needs Assessment (June 2022) contains compelling evidence as to why affordable housing delivery needs to be maximised in Castle Point. Particular conclusions of note include:

- The latest affordability ratio for Castle Point is 12.37 (for 2021, up from 11.17 in 2020). The only reason Castle Point’s housing requirement (as calculated by the standard method in its current form) has not increased is because of the safety of the 40% cap.
- There are 463 residents in Castle Point on the affordable housing register.
- 53% of residents in Castle Point are unable to afford the lower quartile price paid to purchase a house in the authority over the year to December 2021 (which was £269,250).



- 33% of residents in Castle Point are unable to afford the lower quartile monthly cost of privately renting a property (£9,600).
- The total gross need for affordable housing in the borough is 406 dwellings per annum, or a total of 7,705 dwellings over a 20-year period.
- The Strategic Housing Needs Assessment estimates a supply of affordable homes in the borough of 80 per annum – evidence of affordable housing delivery in the borough over the past 11-years demonstrates this is not a realistic in Castle Point, in addition to the absence of an up-to-date plan in place or a strategy to boost affordable housing delivery in the borough at the current time.
- The Strategic Housing Needs Assessment therefore concludes a net need of 326 affordable homes per annum in Castle Point – which would equate to 4,890 affordable homes over a 15-year plan period, or 6,520 over 20 years.
- The Strategic Housing Needs Assessment accepts that meeting the affordable housing needs in full would require delivery to increase by a factor of almost six, but that *“It is ultimately for the Councils to consider whether higher housing requirements could help to increase the delivery of affordable housing, which is evidently needed in each part of South Essex.”*

7.5.6 There is therefore a chronic undersupply of affordable housing in Castle Point – the adopted policy requirement is for 20% affordable housing (there is also supplementary planning guidance which requests 35%). In either scenario, the scheme at 40% affordable housing provision significantly exceeds the stated policy requirements in the borough.

7.5.7 CPBC’s Developer Contributions Guidance SPD (1 October 2008) notes a requirement for 35% affordable housing to be provided on site. It should be noted that this does not represent an adopted policy requirement. However, in any event, it is pertinent to note that the 40% affordable housing provision associated with this planning application also exceeds this stated position in CPBC’s supplementary planning guidance. A draft update to the Developer Contributions Guidance SPD was consulted upon in 2014. This document, in accordance with the emerging local plan at that time, outlined a requirement for affordable housing provision between 15 and 25%.

7.5.8 It is also pertinent to note the significant under supply of affordable housing in the borough since 2011. Over the 10-year period to 2021, just 169 affordable homes were provided in the Borough, with just 18 affordable homes having been delivered since 2018 (the beginning of the withdrawn local plan period). The delivery of 40% affordable homes on the Rayleigh Road site would therefore exceed the level of affordable housing delivered in the Borough over the past 10 years, and could be provided in their entirety by the 2028/29 monitoring year.

7.5.9 The delivery of 40% affordable housing in this context should therefore be afforded **very significant weight**.



7.6 Rectifying CPBC's significant five-year housing land supply shortfall

7.6.1 CPBC can only demonstrate a 1.86-year housing land supply, which is a substantial shortfall. As highlighted within this planning statement, the scheme can make a substantial contribution towards CPBC's housing land supply within the five-year period.

7.6.2 CODE has calculated that, against a requirement for 2,604 dwellings over the five-year period (355 dwellings (the standard method figure) * 5 + 20%), CPBC's housing land supply figure must be 969 dwellings. This represents an acute shortfall of housing of 1,635 dwellings over the five-year period. Case law is clear that the greater the shortfall, the greater the weight that may be applied in decision making. The substantial contribution within the five-year period should therefore be afforded **significant weight** (particularly in the context of a significant shortfall in housing land supply, which should also be afforded **significant weight**).

7.7 Community facilities

7.7.1 The planning application makes provision for the following community facilities (as previously required by Policy HO13 of the Castle Point Local Plan 2018 to 2033):

- A new multi-use community building;
- Land for a new early year's childcare facility and nursery; and
- Land for a new health facility.

7.7.2 The application also makes provision for the retention of the existing fishing lake on site.



8 OTHER KEY PLANNING ISSUES

8.1 Reduction in economically active population

- 8.1.1 Phase one of the Census 2021 results were published on Tuesday 28 June 2022. These are the first estimates of the number of people and households in England and Wales. The phase one results allow users to understand population changes identified within the Census 2021 for individual local planning authority areas, in comparison to national averages.
- 8.1.2 The phase one results identify that, in Castle Point, the population size has increased by 1.8%, from around 88,000 in 2011 to 89,600 in 2021. This is lower than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800.
- 8.1.3 The phase one results also allow users to understand population change (%) by age group. The results for Castle Point identify that there has been an increase of 18.9% in people aged 65 years and over. However, for people aged 15 to 64 years, there has been a decrease of 4.6% (average across this age range). The chart below, sourced from the Census 2021, outlines significant decreases in population across economically active aged residents in the borough. This highlights a potential forthcoming impact upon local services and facilities, which are reliant upon economically active residents to ensure their longevity.
- 8.1.4 The Census 2021 data does not provide any specific reasons for the decreasing population for economically active aged residents in the borough. However, when considering the housing completion data in the borough over the period 2011 to 2021, it is clear to see that there has been a significant under supply in new housing (including new affordable homes), which could accommodate local residents wishing to remain in the borough. The substantial under delivery of new housing in the borough (particularly for new family housing) is restricting the ability for economically active residents to remain in the borough.
- 8.1.5 Referring to CPBC's Annual Monitoring Reports, it is clear that 3,205 new dwellings should have been provided in the borough over the period 2011/12 to 2020/21 (based upon various housing requirements over the same period). Only 1,205 dwellings were delivered over the same period, a shortfall of 2,000 dwellings. The most recent evidence for required housing mix in the borough (contained within now withdrawn policy HO3, Housing Mix), outlined within the Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020), demonstrates that new houses are the predominant type of accommodation required in the borough over the period to 2033 (68% houses, 25% bungalows and 7% flats). The size of accommodation required indicates a need primarily for 2, 3 and 4 (or more) bed houses (22% 2-bed, 43% 3-bed and 29% 4-bed), which reflects the data contained within the Census 2021. There simply has not been enough family housing provided in the borough over the period 2011-2021 to support economically active aged residents in the borough.



- 8.1.6 The site at land east of Rayleigh Road can provide much needed new homes (including 40% affordable housing, across affordable rented and ownership tenures) which can support the retention of economically active aged residents in the borough. This should be afforded **very significant weight** in the overall planning balance.
- 8.1.7 CODE consider it is also important to recognise here the lack of affordable housing delivered since the 2011/12 monitoring year. As shown in the below table³, just 169 affordable properties have been delivered in the borough since 2011.

Figure 15: Number of Affordable Homes Delivered (gross)

Year	Social Rent	Intermediate	Affordable Rent	Total
2011/12	17	-	-	17
2012/13	22	-	-	22
2013/14	-	-	-	0
2014/15	25	15	15	55
2015/16	-	-	19	19
2016/17	3	4	9	16
2017/18	0	18	7	25
2018/19	2	0	0	2
2019/20	0	0	0	0
2020/21	13	0	0	13
2021/22	0	0	0	0
TOTAL	69	37	50	169

- 8.1.8 No affordable houses were built in the monitoring year 2021/22, further to the withdrawal of the local plan and just 169 affordable homes have been provided since 2011/12 (an 11-year period). 40% affordable housing provision on land east of Rayleigh Road would ensure the delivery of 182 affordable properties, which would exceed the entire total affordable housing delivered in the borough in the last 11 years.
- 8.1.9 CODE therefore consider that affordable housing delivery arising from land east of Rayleigh Road should be afforded **very significant weight**. This weighting is in light of the significant under-delivery affordable housing over the previous 11-year period and the failure of CPBC to deliver any affordable homes in the monitoring year 2021/22. Further to the withdrawal of the Castle Point Local Plan 2018-2033, the adopted policy position for affordable housing delivery in the borough is 20%. 40% affordable housing provision on land east of Rayleigh Road would be a substantial material consideration in favour of granting planning permission for the proposals and would make a significant contribution to the overall very special circumstances.
- 8.1.10 The SHMA Addendum 2017 indicated a need for up to 288 homes per annum to be affordable. CPBC's AMR 1 April – 31 March 2022 (published December 2022) acknowledges *"There is a need to increase*

³ Source – Castle Point Annual Monitoring Report 1 April 2021 – 31 March 2022



supply.” At the time of preparing this Planning Statement, CPBC has no published adopted or emerging strategy for the delivery of affordable homes in the borough. It is only through the provision of unallocated sites that CPBC can meet significant affordable housing needs in the borough. Land east of Rayleigh Road, Thundersley can deliver a broad range of affordable housing tenures in line with the definition of affordable housing in the NPPF.

8.2 Delivery of key highway infrastructure

8.2.1 Mitigating the transport impacts of the development will be in accordance with local and national transport policies, which prioritise pedestrians, cyclists, and public transport, rather than simply supplying extra road capacity for the benefit of car borne users. Whilst the emerging local plan has been withdrawn, it is important to note the examining inspector found the plan sound. At paragraph 181 of the examining inspector’s report into the soundness of the local plan, it was stated:

“I am satisfied that given the technical evidence, the level of growth proposed in the plan is such that any significant impacts which would arise from it on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, there is no convincing evidence to the contrary.”

8.2.2 The development therefore proposes transport mitigation that focusses on improving road safety and conditions for walking, cycling and public transport, maximising the use of existing highway infrastructure. This is instead of assisting unfettered growth of vehicular traffic through providing new highway capacity in the form of enlarged junctions or widened roads.

8.2.3 The transport mitigation for the development is guided by CPBC’s Infrastructure Delivery Plan (IDP) which accompanies the draft Local Plan. The development’s transport mitigate includes:

- Providing a contribution to ECC for ECC to deliver the proposed north-south hybrid cycle route along the A129 between and including its junctions with the A127 (Rayleigh Weir) and the A13 (Victoria House Corner);
- Enhanced bus connections and waiting facilities including a spine road through the site with a bus gate so buses can travel through the site between Stadium Way and Daws Heath Road, with new or improved bus services along Daws Heath Road and meaning all dwellings will be within 400m of a bus stop;
- Providing a contribution to ECC for ECC to deliver A129 route improvements, the focus for which would be to improve road safety and conditions for pedestrians, cyclists, and public transport; and
- As part of the A129 route improvements, providing a contribution to ECC for ECC to deliver capacity enhancements at the Victoria House Corner junction.



- 8.2.4 A Residential Travel Plan has been prepared separately for the proposed development, whose objective will be to encourage non-car modes of travel to the proposed development. This would be in place prior to occupation. The Travel Plan will be monitored, reviewed, and modified as necessary.
- 8.2.5 Through this package of transport measures, along with the Travel Plan for the development, it is considered that the development will cost effectively mitigate its transport impacts on the transport network, so that there is an acceptable impact on highway safety, and the residual cumulative impacts of the development on the road network are not severe.
- 8.2.6 The proposed development meets transport-related requirements (and the requirements of the now withdrawn policies of the Castle Point Local Plan 2018-2033), because:
- Access arrangements for the site addressing peak time congestion at nearby junctions through the development's contribution to ECC's A129 route improvements;
 - The provision of greenways through the site, linking to the existing network of green infrastructure which provide opportunity for active travel and recreation, but which avoid or otherwise manage additional recreational disturbance to sensitive wildlife assets nearby;
 - Main vehicular access will be taken from Stadium Way in the north and Daws Heath Road in the south; and
 - Improvements to active and sustainable infrastructure, facilities and services will be secured within and as part of the development to promote modal shift and improve connectivity. This includes the public transport only route through the site, bringing all new homes on the site within 400m of public transport provision.
- 8.2.7 The proposed development is in accordance with national transport policy objectives contained in the National Planning Policy Framework. The development's proposed transport improvements will be cost-effective in limiting the development's transport impacts and will assist with maximising the site's non-car accessibility. The improvements can also be undertaken within the transport network, i.e. the public highway or land within the control of the applicant, and therefore do not require third party land.
- 8.2.8 Based on the assessments and mitigation described in this report, it is considered that the residual cumulative impacts of the development are not severe, and therefore there should be no reason on transport grounds why the development should be prevented or refused.
- 8.3 **Ecology, avoiding recreational disturbance and biodiversity net gain**
- 8.3.1 The site falls within the Impact Risk Zone (IRZ) for four statutory designated sites of international importance, with Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site the closest at 3.0km south of the site. A project level Habitats Regulations Assessment was undertaken and is reported on separately (SES, 2021a). Mitigation measures detailed within the submitted Ecological Impact Assessment to reduce recreational impacts on these sites include the provision of



14.60ha of informal open space that can be used for recreation within the scheme, and a financial contribution in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that given the distance from any other designated sites and the provision of the mitigation above there will be no significant impacts upon any designated sites.

- 8.3.2 There are six sites of national importance within 5km of the site with the closest (Thundersley Great Common Special Site of Scientific Interest) located 0.2km west. In addition, there are 21 non-statutory designated sites within 2km of the site, with Little Haven/Tile Wood Complex Local Wildlife Site bordering the site to the east. Mitigation will be required to minimise impacts on nearby sites of national and local importance. It is considered that such impacts can be fully mitigated through the provision of 10.73ha of SANGS within the development along with provisions such as dog waste bins, on site walking routes and wildlife sensitivity information boards. Wetland habitats and thorny scrub have also been located adjacent to the neighbouring reserve to prevent unrestricted access. In addition, the connection to the northern PRow has been moved away from eastern boundary to further prevent unrestricted access while still allowing residents who wish to enjoy a longer walk within a natural setting to do so.
- 8.3.3 The habitats on site were dominated by improved grassland of limited ecological value. However, field compartments 4 to 7 supported greater diversity and were considered to be semi-improved in nature. It is considered probable that woodland 3 is part of an ancient relict woodland of significant ecological value. Furthermore, hedgerows H1, H3 and H6 were characteristic of ancient hedgebanks that hold intrinsic biodiversity value. The site's native woodland and hedgerows qualified as Habitats of Principle Importance (HPI) under the NERC Act 2006 while other habitats of value included mature broadleaved trees and the lake. While it is envisaged that the semi-improved grassland within field compartments 4-7 and a number of trees, particularly on the northern boundary, will be cleared to facilitate the development, the remaining habitats of value will be retained with the exception of a section of H5 and H6 and two sections of hedgerow H7.
- 8.3.4 Additional habitats including species-rich grassland, wet grassland, rough grassland and scrub, parkland and a traditional orchard will be created to compensate for the loss of habitat resulting from the scheme. A Biodiversity Net Gain Assessment has been undertaken using the DEFRA Metric 3.0 the results of which have been provided in a separate report (SES, 2021b). In summary, the Biodiversity Net Gain assessment predicted an increase of 10.39%.
- 8.3.5 The submitted ecological reports provide a summary of the baseline ecological conditions and outline the importance of features recorded at the site. They also outline the impacts, mitigation and enhancement measures to ensure biodiversity is protected during course of the development and enhanced following occupation. These recommendations will complement existing green infrastructure with a mosaic of complementary habitats and provide an ecologically diverse and coherent ecological network of habitats that will result in a Biodiversity Net Gain. Additional recommendations include the production of a Landscape and Ecology Management Plan and



Construction and Ecology Management Plan. Through implementation of the recommended measures, it is considered that all significant negative impacts as a result of the scheme upon protected and notable habitats and species would be mitigated in line with relevant wildlife legislation and national and local planning policy related to biodiversity.

8.4 **Landscape**

8.4.1 The site has been designed to mitigate as much as possible the potential landscape and visual impacts arising out of the proposals. In this instance the site has been identified by CPBC as a suitable and appropriate location for new housing and is being promoted for a new housing allocation in the Local Plan.

8.4.2 The masterplan has been informed by extensive, comprehensive, and detailed technical analysis across a range of disciplines. The team's collaborative design approach has responded positively to the environmental requirements. The new settlement edge is permeable in terms of access and visibility, rich in landscape assets and delivers a variety of spaces, functions, and environmental benefits.

8.4.3 This approach enables a design solution which embraces the aims of paragraph 98 of the NPPF, namely:

“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.”

8.4.4 The applicant's team has taken a robust approach to the analysis of the locale, its technical constraints and relationship with the settlement edge, to create a complementary area of new housing within a connected framework of multifunctional green infrastructure serving the local and wider community. The collaborative approach to the project is important as it enables a comprehensive solution to growth.

8.4.5 It should also be noted that the Zone of Theoretical Visibility (ZTV) presented on page 9 of the submitted LVIA demonstrates the localised potential adverse effects associated with the development of the site. The site's boundaries are such, that paired with proposed planting and the natural topography of the site, the site is unlikely to have a significant adverse effect on local street scenes.

8.4.6 The proposals therefore respond positively to their location and have been genuinely landscape led in their development.



8.5 Flood risk and drainage strategy

8.5.1 The submitted Flood Risk Assessment, prepared by Stantec, concludes that:

- The site is located in Flood Zone 1: Low Probability of flooding;
- There is surface water flood risk in the north-eastern and south-eastern areas of the site which coincide with areas of low topography and existing drainage features and hence considered to be at low risk of flooding;
- There is a low to medium groundwater flood risk across the site;
- The site is considered to be at low risk from other forms of flooding; and
- The proposed mitigation strategy demonstrates the development is safe through a number of measures as follows:
 - Application of the sequential approach has been applied following the implementation of the surface water drainage strategy.
 - Recommended incorporation of minimum 150mm 'freeboard' in ground floor levels for buildings and appropriate profiling of exterior ground levels away from building entrances;
 - Provision of appropriate surface water drainage attenuation systems, including consideration of projected impacts of climate change and exceedance events;
 - Plans in place for future management and maintenance of drainage systems;
 - Recommended waterproofing in the substructure design and any service trench installations;
 - Consideration for the need for dewatering during construction;
 - Recommended to line the pipes with leak-tight liner and where appropriate to line the proposed SuDS features to prevent the ingress of ground water into the pipes through leaking joints and into the proposed SuDS features reducing the storage capacity within these features; and
 - Groundwater monitoring over a period as agreed with approving authorities to confirm seasonal fluctuations in groundwater levels.

8.5.2 The proposed surface water drainage strategy for the development consists of a network of positive drainage consisting of and not limited to Attenuation Basins with, Swales, and some operate as Multifunction Attenuation Basins (lower areas used for attenuation and upper levels providing play space but will also store surface water runoff in the climate change scenarios).



8.5.3 The sequential test is passed on the basis that the site in Flood Zone 1, the surface water flood risk is dealt with through proposed attenuation features, the low to medium groundwater flood risk is mitigated for, and there is a low risk from flooding from other sources.

8.5.4 The FRA therefore concludes that the users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties. The proposals comply with the NPPF and local planning policy with respect to flood risk and drainage, and this is an appropriate development at this location in flood risk terms.

8.6 **Arboriculture**

8.6.1 The submitted Arboricultural Impact Assessment (AIA) demonstrates that the proposed illustrative masterplan will require the removal of 38 individual trees and 4 groups of trees. The proposed layout will require the part removal of 14 groups of trees, 6 woodlands and 2 hedges.

8.6.2 Where the proposed design layout incurs into the root protection areas of trees (please refer to the AIA), specialist design considerations will be required before the commencement of works. Appendix 6 of the submitted AIA outlines methods which can be utilised for work close to trees).

8.6.3 The AIA concludes that, provided precautions to protect the retained trees are specified and implemented through the measures contained in the report, the development will have a minimal impact on the retained trees or their wider contribution to amenity and character. The report continues that if the recommendations within the AIA are followed, the development will be achievable in arboricultural terms and should be acceptable to CPBC.

8.7 **Air quality**

8.7.1 The air quality impacts associated with the Proposed Development at land east of Rayleigh Road, Hadleigh located within the administrative boundary of CPBC have been assessed. CPBC and RDC have investigated air quality as part of their responsibilities under the LAQM regime. The closest AQMA to the Site is Rayleigh AQMA, declared by RDC and located approximately 240 m to the north of the Site. CPBC has not declared any AQMAs.

8.7.2 The construction works have the potential to create dust. During construction it is recommended that in accordance with the IAQM guidance a package of mitigation measures is put in place to minimise the risk of elevated PM10 concentrations and dust nuisance in the surrounding area. With mitigation in place the construction impacts are judged as not significant.

8.7.3 The operational effects of the Proposed Development on human receptor locations are judged to be not significant.

8.7.4 Concentrations of NO₂, PM₁₀ and PM_{2.5} have been predicted for a number of worst-case locations representing existing properties adjacent to the road network, as well as future receptor locations within the Site. Predicted concentrations are below the relevant NAQOs / Limit Values at all of the



existing and proposed receptor locations with the Proposed Development in place. The operational effects of the Proposed Development on human receptor locations are judged to be not significant.

8.7.5 The increases in NO_x and NH₃ concentrations, and acid and nitrogen deposition, on ecological receptors are considered to be insignificant.

8.7.6 Mitigation measures to reduce the impacts of the development on air quality concentrations are not considered to be required, however additional transport related mitigation measures will be employed through a Travel Plan to reduce emissions from the Development.

8.7.7 The Proposed Development is therefore considered to be in accordance with the requirements of the NPPF, and relevant local and national planning policy and guidance regarding air quality.

8.8 **Noise**

8.8.1 Based upon the assessments detailed within the submitted noise impact assessment, prepared by Stantec, it is considered that the majority of private external amenity spaces are to be located in areas where noise levels are likely to fall below BS8233 guidance levels on external noise. It is likely that the proposed criteria for internal ambient noise levels in residential areas will be readily achieved across the majority of the site with a conventional double glazing and ventilation strategy. It is considered that suitable mitigation measures in respect of dwellings can be secured at the reserved matters stage further to the imposition of a condition upon grant of outline planning permission.

8.8.2 For areas of the site directly adjacent to Rayleigh Road and Daws Heath Road, it is expected that with the use of mitigation measures, including orientation, building layout and appropriate external building fabric constructions, suitable internal and external acoustic conditions can be achieved.

8.8.3 The report therefore concludes that, *“Based on the results of the assessments undertaken and the implementation of the recommended mitigation measures, the site should be considered suitable for residential development in relation to noise considerations.”*

8.9 **Archaeology and built heritage**

Archaeology

8.9.1 In terms of relevant, nationally significant designated heritage assets, no World Heritage Sites, Scheduled Monuments, Historic Wrecks or Historic Battlefields lie within the study site or its immediate vicinity. A designated Scheduled Monument lies c.1 kilometre to the east of the study site.

8.9.2 The available information indicates that the study site can be considered likely to have an archaeological potential for the prehistoric, Roman, Anglo Saxon and Medieval periods.

8.9.3 The Essex Historic Environment Record notes the potential presence of a Roman villa site within the eastern boundary of the study site, however, there does not appear to be any evidence to support this.



- 8.9.4 Previous geophysical survey work undertaken within the western part of the study site did not reveal any potential features which were interpreted as pre-dating the Modern period.
- 8.9.5 Recent geophysical survey across the study site revealed no clear evidence for the Roman villa within the eastern part of the study site. Geophysical anomalies interpreted as likely to represent archaeological features have been identified within the central, southwestern, northwestern and eastern parts of the study site, with a single 'strong' anomaly of likely archaeological origin identified towards the northwestern corner.
- 8.9.6 The bulk of the study site has remained open agricultural land throughout its documented history.
- 8.9.7 In view of the perceived archaeological potential, and in line with relevant planning policy and guidance, it is anticipated that the planning authorities archaeological planning advisors will require further archaeological mitigation measures in association with redevelopment impacts. The available information indicates that in accordance with the National Planning Policy Framework (NPPF), and proportionate to the impact of development, these works can follow the granting of planning consent, secured by an appropriate archaeological planning condition.
- 8.9.8 A staged approach to archaeological mitigation works, which will likely be required as part of an archaeological condition attached to any grant of outline planning permission, is therefore proposed as follows:
1. Trial trench evaluation, guided by the results of the geophysical survey, and areas of proposed impact;
 2. Further archaeological mitigation, guided by the results of initial evaluation.
- 8.9.9 Following the implementation of appropriate archaeological mitigation measures it is anticipated that there will be no harm to archaeological heritage assets.
- 8.9.10 It is not anticipated that the proposed development will impact upon the setting of the designated Scheduled Monument to the east.

Built heritage

- 8.9.11 The proposed development is considered to represent a proportionate and appropriate redevelopment of the Site that suitably responds to the Site's proximity to relevant built heritage assets. No potential adverse effects have been identified in relation to the Grade II listed no.96 and no.98 Daws Heath Road. The proposed development represents a notable alteration of the edge of settlement or semi-rural character of the immediate setting of the locally listed no.137 and no.185 Daws Heath Road. The proposed development will not alter the intrinsic limited architectural or historic interest of these non-designated built heritage assets or change their positive contribution to the local streetscene.



8.9.12 A balanced judgement should be made in respect of the potential impacts on the relevant locally listed building in accordance with Paragraph 197 of the NPPF. This assessment is sufficient with respect to Paragraph 189 of the NPPF to inform a decision on the suitability of the development proposals in regard to Built Heritage. It also demonstrates that the significance of the surrounding heritage assets would be preserved and that the proposed development conforms with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant national and local planning policies.



9 CONCLUSIONS AND OVERALL PLANNING BALANCE

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in Section 70(2) of the Town and Country Planning Act, which states *“in dealing with such an application the authority must have regard to the provisions of the development plan, so far as material to the application.”*
- 9.2 Paragraph 11 of the NPPF requires plans and decisions to apply a presumption in favour of sustainable development. For decision making, section c) of paragraph 11 clarifies that for decision making, this means *“approving development proposals that accord with an up-to-date development plan without delay.”*
- 9.3 CODE has identified, within this planning statement, that the proposals will deliver numerous positive material considerations, which are considered to amount to very substantial benefit. Against these benefits, CODE has had due regard to the harm caused by the development proposals; both the substantial weight afforded to the Green Belt harm as a whole and the additional landscape and visual harm to the area.
- 9.4 Nevertheless, CODE recognise the guidance contained within paragraph 148 of the NPPF, which states that any harm to the Green Belt should be afforded substantial weight. This is reflected in the following table, which outlines the benefits, harms and weightings to be considered in the overall planning balance:

Harms and Weighting		Benefits and Weighting	
Harm	Weight	Benefit	Weight
Inappropriate development in the Green Belt	Substantial weight	Provision of new market housing	Significant weight
Landscape and visual impact	Moderate weight	Provision of affordable housing	Very significant weight
		Contribution towards rectifying CPBC's housing land supply deficit	Significant weight
		The scale of housing land supply shortfall in Castle Point	Significant weight
		The conclusions of Castle Point's evidence base, that exceptional circumstances exist, for the release of the site from the Green Belt	Significant weight
		Economic benefits	Significant weight



Harms and Weighting		Benefits and Weighting	
		Biodiversity net gain	Moderate weight ⁴
		Enhanced landscaping	Moderate weight
		Provision of new community infrastructure	Significant weight

9.5 CODE considers that the weight to the above material considerations in favour of the application is strengthened in light of the lack of an adopted strategy in place to address worsening affordability in the borough and a historic and significant under provision of housing. In a recent appeal decision⁵ in Knowle, the inspector concluded the following with regard to the benefits of the particular scheme the subject of the appeal:

“None of the benefits in this case are particularly unusual. However, they are very numerous and, significantly, several carry considerable individual weight such that collectively the benefits do clearly outweigh the totality of the harm. I would stress that this is not just a consequence of the unmet need. Rather it is primarily because the high level of need is set within the context of there being no adopted strategy to address it, there being significant uncertainty over when such a strategy might be in place and once in place when it might start to deliver accommodation, and the absence of any other identified sites that might contribute to meeting the unmet need in the meantime. These matters, combined with the other more modest benefits, including job creation, clearly outweigh the combined identified harm.”

9.6 The inspector, at paragraph 48 of the decision therefore continues that *“...notwithstanding that the proposals would represent inappropriate development in the Green Belt, in the particular circumstances of the case, very special circumstances do exist in this instance.”*

9.7 CODE therefore consider that the adverse impacts of the proposal are demonstrably and cumulatively outweighed by the substantial benefits associated with this application. It is considered that these benefits cumulatively demonstrate very special circumstances in favour of the proposals, as per paragraphs 147 and 148 of the NPPF. It is considered, therefore, that there is no conflict with relevant Green Belt policies in the NPPF. As such, it follows that the proposals do not conflict with the relevant saved policies of the Castle Point Local Plan (1998).

9.8 Even if it is considered that there is a conflict with the saved policies of the adopted local plan, CODE consider that the material considerations in favour of granting planning permission are so strong, that any adverse impacts associated with the development of the site are demonstrably outweighed. CODE therefore respectfully submit that outline planning permission should be granted for the proposals.

⁴ This weighting is on the basis of the mandatory requirement at the point of determination.

⁵ Wyndley Garden Centre, Warwick Road, Knowle, APP/Q4625/W/21/3285876, appeal allowed 25 March 2022



Appendix A



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
<p>Policy SD1 – Making effective use of land</p>	<p>The Council will seek to make the most effective use of development land in the Borough, through granting permission for detailed proposals on sites allocated in the local plan, favouring a design led approach to establishing site density, ensuring that proposals are of high quality are compatible with the prevailing character of the area and supporting proposals on previously developed land, where those proposals are in compliance with Green Belt policies in the plan.</p>	<p>The site is allocated by policy HO13 for approximately 455 dwellings. The illustrative masterplan, as submitted, has been prepared through detailed work with the council’s officers, elected members and other key stakeholders to ensure that the proposals are genuinely design led, are sympathetic to and respect the existing character and appearance of the area, utilising appropriate urban design approaches dependent upon the relevant constraints in each part of the site.</p> <p>The submitted Design and Access Statement demonstrates how the proposals have been prepared to embody a multi-functional open space led approach. Whilst the application is submitted in outline, the submitted parameter plans demonstrate where different densities and design led approaches might best be incorporated into the site. The applicant would welcome discussions with the Council to identify suitably worded planning conditions which require detailed submissions to be broadly in accordance with the submitted parameter plans, to ensure the design principles submitted for consideration</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>with this application are carried through into the detailed reserved matters.</p> <p>This application is therefore in accordance with the provisions of policy SD1.</p>
Policy SD2 – Development Contributions	Council will seek appropriate contributions from qualifying developments in order to support the delivery of new or improved infrastructure necessary to deliver the sustainable development promoted in the local plan. For allocated sites, these will be expected to contribute towards the provision of the infrastructure identified in the infrastructure delivery plan.	<p>The applicant has agreed to the provision of the infrastructure required under policy HO13, including land for a new early years childcare centre, a new health facility, new multi-use community building and on and off site highway improvements.</p> <p>The application is in compliance with Policy SD2. The masterplan, submitted with this planning application incorporates the infrastructure as required of the site both within policy HO13, and the latest version of the Infrastructure Delivery Plan (IDP).</p>
Policy HO1 – Housing Strategy	The policy offers support for development on the housing strategic allocations sites, in order to deliver at least 5,284 new homes with the Borough during the period 2018 to 2033. The policy requires that the mix of new homes provided is aligned with local needs to enable first time buyers, growing families and those	<p>The site is allocated under policy HO13, for approximately 455 new homes. The planning application as submitted has been prepared in accordance with the policies of the Castle Point Local Plan, including policy HO1.</p> <p>The proposals, as submitted, have had regard to the provisions of policy HO3, regarding housing mix and policy HO4,</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>looking to downsize to meet their accommodation needs.</p>	<p>in relation to provision of affordable housing. The suggested housing mix provided in support of the planning application has been devised referring to these policies, in addition to evidence base documents underpinning the emerging local plan, including the Strategic Housing Market Assessment.</p> <p>The final housing mix will be confirmed at the detailed reserved matters stage, however the masterplan prepared in partnership with CPBC, key stakeholders and local residents demonstrates that 455 dwellings can be accommodated on the site, with a housing mix which broadly reflects the most up to date evidence on housing mix in the Borough.</p> <p>The proposals are therefore in compliance with Policy HO1.</p>
<p>Policy HO2 – Master planning</p>	<p>The council expects master plans and/or planning or development briefs for all major development proposals.</p> <p>In order to demonstrate its commitment to the master planning process, the council will in appropriate cases adopt master plans/planning development briefs as supplementary</p>	<p>The applicant has positively collaborated with the officers and members of Castle Point Council, with input from key stakeholders and members of the public, to prepare the detailed illustrative masterplan which has been submitted with the planning application.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>planning documents and will then accord significant weight to them in the determination of any subsequent planning applications.</p>	<p>Three stages of public engagement have been undertaken in the preparation of the masterplan, including the following stages:</p> <ul style="list-style-type: none"> • Issues – identifying the issues most important to the local residents and businesses and the key features of site of importance to the local community. The consultation focussed on seeking views on the potential constraints to the development of the site, and whether there were any uses (in addition to those required by policy HO13), which the site could incorporate for the benefit of the existing and future community; • Options – following the initial stage of public consultation, and feedback received from the Local Plan Delivery Board, the next stage of the engagement process sought views on the latest illustrative masterplan, which detailed the multi-functional open space led



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>approach which had emerged further to the first stage of engagement and early discussions with the LPDB.</p> <p>At this stage, it had been identified through the preparation of the masterplan that there are very few options to bring the site forward, without compromising the open space led approach (and the proposed mitigation necessary on site for surface water attenuation and biodiversity net gain). The options stage of the public engagement process therefore focused on the location of the proposed community uses.</p> <p>More detail regarding each stage of the public engagement process is outlined within the submitted SCI.</p> <p>The proposals are therefore in compliance with policy HO2 of the submission version of the Castle Point Local Plan. The masterplan has been prepared on a partnership basis with the Council and has been agreed with</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		members of the Local Plan Delivery Board.
Policy HO3- Housing Mix	Sites over 4ha should comprise at least 25% 1 or 2 bedroom homes for general needs.	The housing mix on site has been illustratively identified to meet the requirements of the SHMA as closely as possible. The proposals are therefore in accordance with policy HO3.
Policy HO4 – Securing more affordable housing	All proposals for housing development, and mixed-use proposals that include an element of housing, resulting in 11 or more net additional homes will be required to make a contribution of up to 40% for development sites on the mainland (Benfleet, Hadleigh and Thundersley). Affordable housing provision will normally be provided on-site. In exceptional circumstances, where there is evidence that a development is unviable at those levels, including below 40%, it will be the responsibility of the developer to make the case to the satisfaction of the council.	The proposals will provide 40% affordable housing on site, in accordance with the provisions of policy HO4. The proposals are therefore in compliance with HO4. The provision of affordable housing on this allocation is crucial for the delivery of the requisite affordable housing need in the Borough over the period to 2033.
Policy HO13 – land east of Rayleigh Road, Hadleigh	Land east of Rayleigh Road, Hadleigh, as identified on the Policies Map, is allocated for residential purposes, to deliver around 455 new homes by 2033. The policy requires a master plan approach to the site, to ensure that the	Policy HO13 provides a detailed set of criteria with which the allocation must accord, primarily regarding the requirements for the site masterplan. The application, as submitted, is for up to 455 new homes. As demonstrated in separate sections within this planning



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>development is attractively designed, contributing to environmental quality, and that infrastructure is provided to support growth in this location.</p> <p>Detailed design proposals must have regard to the council's residential design guidance.</p> <p>Public transport waiting facilities and services must be improved on Rayleigh Road and Daws Heath Road.</p>	<p>statement, the applicant is confident the site can be delivered in its entirety by the 2028/29 monitoring year.</p> <p>With regard to the site masterplan, CODE, the applicant and CPBC have worked in partnership over the previous 24 months, leading up to the submission of the application, to prepare a suitable masterplan to guide the development of the site. The masterplan has also been subject to guidance and review of CPBC's Local Plan Delivery Board, and with additional input from key stakeholders, such as the NHS. Consultation with existing local residents who live in close proximity to the site has also been invaluable in the preparation of the masterplan. Details of all consultation undertaken is explained in more detail within the submitted SCI.</p> <p>The submitted Design and Access Statement (DAS) demonstrates the considered approach taken to the preparation of the masterplan, in addition to the key conclusions of each of the submitted application reports which form the evidence base underpinning this application.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>The masterplan demonstrates a multi-functional open space led approach, which has focussed upon delivering an exceptional place to live, in accordance with the policies of the local plan, and the provisions of the updated NPPF.</p> <p>The masterplan has been informed by a significantly detailed consideration of the site's context, constraints and opportunities that exist both on and off site and input from all parties, as outlined above, to ensure that the proposals can demonstrate compliance with policy HO13, and deliver a new community in the heart of Thundersley.</p> <p>The masterplan shows the provision of new greenways and green links across the application site. These new routes will increase the permeability of the site with the existing settlement, establishing official public rights of way and bridleways which will be retained for the lifespan of the development. These greenways and links also provide key routes between the public open spaces to be provided on site, creating a 'necklace' of new open spaces and public routes throughout the site.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>In addition, these new greenways and green links have been designed to provide new circular routes within the site to reduce recreational pressure and disturbance to designated sites and the Little Haven nature reserve. The submitted Habitats Regulations Assessment (HRA) confirms the financial contribution that the site will make towards the Essex RAMS (on the current index), and also demonstrates the provision of Suitable Alternative Natural Greenspace (SANG) to mitigate the potential recreational disturbance impacts which may arise from the development.</p> <p>The submitted Ecological Impact Assessment and Biodiversity Net Gain calculation demonstrate the multi-functional open space led approach to the development will lead to a 20.8% net gain in biodiversity on the site.</p> <p>A carefully designed drainage strategy has been submitted with the application which demonstrates how surface water will be managed on site, before being discharged at appropriate greenfield run off rates into an existing</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>watercourse which passes through the east of the site.</p> <p>The policy, as currently proposed to be modified, also requires the safeguarding of suitable access for the maintenance of foul and surface water drainage assets, in addition to other utilities infrastructure, to be incorporated into the masterplan. This has been checked by our appointed flood risk and utilities consultants and compliance is confirmed within the relevant reports.</p> <p>The masterplan (and submitted parameter plans) also demonstrate the inclusion of a new public transport only link through the centre of the site. With the provision of the new public transport link (and provision of two new bus stops within the site boundary), the applicant is ensuring that all homes within the site will be within 400m of public transport provision, either to those new bus stops, or to existing bus stops on Rayleigh Road and Daws Heath Road.</p> <p>Finally, the masterplan incorporates the provision of a new multi-use community building, in accordance with the space requirements outlined at paragraph XX</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>of the supporting text, land for the provision of a new health facility (up to 1,000sqm, dependent upon the requirements of the NHS) and 0.13ha of land for a stand-alone early years and childcare nursery. These new facilities will assist the development in becoming a key community hub.</p> <p>It is therefore clear the proposed development at land east of Rayleigh Road is in substantial accordance with the criteria of Policy HO13 (as submitted and as proposed to be modified) as currently drafted. The proposed masterplan has been prepared in partnership with the Council and the Local Plan Delivery Board, with input from key stakeholders, local residents and elected members, to ensure that the development can be delivered to meet the Council's aims and ambitions and to provide a health, sustainable new community within the heart of Thundersley.</p>
Policy HS1 – Strategy for healthy communities	To ensure that communities in the borough are active and healthy, do not suffer from social isolation, deprivation and health inequalities, and adult social care services are sustainable into the future, the council	The development has been designed to prioritise travel by sustainable means, creating new greenways, green links and other routes across the site to encourage walking and cycling as opposed to use of the private car.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>will seek to promote good physical and mental health and healthy lifestyles amongst residents, ensure that everybody can participate within the community, and access employment opportunities, ensure that growth in the borough is aligned to improvements in the provision of healthcare services and ensure that new development is designed and located to promote good health, and avoid sources of harm to health.</p>	<p>The submitted DAS provides substantial detail regarding the design of the proposals, including their compliance with the policies of the Castle Point Local Plan, and the new design related paragraphs of the NPPF.</p> <p>The masterplan has been prepared to mitigate as much as possible the potential adverse impacts arising from the proposals, including on designated ecological sites, through the provision of new circular routes to encourage active lifestyles within the site boundary.</p>
<p>Policy HS2 – opportunities for indoor leisure and sports</p>	<p>The policy seeks to increase participation in physical activity in the borough for indoor leisure and sports, including the provision of a new community hall for capacity for sports including badminton and short-mat bowls in the Benfleet, Hadleigh and Thundersley area.</p>	<p>The illustrative parameter plans submitted with the planning application include the provision of a multi-use community building with the capacity for two badminton courts (as requested by the Council and as summarised within the infrastructure delivery plan). The proposals will ensure the delivery of the community facility and the development is therefore compliant with policy HS2.</p>
<p>Policy HS3 – opportunities for outdoor recreation</p>	<p>Public access will be secured to open space in order to support active and healthy communities and to manage recreational pressures on areas of nature conservation interest. This will</p>	<p>The proposals have been designed to ensure all residents are able to lead a healthy lifestyle. The strategy to achieve this is founded on two key aims (as discussed within the submitted</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>be achieved by working with partners to deliver open space and green infrastructure projects in the Borough. This will be supplemented by additional provision secured on development sites. Additional provision will be sought as set out in the Castle Point Borough Infrastructure Delivery Plan.</p>	<p>DAS), which are encouraging physical activity and allowing residents to connect with each other and with nature.</p> <p>The multi-functional open space provides layered, connected recreation areas at a range of different scales across the site. The plan on page 73 of the DAS shows a mosaic of interconnected semi natural green open spaces for the benefit of people and wildlife.</p> <p>The masterplan has been prepared to mitigate as much as possible the potential adverse impacts arising from the proposals, including on designated ecological sites, through the provision of new circular routes to encourage active lifestyles within the site boundary.</p>
<p>Policy HS4 – Educations, skills and learning</p>	<p>Where a development proposal, by virtue of its scale and/or location will increase demand for education facilities beyond those available within the local area, new or enhanced facilities will be sought through a Section 106 Agreement.</p> <p>Where the cumulative impacts of residential development within a local</p>	<p>The proposals include 0.13ha of land in accordance with Policy HO13, and the latest version of the IDP, on the submitted masterplan. The proposals are therefore in accordance with the requirements of policies HO13 and HS4.</p> <p>The applicant is also committed to the payment of appropriate financial</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>area increase demand for education facilities beyond those available, development will be required to make proportionate contributions to support capacity improvements to education infrastructure.</p>	<p>contributions towards the expansion of existing education facilities where those contributions meet the relevant CIL tests.</p> <p>The proposals are therefore in accordance with the provisions of policy HS4.</p>
<p>Policy HS5 – Health and social care provision</p>	<p>The Council will support, in principle, proposals which seek to improve the quality of health and social care provision in Castle Point.</p>	<p>The proposals include the provision of land for a new healthcare facility. The submitted statement of community involvement includes an overview of discussions held with the local Clinical Commissioning Group to understand the need for a new healthcare facility in the borough and the CCG’s preferred location within Castle Point. Whilst no preferred location has yet been identified, the CCG has been supportive of the inclusion of land for a new healthcare facility within the parameter plans for land east of Rayleigh Road, and This Land will continue to work with the CCG in ensuring the site can appropriately respond to the need for new healthcare facilities in the borough arising from the development. The proposals are therefore in compliance with policy HS5.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
Policy HS6 – Community facilities	The policy seeks to meet the day to day needs of residents in the borough, through new/extensions/alterations to existing community facilities.	The illustrative parameter plans submitted with the planning application include the provision of a multi-use community building with the capacity for two badminton courts (as requested by the Council and as summarised within the infrastructure delivery plan). The proposals will ensure the delivery of the community facility and the development is therefore compliant with policy HS6.
Policy TP1 – Transport Strategy	The policy seeks the enhancement of the transport network including through the identification of development locations which would provide opportunities to secure additional improvements to the capacity and permeability of the highway network in Castle Point, and the potential to support the viability of bus services. In addition, the policy recognises that well sited development locations can support and enhance the walking and cycling and bridleway network in the borough.	Whilst the emerging local plan has been withdrawn, it is important to note the examining inspector found the plan sound. At paragraph 181 of the examining inspector’s report into the soundness of the local plan, it was stated: <i>“I am satisfied that given the technical evidence, the level of growth proposed in the plan is such that any significant impacts which would arise from it on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, There is no convincing evidence to the contrary.”</i> The development therefore proposes transport mitigation that focusses on improving road safety and conditions for walking, cycling and public transport, maximising the use of



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>existing highway infrastructure. This is instead of assisting unfettered growth of vehicular traffic through providing new highway capacity in the form of enlarged junctions or widened roads.</p> <p>The Planning Statement, at paragraph 8.2.3, identifies specific transport mitigation and enhancements to be delivered through the scheme. The proposals are therefore in compliance with policy TP1.</p>
<p>Policy TP2 – Improvements and alterations to carriageway infrastructure</p>	<p>In order to manage congestion on key routes, and at key junctions within the borough and improve the quality of town centre environments, the following improvements and alterations to carriageway infrastructure in Castle Point will be delivered through contributions set out in the Infrastructure Delivery Plan and safeguarding areas are shown on the policies map:</p> <ul style="list-style-type: none"> • Extension to Roscommon Way Phase 3; • Widening of Somnes Avenue; • Route improvements along the A129 Rayleigh Road between the Rayleigh Weir and Victoria House Corner junctions; 	<p>The transport mitigation for the development is guided by CPBC's Infrastructure Delivery Plan (IDP) which accompanies the draft Local Plan. The development's transport mitigate includes:</p> <ul style="list-style-type: none"> • Providing a contribution to ECC for ECC to deliver the proposed north-south hybrid cycle route along the A129 between and including its junctions with the A127 (Rayleigh Weir) and the A13 (Victoria House Corner); • Enhanced bus connections and waiting facilities including a spine road



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<ul style="list-style-type: none"> • Dualling of the northern section of the A130 Canvey Way in the vicinity of Sadlers Farm; and • Minor junction improvements at both ends of Kenneth Road. 	<p>through the site with a bus gate so buses can travel through the site between Stadium Way and Daws Heath Road, with new or improved bus services along Daws Heath Road and meaning all dwellings will be within 400m of a bus stop;</p> <ul style="list-style-type: none"> • Providing a contribution to ECC for ECC to deliver A129 route improvements, the focus for which would be to improve road safety and conditions for pedestrians, cyclists, and public transport; and • As part of the A129 route improvements, providing a contribution to ECC for ECC to deliver capacity enhancements at the Victoria House Corner junction.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>A Residential Travel Plan has been prepared separately for the proposed development, whose objective will be to encourage non-car modes of travel to the proposed development. This would be in place prior to occupation. The Travel Plan will be monitored, reviewed, and modified as necessary.</p> <p>Through this package of transport measures, along with the Travel Plan for the development, it is considered that the development will cost effectively mitigate its transport impacts on the transport network, so that there is an acceptable impact on highway safety, and the residual cumulative impacts of the development on the road network are not severe.</p> <p>The submitted Transport Statement concludes that, on the basis of the assessments and mitigation described in the report, it is considered that the residual cumulative impacts of the scheme are not severe and therefore there should be no reason on transport grounds why the development should be prevented or refused. The proposals are in compliance with policy TP2.</p>
Policy TP3 – Improvements to	In order to enhance opportunities to access employment, education,	Walking and cycling will be promoted, to reduce reliance on use of the private



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
<p>footpaths, bridleway and cycling infrastructure</p>	<p>services and leisure/recreation opportunities by foot or by bicycle, and opportunities for leisure/recreation through horse riding, improvements to footpaths, bridleways and cycling infrastructure will be delivered during the plan period to 2033 through Section 106 agreements.</p>	<p>car for local trips in Hadleigh and the surrounding area, and to assist with walking and cycling accessibility to the nearby train stations. This is in accordance with local and national transport policies, and in recognition of the existing highways capacity constraints along the A129, particularly at its Rayleigh Weir, Stadium Way, Woodman's Arms and Victoria House Corner junctions.</p> <p>The analysis in the TA indicates that key facilities such as Rayleigh Train Station and Town Centres are within easy walking and cycling distance of the site, so there is good potential to increase the existing shares for these modes of travel. Furthermore, improving pedestrian and cycle infrastructure near the site would serve to attract existing car drivers along the A129 to non-car modes, and therefore the mitigation and improvement along the A129 and its junctions near the site would be focussed on non-car modes rather than providing additional vehicular capacity.</p> <p>The development's layout itself will be developed at the detailed design stage so that these pedestrian trips within the</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>site are on routes that are convenient, logical, and more attractive for short distance trips than driving. The layout will be influenced by the guidance in Manual for Streets, which notes that well-designed streets have a crucial part to play in the delivery of sustainable communities. The development would also seek to create a highly permeable environment within the site, with links to / from the adjacent built-up areas for pedestrians and cyclists, so that the development is easy to walk and cycle through and integrated with the surrounding areas.</p>
<p>Policy TP4 – Improvements to public transport infrastructure and services</p>	<p>In order to improve journey time reliability for public transport, and make services more favourable to residents and employees in Castle Point, the following improvements to public transport infrastructure and services will be delivered through the implementation of the infrastructure delivery plan, by S106 agreements, CIL or grant funding:</p> <p>a) Enhanced public transport services connecting towns in Castle Point with employment locations in</p>	<p>The public transport improvements include the improvement of pedestrian and cycling accessibility to Rayleigh Weir station, via the development providing a contribution to the ECC Cycling Action Plan’s north-south hybrid cycle route along the A129 between and including the Rayleigh Weir and Victoria House Corner junctions. This will assist with accessibility to public transport services.</p> <p>The development will also enable improvements to local bus services by the introduction of the spine road through the site, connecting Stadium</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>Basildon, Thurrock and Southend;</p> <p>b) The extension of any Passenger Transport Corridors through the borough to neighbouring destinations for employment, education, services and leisure/recreation opportunities; and</p> <p>c) Additional public transport infrastructure provision in and around development sites and town centres.</p>	<p>Way with Daws Heath Road. There will be a bus gate on this spine road so that only buses can pass through the site, along with emergency vehicles, pedestrians, and cyclists. This will therefore provide bus priority and assist with the potential re-routing of the existing No. 3 Essex and Suffolk DaRT service between Southend, Rayleigh, and Chelmsford to avoid the Woodman's Arms junction.</p> <p>The IDP notes that a new service could be provided to allow additional services along Daws Heath Road that would serve HO13, along with other proposed Local Plan allocation sites HO14 (Land at Brook Farm Hadleigh), HO15 (Land south of Scrub Lane Hadleigh) and HO16 (Land at Oak Tree Farm Hadleigh). Each of these allocations would benefit from improved bus services along Daws Heath Road, and therefore the bus priority through the proposed HO13 development site afforded by its spine road bus gate.</p> <p>The development will therefore provide the spine road through the site and its bus gate and provide a contribution to ECC to provide improved bus services along Daws Heath Road, which would</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>also benefit other Local Plan allocations along with existing residents. The IDP estimates the contribution from the HO13 site for new or improved bus routes along Daws Heath Road would be £517,045. In accordance with Local Plan Policy HO13, this would mean all dwellings will be within 400m of a bus stop.</p> <p>The development's bus gate and contributions to bus services and improved waiting facilities, plus the improved walking and cycling access to Rayleigh Station, will significantly enhance the site's public transport accessibility, further reducing reliance on the private car not only for residents of the proposed development but also existing users of the A129, and therefore further assist with the development mitigating its transport impacts along the A129.</p>
Policy TP5 – Highway impact	<p>All development proposals that are likely to generate amounts of movements must be accompanied by a Transport Assessment or Transport Statement, and a Travel Plan.</p> <p>The assessment/statement and plan must demonstrate how the impacts of</p>	<p>The transport mitigation for the development is guided by CPBC's Infrastructure Delivery Plan (IDP) which accompanies the draft Local Plan. The development's transport mitigate includes:</p> <ul style="list-style-type: none"> • Providing a contribution to ECC for



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>the development on the highway network will be mitigated to limit significant effects on highway and junction capacity.</p> <p>Subject to compliance with all other relevant policies, favourable consideration will be given to those development proposals which fully mitigate their impacts on highway and junction capacity.</p> <p>In appropriate circumstances, the Council will use planning conditions or a Section 106 Agreement to ensure that highway mitigation works and/or Travel Plan requirements are delivered to accompany the phasing of development.</p>	<p>ECC to deliver the proposed north-south hybrid cycle route along the A129 between and including its junctions with the A127 (Rayleigh Weir) and the A13 (Victoria House Corner);</p> <ul style="list-style-type: none"> • Enhanced bus connections and waiting facilities including a spine road through the site with a bus gate so buses can travel through the site between Stadium Way and Daws Heath Road, with new or improved bus services along Daws Heath Road and meaning all dwellings will be within 400m of a bus stop; • Providing a contribution to ECC for ECC to deliver A129 route improvements, the focus for which would be to improve road safety and conditions for pedestrians, cyclists,



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>and public transport; and</p> <ul style="list-style-type: none"> As part of the A129 route improvements, providing a contribution to ECC for ECC to deliver capacity enhancements at the Victoria House Corner junction. <p>A Residential Travel Plan has been prepared separately for the proposed development, whose objective will be to encourage non-car modes of travel to the proposed development. This would be in place prior to occupation. The Travel Plan will be monitored, reviewed, and modified as necessary.</p> <p>Through this package of transport measures, along with the Travel Plan for the development, it is considered that the development will cost effectively mitigate its transport impacts on the transport network, so that there is an acceptable impact on highway safety, and the residual cumulative impacts of the development on the road network are not severe.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>The submitted Transport Statement concludes that, on the basis of the assessments and mitigation described in the report, it is considered that the residual cumulative impacts of the scheme are not severe and therefore there should be no reason on transport grounds why the development should be prevented or refused. The proposals are in compliance with policy TP5.</p>
<p>Policy TP6 – Safe and sustainable access</p>	<p>The policy seeks to ensure that development proposals offer safe and sustainable access either directly or via appropriate mitigation.</p>	<p>The submitted Transport Statement includes detailed access drawings for the new vehicular and pedestrian access points to be created on both Stadium Way in the north and Daws Heath Road, to the south.</p> <p>The submitted document demonstrates that these new junctions can operate safely within the existing highway network.</p> <p>In addition to the new vehicular access into the site, the proposals seek the creation of a number of new greenways, greenlinks and other public routes across the site, providing access to new areas of multi-functional open space for the benefit of existing and future residents. The new routes will</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>provide traffic free paths for residents to travel across the site, with access to new community facilities to be provided within the development and existing key services and facilities in the local area.</p> <p>The proposals are therefore in compliance with policy TP6.</p>
Policy TP7 – Parking provision	Proposals for development will be expected to make provision for safe and secure car parking, parking for people with disabilities and parking for bicycles, having regard to the Essex Vehicle Parking Standards. Maximum parking standards will only be applied where there are compelling planning and transport reasons to justify such restrictions.	Parking provisions is a reserved matter which will be addressed in subsequent detailed applications. However, it is considered that the masterplan submitted with the planning application includes sufficient space within the developable areas to accommodate parking spaces in accordance with the Essex Vehicle Parking Standards.
Policy TP8 – Access for servicing	Developments should be designed to ensure that properties can be accessed in a safe and convenient way by waste collection operatives and delivery vehicles.	<p>The Transport Statement includes details of swept path analysis undertaken for the proposed new vehicular junctions into the site.</p> <p>The layout shown on the masterplan, as submitted, is illustrative and therefore detail for access to individual properties will come forward in detail at the reserved matters stage.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		The proposals are in accordance with policy TP8.
Policy CM1 – Communications infrastructure strategy	<p>When assessing proposals for new development the Council will seek to ensure that adequate provision has been made to accommodate new communications infrastructure on site. This must include:</p> <ul style="list-style-type: none"> a) The extension of broadband fibre optic cable to serve the development with “fibre to the door” broadband services; or b) The provision of cabinets in suitable locations to provide superfast broadband connectivity speeds to all properties within the new development; and c) Where appropriate, the provision of telecommunications equipment to ensure 5G mobile phone coverage across the site. 	Details of specific proposals for new communications infrastructure would most appropriately be provided and assessed at the detailed reserved matters stage.
Policy DS1 – General design principles	The council will seek to improve the quality and attractiveness of the urban environment in Castle Point, and its	The submitted DAS provide significant detail regarding the evolution of the proposals.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>integration with the natural environment, by seeking high quality design that accentuates positive features of the urban environment and contributes positively towards sustainability.</p>	<p>This site at Land to the East of Rayleigh Road provides a vibrant new community for Thundersley, offering high quality housing and landscape. It will have its own unique identity inspired by the site's landscape setting, offering much needed new homes and exemplary health, education and community infrastructure, to create a place that will stand the test of time.</p> <p>The masterplan has been designed with the needs and aspirations of the community at its heart, providing a complete range of well-designed new homes to suit every lifestyle.</p> <p>The development responds to the unique character of the site, forming a series of character areas that relate to each part the site's landscape features and setting.</p>
<p>Policy DS2 – landscaping</p>	<p>Where appropriate, development must provide hard and soft landscaping, appropriate to and suitable for the location and type of development, as set out in a landscaping scheme.</p> <p>Landscaping schemes will be expected to include:</p>	<p>CODE direct the reader to the submitted Landscape and Visual Impact Assessment (LVIA). Paragraphs 4.25 to 4.33 outline the suggested landscape mitigation measures.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>a) Planting plans, identifying plant species, type, sizes, numbers, densities, planting regime and aftercare;</p> <p>b) Native species, suitable to the location, climatic conditions, and to promoting biodiversity, and be appropriate in respect of growth habits; and</p> <p>c) SuDS if required to form an integral part of the landscaping scheme providing opportunities for a variety of habitats, species and biodiversity.</p> <p>The maintenance and management of landscaping areas, which in certain cases may be secured through the use of appropriate planning conditions or planning obligations including establishing a local management company.</p>	
Policy CC1 – Responding to climate change	The council will seek to mitigate and adapt to climate change and move to reducing the carbon footprint of the borough. The council will seek to minimise the impacts of climate	The submitted Flood Risk Assessment (FRA) states, <i>“To demonstrate that in an exceedance event any flooding does not negatively affect the development, flows up to the 1 in 100 (1%) annual</i>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>change on its communities through flood risk management that reduces the risk to people and property from extreme weather and flooding events.</p>	<p><i>probability plus climate change rainfall event will be managed onsite. This may be achieved by ensuring that site levels are designed to direct flows away from the buildings and towards areas such as car parking or formal landscaping where temporarily shallow flooding can be safely captured to enhance the flood risk mitigation.</i></p> <p><i>Furthermore, the attenuation will be designed to accommodate surface water runoff with no flooding for all storms up to and including the 1 in 100 (1%) annual probability plus 40% climate change event.”</i></p> <p>The proposals are in compliance with policy CC1.</p>
<p>Policy CC3 – Non-tidal flood risk management</p>	<p>All developments will be required to manage surface water runoff so that the rate is no greater than the runoff prior to development taking place or if the site is previously developed, development reduces run off rates and volumes, as far as is reasonably practical. Where possible, SuDS should be incorporated into the landscaping proposals for development schemes in order to achieve additional benefits for the built, natural and historic environment.</p>	<p>The proposed surface water drainage strategy for the development consists of a network of positive drainage consisting of and not limited to attenuation basins with swales, and some operate as multi-functional basins (lower areas used for attenuation and upper levels providing play space but will also store surface water runoff in climate change scenarios).</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>The submitted FRA demonstrates that the sequential test is passed on the basis that the site is in Flood Zone 1, the surface water flood risk is dealt with through proposed attenuation features, the low to medium groundwater flood risk is mitigated form, and there is low risk from flooding from other sources.</p> <p>The FRA therefore concludes that users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties. The proposal therefore complies with the NPPF, and policy CC3 with respect to flood risk. The development is therefore appropriate in this location.</p>
<p>Policy CC4 – Sustainable buildings</p>	<p>The design of all new development should incorporate measures for achieving high levels of energy efficiency, and the use of decentralised energy sources. Development is expected to demonstrate how its design, siting and layout has maximised the opportunities for solar gain, daylight penetration and the use of decentralised energy sources.</p> <p>As a minimum non-residential development should achieve at least 50% of the credits available for</p>	<p>The submitted Energy Statement (prepared by Energist UK) demonstrates the applicant's commitment to delivering the energy standard at land east of Rayleigh Road, Thundersley as follows:</p> <ul style="list-style-type: none"> • The development has been designed to generate a reduction in CO2 emissions over the TER ADL 2013. • This energy standard is delivered through a fabric first approach



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	reduction in CO2 emissions under the relevant BREEAM very good scheme or its equivalent for the development proposed.	<p>to design and low carbon and renewable energy.</p> <p>A combination of demand-reduction measures, energy-efficiency measures and low carbon and renewable energy will deliver the applicant's target for on-site reduction in CO2 emissions.</p> <p>Table 11 of the submitted Energy Statement outlines the measures to be incorporated into the development proposals.</p>
Policy NE1 – Green infrastructure and the undeveloped coast	Development which results in the creation, restoration, enhancement, expansion and improved connections between green infrastructure features will be encouraged. The provision of green infrastructure that offers multiple benefits to the environment and local communities will be supported.	The submitted ecological impact assessment and landscape and visual impact assessment, in addition to the submitted masterplan (prepared in partnership with CPBC and key stakeholders) all demonstrate a commitment to the creation of new greenways and green links across the allocation site, for the benefit of wildlife, pedestrians and other users. These new routes across the site will have multiple functions, including the provision of traffic free safe routes across the site, circular routes for dog walking and exercise and to reduce recreational disturbance on designated and non-designated wildlife sites. The proposals are therefore in compliance with policy NE1.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
<p>Policy NE2 – Protection of Historic Natural Landscapes</p>	<p>Development which will have an impact on the Daws Heath, Hadleigh Castle and Marshes, and Canvey Marshes historic natural landscapes (as identified on the Policies Map) will be supported where the proposals:</p> <ul style="list-style-type: none"> a) Enhance the quality of the landscape and its heritage or ecological assets. b) Seek to provide greater public enjoyment of the landscape and its features. c) Do not detrimentally impact the undeveloped character and visual quality of the landscape, heritage and ecological assets. d) Mitigate any residual harm to the quality of the landscape through the provision of landscaping, which should comprise native species and must be sufficiently mature to integrate effectively into the environment and provide effective mitigation. 	<p>During the consideration of the emerging local plan at the examination hearing sessions, CPBC confirmed both in its written evidence (and verbal evidence) that allocated sites would be withdrawn from the historic natural landscape designation.</p> <p>The proposals have been sensitively designed with the benefit of the partnership approach to preparing the masterplan, in addition to the key provisions of Policy HO13. The landscape quality of the historic natural landscape adjacent to the eastern boundary of the site is recognised and is reflected by the proposed lower density housing to be provided in the easternmost parcel of the site. The housing in this location will follow the 'Arcadia' approach, as suggested by policy HO13.</p> <p>With these mitigation measures in place, it is considered that the proposals are in compliance with policy NE2.</p> <p>The limited landscape and visual impacts of the proposals are considered in more detail within the</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		submitted landscape and visual impact assessment, prepared by Leyton Place Ltd.
Policy NE4 – Local wildlife sites	The council seeks the conservation and enhancement of Local Wildlife Sites and will support proposals which ensure the active conservation and enhancement of biodiversity interest at these sites.	<p>The closest non-statutory designated site is Little Haven/Tile Wood Complex LoWS, which borders the site along its eastern boundary. Cottage Plantation and Rag Wood LoWS is also located nearby, approximately 100m to the south. Given the proximity of these sites, there is a risk of direct adverse impacts including increased air pollution and noise pollution.</p> <p>Given the scale of the proposed development and close proximity to a number of non-statutory designated sites, it is considered likely that increased recreational disturbance could occur once the development is occupied. Furthermore, It is likely that some of the new residents will own domestic cats, which predate many native species. Taken together these factors could have an adverse effect at local level.</p> <p>A CEMP will be prepared which will detail pollution prevention controls during the construction stage of the site.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>The scheme also makes provision for 14.27ha of multi-functional greenspace. These habitats will provide a range of different experiences including a lake, woodlands, traditional orchard, wet grasslands, scrub grasslands and meadow grasslands which are all interlinked and accessible. The areas of accessible semi-natural open space that will be provided by the proposed development is considered more than sufficient mitigation for any potential recreational impacts on European coastal designated sites. Access throughout the new open spaces will be unrestricted and ensured through the provision of a network of footpaths.</p> <p>Provided that these measures are put in place, the submitted Ecological Impact Assessment concludes a negligible impact at a county level is predicted on all non-statutory designated sites, with confidence in this assessment high. The proposals are therefore in accordance with policy NE4.</p>
Policy NE5 – Ecologically sensitive and designated sites	The Council will support proposals which can demonstrate a net gain in biodiversity.	In consultation with local stakeholders an aspirational target of 10% biodiversity net gain (BNG) was set. Through collaborative working and following the mitigation hierarchy and



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>Contributions from relevant developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).</p>	<p>BNG principles. This target has been demonstrated that it can be exceeded at outline stage with the site recording net changes of >10%. The recommendations within the submitted Biodiversity Net Gain Calculations report contain mechanisms to enable delivery and audit of BNG at the reserve matters stage as more specific construction and landscape details are provided. The proposals are therefore in compliance with policy NE5 of the local plan.</p>
<p>Policy NE6 – Protecting and enhancing the landscape and landscape features</p>	<p>All development proposals should contribute positively towards creating a visually attractive environment. Development proposals should seek to protect and integrate key natural and semi-natural features. Development proposals should be designed to have regard to the character of the landscape, and seek to avoid harm to the landscape as a result of adverse impacts on:</p> <p>a) The degree of openness;</p> <p>b) The scale and nature of existing development; and</p>	<p>The submitted landscape and visual impact assessment (LVIA) recognises that there will, as with the development of any greenfield site, be some landscape and visual change. Such a change in itself is not harmful or adverse, and such change has historically created the settlements and street scenes that are of value to communities and the people that reside in them.</p> <p>This is a site which has been identified as suitable for allocation with the Castle Point Local Plan, and recognised within the local plan's evidence base as being an appropriate site for development, with adverse impacts capable of being</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>c) The amount and density of existing vegetative screening.</p>	<p>mitigated and site features to be enhanced.</p> <p>The LVIA demonstrates that the site masterplan has been informed by extensive, comprehensive and detailed technical analysis across a range of disciplines. This has resulted in a new settlement edge which is permeable both in terms of access and visibility. The proposals are rich in landscape assets and deliver a variety of spaces, functions and environmental benefits.</p> <p>It is concluded that the site has capacity to accommodate new development with a strong and positive multifunctional landscape framework, as incorporated into the submitted masterplan. The submitted LVIA therefore demonstrates substantial accordance with policy NE6.</p>
<p>Policy NE7 – Pollution control</p>	<p>Development proposals should be designed to manage and reduce pollution through energy and water efficient design, the installation of sustainable drainage systems and the delivery or enhancement of green infrastructure.</p>	<p>This is a matter which can be explored in more detail at the reserved matters stage, however, the applicant is confident that compliance with this policy can be achieved.</p>
<p>Policy NE8 -</p>	<p>The policy requires the preparation and submission of a contamination</p>	<p>A Phase 1 Ground Conditions assessment has been submitted with</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>assessment where land is classified as contaminated, potentially contaminated or suspected of being contaminated.</p> <p>Where a site is contaminated the council will only permit development where it is satisfied that land is capable of remediation and is fit for the proposed use.</p>	<p>the application which assesses the risk of contamination on site. The report concludes that the potential for contamination is low and is fit for the provision of new residential development.</p> <p>In any event, the applicant would be happy for any grant of outline planning permission to be accompanied by a suitably worded planning condition requiring further assessment.</p> <p>The proposals are therefore in compliance with policy NE8.</p>
Policy NE10 – Ensuring capacity at water recycling centres	All new developments on greenfield land must incorporate sustainable drainage systems that prevent surface water entering the foul/combined drainage network.	The submitted flood risk assessment confirms that the surface water drainage method for the site will not discharge into the existing foul drainage network. Surface water will be attenuated within SuDS basins, before being discharged at appropriate greenfield run off rates into the existing watercourse which passes through the site. Where appropriate, attenuation by infiltration may also be utilised. The development is therefore in accordance with policy NE10.
Policy HE1 – Conserving and enhancing the historic environment	The council will seek to conserve and enhance heritage assets in the Borough. New development proposals affecting a heritage asset will be expected to conserve, and where appropriate enhance, the setting of the heritage asset, taking	The submitted built heritage statement confirms that the scheme will not have a significant adverse effect on designated and non-designated heritage assets within proximity to the application site.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>into account the contribution which the asset makes to the character and appearance of the surrounding area and the original function of the asset.</p>	<p>The heritage statement confirms that the proposed development represents a proportionate and appropriate approach to the development of the site, which responds to the site's proximity to relevant built heritage assets.</p> <p>The Site represents a semi-rural or edge of settlement space that makes a low contribution to the significance of locally listed buildings on Daws Heath Road. The Site is not identified as making a contribution to the Grade II listed no.96 and no.98 Daws Heath Road.</p> <p>The proposed development will not alter the intrinsic limited architectural and/or historic interest of nearby non-designated assets or change their contribution to the street scene.</p> <p>The submitted built heritage assessment therefore demonstrates that the significance of the surrounding heritage assets would be preserved and that the proposed development conforms with section 66 of the Planning (Listed Buildings and</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		Conservation Areas) Act 1990 and relevant national and local planning policies.



Appendix B





Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
EC2	<p>Design – high standard of design in relation to new buildings. Council will have regard to the scale, density, siting, design, layout and external materials of any development, which should be appropriate to its setting, and which should not harm the character of its surroundings. The policy also expects treatment of spaces around buildings with soft landscaping and that all modes of movement are safe and convenient.</p>	<p>The site was proposed for allocation by policy HO13 for approximately 455 dwellings. The illustrative masterplan, as submitted, has been prepared through detailed work with the council's officers, elected members and other key stakeholders to ensure that the proposals are genuinely design led, are sympathetic to and respect the existing character and appearance of the area, utilising appropriate urban design approaches dependent upon the relevant constraints in each part of the site.</p> <p>The submitted Design and Access Statement demonstrates how the proposals have been prepared to embody a multi-functional open space led approach. Whilst the application is submitted in outline, the submitted parameter plans demonstrate where different densities and design led approaches might best be incorporated into the site. The applicant would welcome discussions with the Council to identify suitably worded planning conditions which require detailed submissions to be broadly in accordance with the submitted parameter plans, to ensure the design</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>principles submitted for consideration with this application are carried through into the detailed reserved matters.</p> <p>This application is therefore in accordance with the provisions of policy EC2.</p>
EC3	<p>Residential amenity – development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.</p>	<p>Based upon the assessments detailed within the submitted noise impact assessment, prepared by Stantec, it is considered that the majority of private external amenity spaces are to be located in areas where noise levels are likely to fall below BS8233 guidance levels on external noise. It is likely that the proposed criteria for internal ambient noise levels in residential areas will be readily achieved across the majority of the site with a conventional double glazing and ventilation strategy. It is considered that suitable mitigation measures in respect of dwellings can be secured at the reserved matters stage further to the imposition of a condition upon grant of outline planning permission.</p> <p>The report therefore concludes that, <i>“Based on the results of the assessments undertaken and the implementation of the recommended mitigation measures, the site should be considered suitable for residential</i></p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p><i>development in relation to noise considerations.”</i></p> <p>The development is therefore in compliance with policy EC3.</p>
EC4	<p>Pollution – development which would have a significant adverse effect on health, the natural environment or general amenity by reason of releases of pollutants to water, land or air, or by reason of noise, dust vibration, light or heat, will be refused.</p>	<p>Based upon the assessments detailed within the submitted noise impact assessment, prepared by Stantec, it is considered that the majority of private external amenity spaces are to be located in areas where noise levels are likely to fall below BS8233 guidance levels on external noise. It is likely that the proposed criteria for internal ambient noise levels in residential areas will be readily achieved across the majority of the site with a conventional double glazing and ventilation strategy. It is considered that suitable mitigation measures in respect of dwellings can be secured at the reserved matters stage further to the imposition of a condition upon grant of outline planning permission.</p> <p>The report therefore concludes that, <i>“Based on the results of the assessments undertaken and the implementation of the recommended mitigation measures, the site should be considered suitable for residential</i></p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p><i>development in relation to noise considerations.”</i></p> <p>The development is therefore in compliance with policy EC4.</p>
EC5	<p>Crime Prevention – the council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.</p>	<p>The submitted Design and Access Statement provides further detail regarding the design techniques used to prevent crime within the new development.</p> <p>New play spaces will benefit from overlooking to ensure that new facilities are safe for all users.</p> <p>To maintain safety, routes within or in proximity to urban areas cannot be totally free from street lights. Lighting will be designed, alongside landscaping to avoid the creation of potential hiding places for intruders.</p> <p>The reserved matters application(s) will provide further information regarding crime prevention measures to be built into the scheme’s design and layout.</p> <p>The proposals are therefore in compliance with policy EC5.</p>
EC9	<p>Development affecting commercial farmland. The policy states that development which would cause the sterilisation or fragmentation of commercial farmland will be refused.</p>	<p>This policy is not relevant to the proposals. In any event, limited weight should be attached to the policy in light of the level of conflict with the NPPF. If any conflict is identified with this policy,</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		it should therefore be attributed limited weight.
EC10	Protection of high quality agricultural land – development which would result in the loss of high quality agricultural land, as defined by the ministry of agriculture, fisheries and food, will be refused.	<p>Natural England’s Agricultural Land Classification Map (Eastern Region), published on 24 August 2010, shows the site to be within grade 3 agricultural land. The map does not disaggregate between grades 3a (best and most versatile) and 3b. It is, however, notable that the map shows the majority of countryside adjacent to urban areas to be within grades 3 and above for agricultural land.</p> <p>The NPPF, at paragraph 174, notes that decision makers should contribute and enhance the natural and local environment by recognising the economic and other benefits of best and most versatile agricultural land. Policy EC10 is inconsistent with the approach advocated by the NPPF, which does not expect paragraph 174 to be applied as a restrictive policy where the development of best and most versatile agricultural land is necessary. The weight to any conflict with this policy should therefore be reduced (if conflict is identified).</p> <p>This is considered in more detail within the overall planning balance in the planning statement. It is not, however,</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		considered that there is any conflict with policy EC10.
EC13	Protection of wildlife and their habitats – the council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.	<p>The submitted ecological reports provide a summary of the baseline ecological conditions and outline the importance of features recorded at the site. They also outline the impacts, mitigation and enhancement measures to ensure biodiversity is protected during course of the development and enhanced following occupation. These recommendations will complement existing green infrastructure with a mosaic of complementary habitats and provide an ecologically diverse and coherent ecological network of habitats that will result in a Biodiversity Net Gain. Additional recommendations include the production of a Landscape and Ecology Management Plan and Construction and Ecology Management Plan. Through implementation of the recommended measures, it is considered that all significant negative impacts as a result of the scheme upon protected and notable habitats and species would be mitigated in line with relevant wildlife legislation and national and local planning policy related to biodiversity.</p> <p>The proposals are therefore in accordance with policy EC13.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
EC14	<p>Creation of new wildlife habitats – the council will promote the creation of new wildlife habitats in conjunction with development proposals. The council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.</p>	<p>While it is envisaged that the semi-improved grassland within field compartments 4-7 and a number of trees, particularly on the northern boundary, will be cleared to facilitate the development, the remaining habitats of value will be retained with the exception of a section of H5 and H6 and two sections of hedgerow H7.</p> <p>Additional habitats including species-rich grassland, wet grassland, rough grassland and scrub, parkland and a traditional orchard will be created to compensate for the loss of habitat resulting from the scheme. A Biodiversity Net Gain Assessment has been undertaken using the DEFRA Metric 3.0 the results of which have been provided in a separate report (SES, 2021b). In summary, the Biodiversity Net Gain assessment predicted an increase of 10.39%.</p> <p>The proposals are in compliance with policy EC14.</p>
EC16	<p>Protection of landscape – development which would have a significant adverse impact on the surrounding landscape will not be permitted.</p>	<p>The submitted landscape and visual impact assessment (LVIA) recognises that there will, as with the development of any greenfield site, be some landscape and visual change. Such a change in itself is not harmful or adverse, and such change has historically created the settlements and</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>street scenes that are of value to communities and the people that reside in them.</p> <p>This is a site which has been identified as suitable for allocation with the Castle Point Local Plan, and recognised within the local plan's evidence base as being an appropriate site for development, with adverse impacts capable of being mitigated and site features to be enhanced.</p> <p>The LVIA demonstrates that the site masterplan has been informed by extensive, comprehensive and detailed technical analysis across a range of disciplines. This has resulted in a new settlement edge which is permeable both in terms of access and visibility. The proposals are rich in landscape assets and deliver a variety of spaces, functions and environmental benefits.</p> <p>It is concluded that the site has capacity to accommodate new development with a strong and positive multifunctional landscape framework, as incorporated into the submitted masterplan. The submitted LVIA therefore demonstrates</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		substantial accordance with policy EC16.
EC19	Ancient landscape areas – development proposals which would adversely affect the nature and physical appearance of ancient landscapes will be refused.	<p>The proposals have been sensitively designed with the benefit of the partnership approach to preparing the masterplan, in addition to the key provisions of Policy HO13. The landscape quality of the historic natural landscape adjacent to the eastern boundary of the site is recognised and is reflected by the proposed lower density housing to be provided in the easternmost parcel of the site.</p> <p>With these mitigation measures in place, it is considered that the proposals are in compliance with policy EC19.</p> <p>The limited landscape and visual impacts of the proposals are considered in more detail within the submitted landscape and visual impact assessment, prepared by Leyton Place Ltd.</p>
EC21	Woodland management and tree preservation orders – the council will encourage the maintenance of existing woodlands through appropriate management. This objective will be pursued through	The development proposal has sought to avoid and minimise impacts by retaining and buffering the most valuable habitat on site. All of the retained hedgerows, woodland and trees will be buffered by areas of open



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	liaison and management agreements with landowners.	<p>space. The woodland W5 adjacent the western boundary has a significant buffer from the developed areas through the provision of open space to the south and retention of the fishing lake to the north.</p> <p>To address potential direct impacts during construction, such as risk of pollution events and damage to retained trees/hedgerows, a Construction Ecological Management Plan (CEMP) will be prepared prior to commencement. This will include protection for retained habitats including hedgerows, trees and grassland using heras fencing and in accordance with British Standard (BS) 5837; Trees in Relation to Design, Demolition and Construction.</p> <p>The retained trees, hedgerows, woodland and the on-site fishing lake will be protected from potential indirect impacts of increased nocturnal lighting via the implementation of a wildlife-friendly lighting scheme throughout the development, which maintains 'dark zones' and avoids direct lighting of ecologically sensitive features such as tree canopies.</p> <p>The proposals are therefore in compliance with policy EC21.</p>
EC22	Retention of trees, woodland and hedgerows – in schemes for new	The majority of the Site is open with limited hedgerows, whereas the south



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.</p>	<p>and south eastern portions comprise a number of paddocks and small pastures defined by a series of mature hedgerows. The Site has an enlarged field pattern as a result of agricultural operations.</p> <p>Tree cover is limited to retained hedge lines, comprising long belts and are a mix of quality and type. Along the site boundaries with residential areas, the vegetation is mainly ornamental trees and shrubs. Further details can be found within the submitted Arboricultural Impact Assessment (AIA) and Tree Protection Plan.</p> <p>In addition to protecting the root protection areas of individual trees, existing woodland of high ecological value will have a 15m buffer from development while a 5m buffer will be maintained along other tree belts and hedgerows to preserve habitat connectivity</p> <p>The proposals seek the retention of as much existing hedgerow and tree cover on site as possible. The development proposals are therefore in compliance with policy EC22.</p>
EC23	<p>Tree and shrub planting – in order to improve the physical environment, encouragement will be given to the</p>	<p>In accordance with policy EC23 and the National Design Guide, which states that <i>“All new development needs to use, retain and improve existing</i></p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	planting of native trees and shrubs in appropriate cases.	<i>habitats to achieve measurable gains for biodiversity. This includes landscaping and tree planting</i> ”, the proposals will reinforce existing tree and hedgerow planting on site to improve the physical environment. The proposals are in compliance with policy EC23.
EC34	Setting of listed buildings – consent will not be granted for new development which would have an adverse effect on the setting of a listed building.	The proposed development is considered to represent a proportionate and appropriate re-development of the Site that suitably responds to the Site’s proximity to relevant built heritage assets. No potential adverse effects have been identified in relation to the Grade II listed no.96 and no.98 Daws Heath Road. The proposals are therefore in compliance with policy EC34.
EC37	Local list of buildings – Proposals which would adversely affect, to a significant degree, the character of setting of any building contained within the local list of buildings of architectural or historic interest will be refused.	CODE consider it pertinent to note that policy EC37, as adopted, is inconsistent with the advice contained within paragraph 203 of the NPPF, which states that <i>“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss</i>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p><i>and the significance of the heritage asset.”</i></p> <p>Policy EC37 is restrictive in its wording and does not allow for a balanced judgement as expected within paragraph 203 of the NPPF. Therefore, any identified conflict with this policy should be afforded limited weight, due to the policy being inconsistent with national policy.</p> <p>The submitted Built Heritage Statement notes that the proposed development represents a notable alteration of the edge of settlement or semi-rural character of the immediate setting of the locally listed no.137 and no.185 Daws Heath Road. However, the proposed development will not alter the intrinsic limited architectural or historic interest of these non-designated built heritage assets or change their positive contribution to the local street scene.</p> <p>A balanced judgement should be made in respect of the potential impacts on the relevant locally listed building in accordance with Paragraph 197 of the NPPF. Given the conclusions of the Built Heritage Statement, that the impact upon the locally listed assets is low, CODE consider that the very limited adverse impacts would be significantly outweighed by the substantial benefits associated with the</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>development. In addition, it is noted that the policy considers only those proposals which would have a significant adverse impact on locally listed assets should be refused. Therefore, the proposals are in compliance with policy EC37.</p>
EC38	<p>Archaeological Sites and Monuments - where important archaeological sites and monuments, both scheduled and unscheduled, and their settings are affected by a proposed development, preservation in situ will be sought.</p>	<p>In terms of relevant, nationally significant designated heritage assets, no World Heritage Sites, Scheduled Monuments, Historic Wrecks or Historic Battlefields lie within the study site or its immediate vicinity. A designated Scheduled Monument lies c.1 kilometre to the east of the study site.</p> <p>The available information indicates that the study site can be considered likely to have an archaeological potential for the prehistoric, Roman, Anglo Saxon and Medieval periods.</p> <p>The Essex Historic Environment Record notes the potential presence of a Roman villa site within the eastern boundary of the study site, however, there does not appear to be any evidence to support this.</p> <p>Previous geophysical survey work undertaken within the western part of the study site did not reveal any potential features which were</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>interpreted as pre-dating the Modern period.</p> <p>Recent geophysical survey across the study site revealed no clear evidence for the Roman villa within the eastern part of the study site. Geophysical anomalies interpreted as likely to represent archaeological features have been identified within the central, southwestern, northwestern and eastern parts of the study site, with a single 'strong' anomaly of likely archaeological origin identified towards the northwestern corner.</p> <p>In view of the perceived archaeological potential, and in line with relevant planning policy and guidance, it is anticipated that the planning authorities archaeological planning advisors will require further archaeological mitigation measures in association with redevelopment impacts. The available information indicates that in accordance with the National Planning Policy Framework (NPPF), and proportionate to the impact of development, these works can follow the granting of planning consent, secured by an appropriate archaeological planning condition.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>It is not anticipated that the proposed development will impact upon the setting of the designated Scheduled Monument to the east.</p> <p>The proposals are therefore in compliance with policy EC38.</p>
H7	<p>Affordable housing – where appropriate, the council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.</p>	<p>The proposals will provide 40% affordable housing on site. Provision will be made in accordance with the relevant definitions and requirements for affordable housing in the NPPF, including the provision of First Homes.</p> <p>The provision of affordable housing on this site is crucial for the delivery of the requisite affordable housing need in the Borough over the period to 2033.</p> <p>The proposals are therefore in compliance with policy H7. A full consideration of the site's compliance with policy H7 and the Council's guidance regarding planning obligations is included within section 7.5 of the submitted planning statement.</p>
H9	<p>New housing densities – the optimum density for any site will be the number of dwellings capable of being accommodated whilst ensuring that the development will not be harmful to the character of the site and its surroundings, the layout is both</p>	<p>Pages 85 to 94 of the DAS demonstrate anticipated densities across different character areas of the site. The now withdrawn policy HO13 of the Castle Point Local Plan (2018-2033) recognised that various parts of the site would require different densities, and</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	functional and attractive and the development accords with all of the appropriate policies in the local plan.	therefore different design approaches (including the most easterly portion of the site which was identified to require the Arcadia design approach, which anticipated a lower density). The DAS demonstrates the compliance of the proposals with policy H9.
H10	Mix of development – in all proposals for residential development, the council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements.	The proposed housing mix will be finalised at the detailed reserved matters stage, subject to outline planning permission being granted. However, the applicant has emphasised through the submitted application documents a commitment to delivering, where possible, a housing mix which is broadly compliant with the most up to date evidence regarding housing needs across the Borough. The proposals are therefore in compliance with policy H10.
H11	Accessible and wheelchair housing – the council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural	Details of individual dwellings will be confirmed at the reserved matters stage. However, This Land will ensure that there is a proportion of accessible housing provided within the development in accordance with the identified need within the borough. The proposals will therefore be in compliance with policy H11.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	alterations, of being occupied by independent wheelchair users.	
H17	Housing development – design and layout – in assessing the design aspects of proposals for housing development, the council will have regard to its adopted design guidelines.	The design of new individual houses will be addressed at the detailed reserved matters stage, subject to a grant of outline planning permission.
S4	Non-retail development – proposals for non-retail development will be permitted in town centres.	The supporting text to the policy states that <i>“Banks and building societies, cafes and fast food establishments, facilities such as health clinics... can be important in achieving a balance of uses”</i> . The proposals make provision for land for a new healthcare facility, in addition to a new multi-use community building and land for a new early years childcare facility. The proposals are therefore in compliance with policy S4.
S5	Parking and servicing – The council will require the provision of adequate car parking facilities in all new development proposals in accordance with its adopted car parking standards.	Whilst this is a reserved matter, the proposals will make sufficient provision for new car parking spaces associated with the proposed new community uses. For the healthcare facility and early years childcare facility, the applicant will work with statutory providers to ensure sufficient spaces are provided in accordance with defined standards and requirements. The proposals are therefore in compliance with policy S5.
T2	Intensification of access use – creation of new accesses onto any	A transport assessment has been submitted with this planning



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development.</p>	<p>application, which demonstrates that the proposed development is in accordance with national transport policy objectives contained in the National Planning Policy Framework. The development's proposed transport improvements will be cost-effective in limiting the development's transport impacts and will assist with maximising the site's non-car accessibility. The improvements can also be undertaken within the transport network, i.e. the public highway or land within the control of the applicant, and therefore do not require third party land.</p> <p>Based on the assessments and mitigation described in this report, it is considered that the residual cumulative impacts of the development are not severe, and therefore there should be no reason on transport grounds why the development should be prevented or refused.</p>
T8	<p>Car parking standards – the council will apply the relevant parking standards published by Essex County Council.</p>	<p>The proposals will provide sufficient car parking spaces in accordance with published guidance from Essex County Council.</p>
T10	<p>Cycleways – the council will encourage the highway authority to provide improved facilities for cyclists within the borough, including the</p>	<p>The transport mitigation for the development has been guided by CPBC's Infrastructure Delivery Plan (IDP) which accompanied the now</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	<p>provision of cycleways on existing highways and will promote the provision of facilities for cycling, including the provision of bicycle parking when considering development proposals.</p>	<p>withdrawn draft Local Plan. The development's transport mitigation includes providing a contribution to ECC for ECC to deliver the proposed north-south hybrid cycle route along the A129 between and including its junctions with the A127 (Rayleigh Weir) and the A13 (Victoria House Corner).</p> <p>There will also be a new network for public footpaths and cycleways across the development site which will improve access to existing and proposed facilities for residents of the development and the wider area. The proposals are therefore in compliance with policy T10.</p>
T11	<p>Cycleway construction – the council will seek the provision of cycleways within the construction of new roads, where appropriate, with the long term intention of securing a borough-wide network of cycleways.</p>	<p>As outlined above for policy T10, the scheme will provide a new network of cycleways with the intention of creating a network of new safe routes through the development site and connections into existing cycling facilities. The proposals are in accordance with policy T11.</p>
T12	<p>Bus services – where appropriate, the council will seek to secure improvements to bus services in the borough through the use of appropriate traffic management measures, subject to the availability of resources.</p>	<p>Enhanced bus connections and waiting facilities, including a spine road through the site with a bus gate so buses can travel through the site between Stadium Way and Daws Heath Road will be provided with the development, with new or improved bus services along Daws Heath Road and meaning all dwellings will be within 400m of a bus</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		<p>stop. A public transport contribution will be negotiated with Essex County Council's highway department for the improvement or creation of bus services. The proposals are in accordance with policy T12.</p>
RE4	<p>Provision of children's playspace and parks – the council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.</p>	<p>Play areas will include equipped areas of play as well as informal areas of play integrated into open spaces based on the principles of natural play. The plan opposite shows the potential distribution of different types of play space to demonstrate potential for a mix of destination play space and local play spaces across the masterplan.</p> <p>This includes:</p> <ol style="list-style-type: none"> 1. A large, equipped play area located on the village green. 2. Green corridors, including the fishing lake, providing space for the surrounding community to meet, relax and play. 3. A mix of formal and informal play , including natural play in the drainage areas. 4. Small scale open spaces within the residential areas providing local play, food production and space for relaxing and socialising. 5. Multiple areas of woodland for walking and informal play. A trim trail will also provide the opportunity for exercise.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		The proposals are in compliance with policy RE4.
RE12	Public rights of way – the council will encourage the provision of a high quality network of public rights of way which are accessible to people with disabilities and will seek the inclusion of such facilities within appropriate development schemes. Particular encouragement shall be given to the provision of public bridleways, except where this would prejudice the interests of walkers and other users of existing public footpaths.	Several vehicular and pedestrian access points will be provided, setting up a network of active travel routes through the site. These will connect into the existing movement network, providing excellent permeability. The scheme is designed to be inclusive for all. The new neighbourhood will feature a mosaic of interconnected open spaces that are accessible to all people. The proposals are in compliance with policy RE12.
RE14	Planning agreements and recreational development – in appropriate cases, the council will expect developers to enter into planning agreements to secure the provision of open space or other recreational facilities such provision to be fairly and reasonably related to the development, in scale and kind.	The application is accompanied by draft Section 106 Heads of Terms which confirm This Land’s intention to transfer open spaces to an appropriate management company. The proposals are therefore in compliance with policy RE14.
CF1	Social and physical infrastructure and new developments – the council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.	The submitted draft heads of terms demonstrate the applicant’s commitment to providing suitable planning obligations towards the improvement of existing and proposed social, highway and other physical infrastructure through the development proposals. The proposals are in compliance with policy CF1.



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
CF6	Places of worship and community centres – the council will, in principle, support the provision of places of worship and community centres within the borough.	The proposals include a new multi-use community building which will provide a range of activities for the benefit of future residents of the scheme and existing residents in the local area. The proposals are in compliance with policy CF6.
CF7	Health facilities – the council will encourage the provision and improvement of health care facilities within the borough.	The proposals include land for a new healthcare facility. The proposals are therefore in compliance with policy CF7. Further detail regarding discussions held with the NHS are contained within the submitted Planning Statement and submitted Statement of Community Involvement.
CF8	Non-residential health care – The council will permit the provision of additional non-residential health care facilities in the borough, subject to compliance with additional criteria.	The proposals include land for a new healthcare facility. The proposals are therefore in compliance with policy CF7. Further detail regarding discussions held with the NHS are contained within the submitted Planning Statement and submitted Statement of Community Involvement. Whilst details of the healthcare facility will be confirmed at the detailed reserved matters stage, it is anticipated that the proposals can be delivered in accordance with the provisions of policy CF8.
CF9	Access and non-domestic development – the council will expect all appropriate development and the	The scheme is designed to be inclusive for all. The new neighbourhood will feature a mosaic of interconnected



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
	space around such development to be designed to be accessible for people with disabilities.	open spaces that are accessible to all people. The proposals are in compliance with policy CF9.
CF13	Phasing of developments – the council will require, in appropriate cases, the phasing of any large scale development within the borough, in order to ensure satisfactory infrastructure provision.	A phasing plan has been submitted with the planning application which will be discussed and agreed with the local planning authority, subject to a grant of outline planning permission.
CF14	Surface water disposal – in all cases where development would result in significantly increased surface water run-off, the council will require appropriate improvements to watercourse capacity to be undertaken before development commences.	<p>The proposed surface water drainage strategy for the development consists of a network of positive drainage consisting of and not limited to Attenuation Basins with, Swales, and some operate as Multifunction Attenuation Basins (lower areas used for attenuation and upper levels providing play space but will also store surface water runoff in the climate change scenarios).</p> <p>The sequential test is passed on the basis that the site in Flood Zone 1, the surface water flood risk is dealt with through proposed attenuation features, the low to medium groundwater flood risk is mitigated for, and there is a low risk from flooding from other sources.</p> <p>The FRA therefore concludes that the users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties.</p>



Policy Reference	Summary of relevant policy objectives	Assessment/Compliance?
		The proposals comply with policy CF14 and the NPPF, and local planning policy with respect to flood risk and drainage, and this is an appropriate development at this location in flood risk terms.



CODE Development Planners Ltd

17 Rosemary House
Lanwades Business Park
Kentford CB8 7PN

T: 01223 290138

E: info@codedp.co.uk

W: www.codedp.co.uk
