

Castle Point Borough Council Local Development Scheme (LDS) November 2022

Introduction

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

The LDS sets out:

- The local planning documents that the Council intends to prepare;
- The subject matter and geographical areas for each document;
- The timetable for the preparation of each document.

This version replaces all earlier versions of the LDS.

The scope of the Local Development Scheme

The Local Development Scheme has two principal purposes:

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

Appendix 1 sets out information relating to the Supplementary Planning Documents being prepared by the Council. Appendix 2 sets out a risk assessment for the preparation of the documents. Appendix 3 sets out the resources available for the preparation of the documents.

Collaboration

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

South Essex authorities have been working together to create a Strategic Planning Framework and the supporting evidence base documents. The Strategic Planning Framework is being prepared to establish shared principles for good place-making in South Essex. This will be a consideration in the preparation of the Castle Point Plan.

On an Essex wide level the Essex Planning Officers Association (EPOA) has been working across Essex to develop shared evidence base work such as around parking

requirements and the accommodation needs of Gypsies and Travellers. These documents will be a consideration in the preparation of the Castle Point Plan.

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

Essex County Council (ECC) is a key Duty to Cooperate partner and is responsible for the delivery of many elements of infrastructure and key community services in Castle Point. ECC are aligning their work to localities, to ensure that what they are delivering responds to local needs. The opportunity will be taken to work with ECC to align the Castle Point Plan with ECC's Locality Plan for Castle Point, to ensure that deliverable outcomes arise.

Castle Point Borough Council has a wide range of partners in the public and third sectors who each have a role to play in delivering infrastructure and services in Castle Point. These partners will have an important role to play in developing the Castle Point Plan through shaping policy and delivering its proposals. These organisations include the Environment Agency, Homes England and the RSPB, and are all Members of the Regeneration Partnership. The Regeneration Partnership will have a critical role to play in the development and delivery of the Castle Point Plan.

The Council will also work through topic specific forums and groups, such as the Flood Resilience Forum, to ensure a joint approach to infrastructure planning.

Minerals and Waste Planning

Essex County Council is the Minerals and Waste Planning Authority for Castle Point Borough. The Essex Minerals Plan was adopted by the County Council in 2014. The Waste Local Plan was adopted in July 2017. These documents constitute part of the Development Plan for the Borough.

The Minerals Plan is in the process of being reviewed.

Further information on the Essex Minerals Plan and the Waste Local Plan can be found by visiting the Essex County Council website: www.essex.gov.uk

Monitoring and Review

The Castle Point Plan making process is designed by legislation to be a continuous process of preparation, monitoring and review. Since 2004, the monitoring and review elements of the process have been undertaken through the Authority Monitoring Report (AMR). LPAs (Local Planning Authorities) are required to report at least annually on their planning activities, including monitoring the delivery of development and the effectiveness of local policies. AMRs can trigger the need for a full or partial review of the Local Plan should delivery performance or outcomes vary from what is planned and anticipated.

Evidence Base

The Council will collect, analyse, and publish the evidence it is using to prepare the Castle Point Plan. This evidence may be prepared either individually for Castle Point or with other local planning authorities or partners.

A library of evidence base material will be maintained on the Council's website for local residents and other stakeholders to view:

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

Timetable

Castle Point Plan

The Castle Point Plan will set out the framework and policies for place-making in Castle Point, ensuring that the needs of each of the four settlements of Canvey Island, Hadleigh, South Benfleet and Thundersley are addressed whilst protecting what is special about the character of those places.

It will be underpinned by thematic strategies which deliver both the spatial requirements of the plan, and those non-spatial measures which will also be necessary to help the borough's communities and places to thrive.

The plan will set out a vision and strategy to 2050. However, it will be adaptive to deal with the inevitable changes that will occur over a 25-year period. This means that it will include a monitoring framework so that both the Council and the community and other stakeholders will know when it is time to review the plan and the proposals within it.

The Castle Point Plan will be developed over the period to 2025 in conjunction with the community, with local businesses, with delivery partners and with other stakeholders. Engagement forms a significant component of the programme. When the Council is not asking

people their views, it is intended that the engagement will continue through the Council providing feedback on what it is doing in response to the issues that have been raised.

It is intended that the Castle Point Plan will be a widely accessible document with an associated web resource. It is also the Council's intention to develop its evidence in a way which is accessible and capable of interrogation by people from all walks of life, so that as many people as possible can engage in the development of the local plan and the debate around options that arise.

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

Stage	Time Period	Engagement Activity
<i>Issues Identification</i>	January 2023 – August 2023	4 - 6 months engagement on issues with partners, the community, local businesses and other stakeholders.
<i>Options Development</i>	September 2023 – June 2024	Feedback on how the Council is addressing the issues raised. Some informal engagement may occur.
<i>Developing The Plan</i>	June 2024 – February 2025	2- 3 months Options Engagement with partners, the community, local businesses and other stakeholders. (Formal regulation 18)
<i>Publication</i>	February 2025 – April 2025	Formal consultation with partners, the community, local businesses and other stakeholders (Formal regulation 19)
<i>Submission</i>	June 2025	
<i>Examination</i>	June 2025 – December 2025	Those who have made formal comments at the Publication Stage may be invited by the Inspector to participate in the Examination.
<i>Adoption</i>	March 2026	Dependent on the Examination

Statutory and Non-Statutory Assessments

[Sustainability Appraisal \(SA\) and Strategic Environmental Assessment \(SEA\)](#)

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

The Levelling Up and Regeneration Bill proposes that Sustainability Appraisals and Strategic Environmental Assessments be replaced by Environmental Outcomes Reports. At this time, any timescales related to this potential change are unknown. If that Bill and the proposal for Environmental Outcomes Reports were to be enacted during the preparation of the Castle Point Plan, then a report on the implications for resources and time to meet the amended requirements will need to be reported to the Council.

[Habitat Regulation Assessment \(HRA\)](#)

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

[Equality Impact Assessment](#)

The Equality Act 2010 provides a statutory duty on the Council to have "due regard", as part of any decision-making process and before reaching a decision, to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act.

To this end, development plan documents that affect how people access services will be subject to an Equality Impact Assessment.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation.

Viability Assessment

The NPPF expects local planning authorities to consider the viability impact of policy requirements on the delivery of development when preparing local planning policies.

As part of the evidence base, it is expected that a Viability Assessment will be prepared testing the impacts of various policy options such as affordable housing provision and any developer contribution requirements on the viability of development proposals. This will be used to ensure that economic viability has been considered when the Castle Point Plan.

Infrastructure Delivery Plan

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

Statement of Community Involvement

Section 17 (1) (b) of the Planning and Compulsory Purchase Act 2004 stipulates that the Local Planning Authority's Statement of Community Involvement (SCI) must be specified in the Local Development Scheme. The SCI sets out how and when anyone with an interest in planning in the Borough can have their say on:

- Applications for planning permission for development
- Planning appeals (where permission is refused by the Council, but an applicant appeals to the Secretary of State)
- Planning enforcement; and
- Local Plans.

The latest Castle Point Borough Council's SCI was adopted in 2020.

Appendix 1 – Supplementary Planning Documents (SPDs)

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

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

SPD	Action	Notes
Developer Contributions Guidance (2008)	Update	Significant update due to passage of time and changes to national policy. Will need to reflect on CIL as it is brought forward.
Residential Design Guidance (2013)	Update	Limited update to reflect any changes to national policy or local plan policy. This SPD is well supported on appeal.
Essex Design Guide Urban Place Supplement (2008)	Revoke	The Essex Design Guide (EDG) has been substantially updated since 2008, and a review of its entire content is appropriate. If appropriate the EDG could be endorsed as a material planning consideration without being adopted as an SPD – an approach taken by other Essex authorities.
Essex Vehicle Parking Standards (2010)	Update	Work is underway to update the vehicle parking standards at an Essex wide scale. At an appropriate time, it may be appropriate to adopt the updated version.
Canvey Town Centre Masterplan (2012)	Update	An updated masterplan is needed to stimulate regeneration in Canvey Town Centre.
Essex Coast Recreational disturbance and Avoidance Strategy (RAMS) SPD	No change	To mitigate the impacts of housing growth on recreational disturbance at Habitat Sites, ensuring that there is no unmitigated harm arising from development in Castle Point at these sites.

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

SPD	Reason for Requirement
Green Infrastructure Strategy and SPD	To deliver green infrastructure enhancements and biodiversity net gain across Castle Point in a coordinated way that delivers wider benefits to residents and the natural environment.
Area Design Codes	To support high quality development across the borough, reflecting the characteristics of individual towns.
Masterplans to promote regeneration	Whilst not essential in all cases, where regeneration may be delivered over an extended period, a masterplan may benefit from adoption as an SPD to ensure consistency in decision making.

Appendix 2 – Risk Management

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

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

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		<p>These implications are not only in relation to the primary legislation. When enacted, the government may issue changes to regulations to reflect the statutory requirements of the Act, together with planning practice guidance and a new National Planning Policy Framework.</p> <p>The approach being taken in developing the Castle Point Plan is broadly in line with the proposals in the Levelling Up and Regeneration Bill. However, details around some of the elements are vague currently and are reliant on regulations setting out more detail.</p> <p>To reduce this risk officers are liaising with Government officials to ensure that they are aware of the approach being taken to the Castle Point Plan, enabling any challenges to be identified early and addressed.</p> <p>Officers will continue to monitor changes to statute, regulations and policy and ensure that the Castle Point Plan Board and Cabinet are informed, as appropriate, and the plan takes account of any changes.</p>	
Inability of the Planning Inspectorate (PINS) to deliver examinations / reports to timetable	High	<p>Past experience shows that the Planning Inspectorate are not able to deliver examinations quickly. The timetable requires a 9-month turnaround, which is consistent with what over Council's put in their programmes. Previously the examination took 17 months. Colchester and Epping Forest have experienced examination periods extending over 2 years.</p> <p>This challenge can be mitigated through:</p> <ol style="list-style-type: none"> Lobbying Government around this issue; Advising PINs in advance of submission so that an Inspector can be lined up; Through good engagement reducing the number of outstanding issues at the examination stage. 	Medium/High
Staff resourcing	High	The preparation of the Castle Point Plan in a way which achieves high levels of engagement will require dedicated staff resources. At this time, there is insufficient	Low

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		<p>staffing to deliver the Castle Point Plan in this way, which will delay the timetable and reduce the effectiveness of engagement.</p> <p>A resource plan identifying the required staff resourcing has been prepared for approval by the Council.</p>	
Staff turnover, staff loss, long term sickness	Medium	As with any organisation, from time-to-time staffing pressures such as sickness, maternity, paternity leave and staff loss need to be effectively managed. This will be undertaken in line with Council procedures for staff retention, as well as measures such as recruiting into vacancies as quickly as possible, using temporary staff and secondments, or Service Level Agreements with other Councils, where possible, to cover maternity/paternity leave.	Low
Financial resourcing	High	<p>Local Plan document preparation is expensive due to the requirements for an effective evidence base, the need for effective engagement and then due to fixed costs such as the cost of examination. A local plan cannot be prepared in the absence of financial resources. A resource plan accompanies this Local Development Scheme.</p> <p>Examination costs may inflate due to the length or complexity of an examination and the hiring of expert witnesses to defend the Council's plan. Legal challenge could also mean further unforeseen costs are incurred, such as legal fees.</p> <p>In order to manage the costs:</p> <ul style="list-style-type: none"> a) Evidence sources have and will continue to be reviewed in order to prevent the need for commissioning separate work as far as possible; b) Where work or services are commissioned, they will be commissioned having regard to the needs of the Council as a whole e.g. an assessment of playing pitch need will culminate in a strategy that the Leisure Service can use; c) In commissioning work, officers will seek to achieve best value for money through procurement activities; d) The budget will be subject to regular monitoring and profiling by Financial 	Medium

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		<p>Services to ensure that any budget pressures are identified early. The S151 officer is notified through this process should overspends be predicted in current or future years to ensure the budget remains on target.</p> <p>e) Any unspent budget will be carried forward across financial years to ensure that the programme for the preparation of the Castle Point Plan remains financially supported.</p>	