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**A SPECIAL MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the **Council Chamber, Council Offices, Kiln Road, Thundersley**, on **WEDNESDAY, 8TH DECEMBER, 2021 at 7p.m. NB Time**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors, Mrs P. Haunts, (The Worshipful the Mayor), Mrs. J.A Blissett ,(Deputy Mayor),A. Acott, J. Anderson, D. Blackwell, B. Campagna, S. Cole, J.M. Cutler, W.J.C. Dick, Ms. N. Drogman, Mrs. B. Egan, E. Egan, J. Fortt, M.J Fuller, W. Gibson, P.C. Greig, S. Hart, N. Harvey, G.I. Isaacs, W. Johnson, C.A. MacLean, P. May, S Mountford ,C. Mumford, Mrs. S. Mumford, B.A. Palmer, Mrs. J Payne, J.A. Payne, C.R Riley, Mrs. C.J Sach, R. Savage, A.G. Sheldon, T.F. Skipp, A. Taylor, D.J. Thomas, A. Thornton, Mrs. J Thornton, M.A Tucker, P.E. Varker, Walter and G.St.J. Withers

**Andrew Grant**  
**Interim Chief Executive**

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## **AGENDA**

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### **PART I**

**(Business to be taken in public)**

**1. Apologies for absence**

**2. Members' Interests**

**3. New Castle Point Local Plan**  
**To vote on the following:**

3.6 Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.

A report is attached.

**SPECIAL COUNCIL**

**8th December 2021**

**Subject: New Castle Point Local Plan**

**Report of the Interim Chief Executive Andrew Grant**

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- 1. Purpose of Report**  
To remedy a procedural error made at the meeting of the Ordinary Council on 24 November 2021.
  - 2. Links to Council's Priorities and Objectives**  
The Local Plan links to all Council priorities Economy & Growth, People, Place and Environment.
  - 3. Recommendations**  
To vote on the following:
    - 3.6 Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.**
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**4. Background**

- 4.1** At the last meeting the Ordinary Council meeting held on 24 November 2021 a report was made to Council for note prior to consultation setting out the modifications to the Local Plan on which the Local Plan Inspector had requested consultation be undertaken.
- 4.2** Following presentation of the report in considering various matters highlighted under recommendations for noting, a vote was not taken a recommendation on which a decision was required by Council.
- 4.3** Recommendation 3.6 provides:

*'Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.'*

This requires authorisation by Council to rely on other delegations lacks transparency.

## **5. Report**

5.1 Council is asked to vote on the following:

*‘3.6 Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.’*

5.2 In taking this decision, Council is informed that no changes are proposed to be made to the consultation document listed below and presented to Council on 24 November 2021:

- Schedule of Main Modifications
- Schedule of Additional Modifications
- Changes to the Policies Map
- The Sustainability Appraisal
- The Habitats Regulations assessment
- The EquIA (Equalities Impact Assessment)

5.3 All of these documents have been published with the Report to 24 November 2021 and posted on the New Local Plan website. Consultation will be on the same documents: therefore, it is not necessary for the authorisation to be used.

5.4 Council is also provided with the following clarification: once the consultation starts the documents listed in para 5.2 above cannot be changed. Any further changes will be at the approval of the Inspector, set out with his final report and it will be for Members of the Council to consider at the appropriate time when it considers the Inspector's report. A tracked change version of the document will be made available to Members at that time, with a distinction made between Modifications noted on 24 November and any subsequent modifications should the Inspector seek further modifications.

5.5 Council is advised that as a consequence of the scheduling of this meeting to address this procedural error, the public consultation on the modifications will now commence at the earliest on 10 December 2021 and run until 4 February 2022, and otherwise be completed as per the agenda item presented to Ordinary Council on 24 November 2021.

5.6 The recommendation is before the Council.

## **6. Corporate Implications**

### **(a) Financial Implications**

6.1 As reported on 24.11.2021-The costs of the local Plan to adoption are within the Local Plan budget. The cost of the consultation exercise is c£20,000.

### **(b) Legal Implications**

- 6.2 As reported on 24.11.2021 there are a number of statutory requirements that must be met during the preparation of a local plan. These include the requirements to carry out and consider sustainability appraisals, habitat regulations assessments and equality impact assessments. These requirements have been met in the preparation of the Local Plan.
- 6.3 The Localism Act 2011 introduced the duty to co-operate. As Council will recall from its experience in 2016, failure to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in the Plan, by engaging with neighbouring authorities and other relevant bodies during preparation and in the period up until the finalisation of the new Local Plan, would leave a planning inspector with no option but to cease examination work and recommend the Plan be withdrawn. The Inspector is satisfied that the Council has fulfilled this obligation.
- 6.4 The Local Plan has been subject to independent examination by a planning inspector who will consider whether the tests of soundness set out in the NPPF have been met.
- 6.5 Failure to agree the Local Plan will result in the very real risk that the Secretary of State will use his powers of direction to approve the Plan.

**(c) Human Resources and Equality Implications**

As reported on 24.11.2021

**6.6 Human Resources**

- 6.7 During the Plan making process additional resources (from Chelmsford City Council) and consultations have been used to support the Local Plan team. The Planning Policy Manager was the lead representative for the Council at the Hearings, together with other staff. This has been vital in capturing their depth of knowledge of the Plan, but also the experience they have gained for the Council.
- 6.8 Once the Local Plan is in place, significant work will be required to support master plans, the preparation of supplementary planning guidance and the increase in large scale planning applications, which will all require staff resources.

**Equality Implications**

- 6.9 An Equality Impact Assessment has been prepared to accompany the Local Plan. It is circulated separately. The outcomes of this assessment are considered earlier in this report and should be considered when decisions are taken with regard to the Plan.

**(d) IT and Asset Management Implications**

As reported on 24.11.2021

- 6.10 The consultation process will make use of existing IT resources. There are no IT implications arising directly from this report or the Local Plan.

- 6.11 There are no asset management implications arising directly from this report or the Local Plan, other than sites which are owned by the Council and may be affected by its policies or allocations.

**7. Timescale for implementation and Risk Factors**

- 7.1 Revised timescale for consultation is addressed in the report.  
Failure to agree the Local Plan will result in the very real risk that the Secretary of State will use his powers of direction to approve the Plan.

**8. Background Papers**

Item 11 Ordinary Council 24.11.2021 and Appendices

**Report Author:**

Andrew Grant – Interim Chief Executive