

The Rt Hon Sajid Javid MP
Secretary of State for Housing, Communities & Local
Government
Ministry of Housing, Communities & Local Government
4th Floor, Fry Building
2 Marsham Street
LONDON
SW1P 4DF

Date: 31st January 2018
Our Reference: PP/GF
Your Reference:

By e-mail to;
sajid.javid@communities.gsi.gov.uk

Dear Secretary of State,

LOCAL PLAN INTERVENTION RESPONSE CASTLE POINT BOROUGH COUNCIL

Thank you for your letter of 16th November 2017, identifying Castle Point Borough Council as a local planning authority at risk of possible Government intervention for having failed thus far to prepare an up-to-date Local Plan.

In your letter you seek information on any exceptional circumstances explaining the failure to produce a Local Plan, as well as any measures in hand to accelerate plan publication; you also expressed an interest in the wider planning context in this area.

Before dealing with these three matters may I first express my thanks to your officials who visited Castle Point on Thursday 14th December 2017, and saw at first-hand the good progress being made by Leaders and Chief Executives of Councils across South Essex in collaborating on strategic planning matters, a point which I shall return to below.

The Council shares your disappointment that it has not been able to complete a Local Plan for the Borough, despite the fact that it has assiduously sought to follow Government policy and guidance in order to meet the “duty to co-operate” and to put a sound Local Plan in place. **Appendix 1** to this letter describes some of the *exceptional circumstances* which the Council has faced.

Nonetheless the Council committed to a new Local Development Scheme referring to Local Plan work in July 2017 and is making good progress on its next Local Plan. In point of fact, Castle Point has the most recent in-depth experience of plan preparation and submission of all the South Essex authorities, and because of that experience, knows precisely what is now required to make progress with a Local Plan.

The Council is anxious to make rapid progress on an up-to-date plan, and **Appendix 2** provides more detailed information on work completed and programmed. Furthermore, since March 2017, and because of the Council's most recent Local Plan experience, it has also been working both at a senior political and officer level with neighbouring and surrounding authorities on a new strategic plan for this area. It has given careful consideration to the advice from the Planning Inspector appointed to consider the Council's most recent Local Plan, and is mindful of the messages contained in the Housing White Paper "Fixing our Broken Housing Market" as well as the Consultation Paper "Planning for the Right Homes in the Right Places".

In addition to local planning matters, the Council has also been focused on working with other South Essex authorities, all of whom face similar challenges and all of whom acknowledge that to deal with these effectively, there should be a common understanding on strategic planning matters, including housing, and a mechanism for distributing unmet housing needs. Furthermore, Castle Point, together with these other South Essex authorities, has made your Ministry the offer of working with you as a pilot for the new Statements of Common Ground.

Measures in hand to accelerate our plan publication

I have set out in *Appendix 2* my response to your enquiry regarding accelerating plan publication, and I am pleased to summarise below my key points.

As I mention above, since receiving the Planning Inspector's report on the Council's New Local Plan in March 2017, the Council committed to a new Local Development Scheme in July 2017 and is making good progress on its next Local Plan. The information in *Appendix 2* provides an update regarding the Council's Local Plan activity, describing the work already undertaken, and future work planned, not only to accelerate plan publication but also to increase the supply and delivery of new housing. This activity has continued in parallel with work with neighbouring and surrounding authorities on a strategic planning framework for South Essex; this framework will allow more finely tuned local delivery plans to be prepared for areas where change is expected or promoted.

It is evident that until such a framework is in place, any new plan which the Council prepared would be highly unlikely to pass the amended tests of soundness described in the Consultation Paper, namely that

"a) plans should be prepared based on a strategy informed by agreements over the wider area; and

b) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground"

Therefore in terms of acceleration of plan publication it is important to note that the Council is already pursuing the optimal strategy of working with neighbouring and surrounding authorities to put a Joint Spatial Plan in place for South Essex. I am pleased to attach as **Appendix 3** to this letter the timetable agreed by the six authorities in South Essex for this plan, which, as you can see, commits the authorities to all of the necessary statutory stages in preparing a Joint Spatial Plan, supplemented by amended Local Development Schemes, and the Statements of Common Ground and Community Involvement.

This work is likely to result in a ground-breaking Joint Spatial Plan for an important growth area in the south east by 2020 at the latest, and will represent the medium to long term development plan for Castle Point.

This approach will also allow for the publication of a planning strategy for the area much more quickly than if the Council were to have to re-commence the traditional Local Plan preparation process, especially since the “duty to co-operate” point would still need to be addressed. Furthermore, and as can be seen from the timetable I have referred to, one immediate benefit of the work on a Joint Spatial Plan could be an agreed Housing Trajectory for South Essex by the end of this year.

Meanwhile, in order to assist your objective in terms of delivering new homes more quickly, in the short term over the next two years, the Council is determined to ensure that it brings forward appropriate housing development on previously developed land in the built up area as quickly as possible.

It will use a range of techniques to ensure development can proceed without delay. For example, it will bring forward Part 2 of its Brownfield Land Register – the “Permission in Principle”. The Council has a clear indication of the technical work necessary to bring forward sites from Part 1 of the Register, and would commit to and complete this work by the summer of 2018.

In addition the Council has already commissioned a comprehensive review of housing and employment land availability for 2018. This review will involve a “call for sites” from land owners and developers, in order to ensure that all possible deliverable sites are captured and considered. The Council will engage with land owners and developers through workshops and one-to-one discussions where appropriate, in order to ensure that suitable sites are brought forward as quickly as possible.

The Council will also commit to work with land owners and developers to commission, support or prepare planning or development briefs for sites, where this will help to clarify the local planning context and ease the preparation and submission of appropriate development proposals.

Furthermore the Council has over a number of years tried to ensure that small sites in the urban area are brought forward and developed, often by local builders specialising in local designs and products to suit the local market. I am pleased to note that in the Housing White Paper 2017, the Government has recognised the importance of this source of housing supply.

For the past fifteen years approximately 100 dwellings per annum have been delivered from this important source – important particularly when regard is had to the physical capacity of the Borough. With the additional measures I have mentioned above the Council is confident that within the next 12 to 18 months housing delivery could be increased by up to 50% to 150 units per annum.

Regular liaison is maintained with developers and agents to seek to ensure that the determination of applications is carried out as quickly as possible, and you will have seen from your Department’s most recent official statistics that 83.8% of major planning applications are determined within target time.

The Council believes that this flexible approach is appropriate for its circumstances, and is entirely consistent with the messages contained in the Housing White Paper - as expressed for example in Paragraph 1.10 where there is a commitment to remove the expectation that there should be a single Local Plan for an area, and to allow for a set of strategic priorities to be planned for, with flexibility as to how this may be achieved.

Wider planning context

There is a long-established history of collaboration and joint working across South Essex, which can be traced back to the Thames Gateway growth area, and the Thames Estuary South Essex Partnership Board, and I describe this in more detail in **Appendix 4**.

I am also pleased to attach a letter signed by the Leaders of all South Essex authorities as **Appendix 5** setting out their commitment to a joint approach to strategic plan-making. This collaboration is supported by a signed Memorandum of Understanding, attached as **Appendix 6**. You will have seen that the Joint Spatial Plan will be prepared on an accelerated timetable as shown in *Appendix 3*, in order to inform the current round of Local Plans in South Essex.

Work on the Joint Spatial Plan will be steered by our newly created Association of South Essex Local Authorities, which comprises the Leaders of all six local planning authorities and the County Council. This will not only ensure that it is given the highest priority, but will also ensure that it is prepared within the wider growth context, taking into account long term strategic infrastructure investment, and the emerging Thames Estuary Commission and Local Industrial Strategy.

Castle Point Council reaffirmed its commitment to this collaboration as recently as 17th January 2018, when at a Special Meeting of the Council the Memorandum of Understanding was comprehensively endorsed, as was the work necessary to put in place a spatial strategy for South Essex.

This approach will deliver a planning framework for the Borough in a much quicker timeframe than if a Borough-wide Local Plan was to be prepared. Within the wider South Essex strategy, more detailed local delivery plan(s) can then be prepared in the form of master plans, in consultation with stakeholders and in accordance with legislation, and used to manage development in key areas, or support locally-led planning where requested.

I would respectfully request that, when you reflect on whether or not intervention would accelerate plan publication in Castle Point, you give careful thought to these points. On behalf of the Council, my officers and I would be happy to meet with you and/or your officials on a regular basis over the course of the next two years, to give you the confidence that the approach I have described above is being followed in a timely fashion and will deliver the necessary plan(s).

I trust that this response and the Risk Assessment I have prepared in **Appendix 7** is helpful, and that these demonstrate for you that intervention in Castle Point or indeed in the other two South Essex authorities identified would not be appropriate at this time, given the excellent progress being made on joint strategic planning work, in

accordance with emerging Government guidance. In fact intervention in any one of the three authorities is likely to jeopardise and de-stabilise the positive collaboration now in place, which in turn will have the effect of adding further delay to plan-making across South Essex as new co-operation arrangements will need to be formed.

Should you need any further assistance or information, please do let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Colin Riley', with a long horizontal stroke extending to the left and a vertical stroke extending downwards to the right.

Councillor Colin Riley
Leader of the Council

Enclosed:

Appendix 1 - Exceptional circumstances

Appendix 2 - Measures in hand to accelerate plan publication

Appendix 3 – Timetable for preparation of Joint Spatial Plan for South Essex

Appendix 4 - Wider planning context

Appendix 5 – Joint letter from Leaders of South Essex Local Authorities

Appendix 6 – Memorandum of Understanding for South Essex Local Authorities

Appendix 7 - Options for a Local Plan - Risk Assessment

Appendix 1

Exceptional circumstances

The Council has on two occasions since 2010 presented plans to Planning Inspectors at Examinations, but without success.

The Council has throughout been conscious of the need to address carefully the very challenging planning constraints in the Borough, and especially the difficult if not impossible task of reconciling apparent housing needs with protection of the established Green Belt and other protected areas, as well as the need to work over a large and complex housing market area on the edge of London with four other planning authorities.

The particular physical circumstances of the Borough are as follows:

- A relatively small Borough with a land area of just over 4,000 hectares
- At least 2,700 hectares of the Borough is long-established open Metropolitan Green Belt land
- Of this area of Green Belt, at least 1,100 hectares are notified by Natural England as covered by international and national nature conservation designations around the Thames Estuary, and by ancient woodlands
- Of the urban areas of the Borough, Canvey Island, with approximately half of the Borough's population, is defined by the Environment Agency as Flood Risk Zone 3a, being at or below sea level
- Further land is likely to be required on Canvey Island by the Environment Agency for improvement to existing sea defences in the lifetime of a Local Plan, further restricting opportunity for development
- The Health & Safety Executive require significant exclusion areas to be maintained by the Local Planning authority around two top-tier CoMAH sites on Canvey Island's Thames Estuary frontage

Notwithstanding these constraints, the Council prepared and submitted a Core Strategy for Examination in March 2010, based as required on the former East of England Plan. However, as the Examination started in June 2010, the incoming coalition Government made clear its intention to abolish regional plans. This resulted in a delay to the Examination of almost a year; furthermore, it was also made clear to the Council by the Planning Inspector examining the Strategy that he believed the Council had given too much weight to "local factors" when dismissing opportunities for housing development in the long-established and open Green Belt, and that it had also placed too much emphasis on seeking a large number of small sites in the urban area for its housing land supply. Eventually the Council conceded that it should withdraw the Core Strategy in 2011.

The Council then promptly started work in January 2012 on a New Local Plan, designed to address the Inspector's concerns as set out above, and to fully accord with its understanding of the draft (as it was at that time) National Planning Policy Framework (NPPF). A draft New Local Plan was then published in January 2014, seeking to "... boost significantly the supply of housing", by incorporating some strategic Green Belt sites for release for housing. However Planning Practice

Guidance (PPG) to accompany the NPPF then emerged in March 2014, after the plan's preparation, with further helpful and relevant guidance regarding the relative weight of housing needs versus protection of established Green Belt land being published later still in October 2014. This made it clearer than it had been before that housing needs per se are as a matter of policy not expected normally to outweigh the need permanently to protect and keep open established Green Belt land.

The Government's position regarding the protection of the established Green Belt was further and helpfully clarified and reinforced by the then Housing & Planning Minister Brandon Lewis MP at a private meeting with leading Councillors and the Member of Parliament for Castle Point, Rebecca Harris MP, in June 2015. The point was made to the Council that the use of open and long-established Green Belt land to meet housing need was not Government policy.

Our Member of Parliament has been consistent in her position that the Government's policy approach supports the view that open and long-established Green Belt land should not be considered for housing development, and has maintained that stance in opposing two major planning applications in the Borough to which I refer below.

Having regard to this advice, and the substantial number of responses to the draft New Local Plan from local residents opposed to a strategy of allocating open, long-established Green Belt land on the edge of the built-up area for housing development, the Council took the decision in February 2016 to remove open Green Belt sites and to prioritise the protection of long-established Green Belt land over meeting housing needs in this small and highly constrained Borough, in accordance with the clear, publicly expressed Government policy.

The New Local Plan 2016, based on this approach, was submitted in August 2016. Although this plan was broadly supported locally, criticism was received from neighbouring authorities regarding the lower housing target in the plan (compared with the earlier 2014 Plan). In response to those concerns, and in answer to queries from the Planning Inspector appointed to examine the plan, the Council made the following points to him:

The Council is aware that it will not be able to deliver all of its objectively assessed housing needs, for the reasons set out in the New Local Plan and its letter of 14th October 2016 (IE/003). It is anxious to ensure that this issue is fully addressed with neighbouring authorities and intends to play a full and active part to do so through the Duty-to Co-operate mechanisms described above and previously.

It is vital however to appreciate that Castle Point Council is not taking the position that its own unmet (objectively assessed) housing needs must simply be met in the areas of adjoining local authorities which are themselves subject to Green Belt or other fundamental constraints. Nor is it in any way saying that it has an objection in principle to anyone in need of housing in neighbouring areas coming to live in Castle Point.

The Council has participated fully and cooperatively (and continues to do so) in discussion with its neighbours. It is most certainly not saying (as suggested

for example in the Rochford representations) that Castle Point's Green Belt is "more valuable" than that in the areas of its neighbours.

The Council's position is that, having cooperated fully with its neighbours, listened to and considered all they have to say, it has simply found it impossible to reconcile the desirable aim of meeting its own housing OAN with compliance with other very clearly stated aspects of Government policy and guidance about preserving the established Green Belt.

The Inspector is respectfully reminded of what is actually said in Paragraph 14 (with its footnote) of the NPPF about plan-making in Green Belt areas, together with what Paragraph 79 says about the essential characteristics of Green Belt being its openness and its permanence. The practical understanding and implementation of this policy position was then clarified and reinforced by Paragraphs 044 and 045 of the Planning Practice Guidance, issued in October 2014 (and as referred to in the Council's earlier representations).

The Council is simply unable, in spite of cooperating with its neighbours, to meet housing OAN without getting into fundamental conflict with basic and clear Government policy about protecting the Green Belt.

*It seems to Castle Point Council that to say that this represents a failure in the duty to cooperate is tantamount to saying that Castle Point cannot be allowed to have tested for soundness a Local Plan which actually seeks to observe what Government policy and guidance clearly say about housing needs **not** normally overriding the constraint of the Green Belt.*

The Duty to Cooperate is clearly stated not to be a 'duty to agree'. A Local Plan which seeks to put into effect Government policy and guidance about the importance of maintaining the Green Belt must surely at least be allowed to proceed to being tested for soundness. No amount of further talking to and considering the views of neighbouring authorities will change the position that full housing OAN cannot be achieved in Castle Point without a fundamental breach of long-standing Green Belt policy at national level.

This is not in reality a 'duty to cooperate' point. Castle Point Council is not saying its immediate neighbours must take its 'overflow' development in their own Green Belt areas. It is a fundamental point about how appropriately to resolve the conflict between two important areas of policy, on housing and on the established Green Belt. It must be allowed to be considered on grounds of soundness, rather than being artificially suppressed by describing it as a failure to cooperate – which it clearly is not.

Regrettably however, the Inspector did not proceed to consider the Council's strategy on its merits, but concluded that the "duty to co-operate" had not been fulfilled, because there was no mechanism in place in South Essex to distribute unmet housing need over the wider housing market area – albeit that there is no stated requirement for such a mechanism in either the NPPF or PPG. The Council was therefore left with no alternative but to withdraw the New Local Plan in March 2017.

Had it been possible for the Examination into the Council's plan merely to be suspended, then it would today have been in a much stronger position to put its strategy to the test, and hopefully move on rapidly towards approval of a plan which would have been consistent with well-publicised Government policy on the Green Belt; however that option was not and is not possible under current regulations, if an Inspector finds that the "duty to co-operate" has not been met.

The Council has also engaged with Chelmsford City Council, an authority beyond its housing market area, but within a common travel to work area, to see if some of its unmet need might be accommodated in a growth area promoted by the City Council at South Woodham Ferrers. In its most recent representations to the City Council, it pointed out the following;

The Borough Council notes and supports the fact that Chelmsford fulfils a role as the capital of the county – as a consequence of this role, it remains a significant draw for homes and jobs from those currently resident in the south of Essex.

It also notes that both the National Planning Policy Framework and Planning Practice Guidance remind Local Planning authorities of the need to consider different geographic areas, not only housing market areas, but also including travel to work areas, in considering the "duty to co-operate" and in preparing development plans.

The Borough Council therefore considers that there remains a demonstrable link between south Essex, including Castle Point, and Chelmsford which justifies this request for assistance with unmet housing need.

The Council also made the following points:

However it is rare for all Local Planning authorities to be fully synchronised with evidence so that all local and housing market area options could be fully explored and exhausted first - in reality this set of circumstances is unlikely to be found. So for Castle Point for example, there is no way of knowing at this time if other authorities in this HMA would be able to accommodate any unmet need – and that information may not be available until well after the City Council's Local Plan has been submitted.

Accordingly, and on the basis of current evidence, it would be remiss, and indeed contrary to emerging guidance in the Housing White Paper, if the Borough Council did not highlight a request for assistance at this time.

Similarly I accept that it would be unreasonable to delay the preparation of the City Council's Local Plan because of the imperfect alignment of evidence in an adjoining HMA.

A remedy to this situation could be found if the City Council's Local Plan could incorporate some flexibility in accommodating responses of this kind should these arise at some future point – by for example incorporating some text which would allow an update or review of policy or allocations as appropriate.

There is no indication as yet on whether this request can be accommodated by Chelmsford City Council.

Further evidence of the highly constrained nature of Castle Point Borough can be found by reference to its Strategic Housing Land Availability Assessments (SHLAAs) and Brownfield Land Register. The Council has consistently prepared SHLAAs since 2012 in accordance with best practice, and more recently in accordance with Guidance. These have consistently revealed that there are no sites in the urban area of sufficient size to be able to deliver the numbers of houses necessary to meet objectively assessed housing needs in full.

Furthermore the Council's inaugural Brownfield Land Register shows 20 sites, the largest of which has a capacity of 54 units (some 17% of the annual housing need). However it has not been possible so far to publish a Part 2 Register because of concerns expressed first by the Environment Agency regarding flood risk for sites on Canvey Island, and second by Natural England because of concerns over the cumulative effect of new housing development on the protected habitats on the Thames Estuary and Essex coastline.

Further matters which the Council would draw to your attention by way of exceptional circumstances include that, since 2012, the Council has been engaged in two major planning appeals for large scale residential development on relatively large, open green belt sites.

The first of these, on land at Glebelands (reference APP/M1520/A/12/2177157), sought to promote 165 homes on Green Belt land – and although the Planning Inspector reporting to your predecessor recommended approval, the then Secretary of State refused permission on Green Belt grounds, a decision reaffirmed by both the High Court and Court of Appeal. However the delay in the resolution of this case had a significant bearing on the preparation of the New Local Plan – the appeal inquiry took place in December 2012, and the Court of Appeal eventually dismissed the last challenge in November 2014.

The second major appeal, on land at Jotmans Farm (reference APP/M1520/A/14/2216062), promoted 265 homes on open Green Belt land – again the Planning Inspector reporting to your predecessor recommended approval, but on this occasion you yourself resolved to dismiss the appeal, again on Green Belt grounds, and two High Court challenges to your decision have also now been dismissed. The most pertinent point to make here is that, in making this decision, you reaffirmed the commitment of the Government to the protection of the established Green Belt, specifically in a location such as Castle Point where there was acknowledged to be no five year housing land supply, and no up-to-date plan. The logic of your decision in that case is entirely consistent with the view that the Council's strategy within its New Local Plan (2016) would have been in accord with Government policy.

Again however the delay in the resolution of this case had a significant bearing on the preparation of the New Local Plan – the appeal inquiry took place in September 2015, and the Court of Appeal eventually dismissed the last challenge in October 2017.

One final point is worthy of mention, for the medium to longer term - there are in fact some areas covered by Green Belt designation within the Borough, but with significant amounts of established development upon them (so having some of the characteristics of brownfield land), where there is local support for new housing development, but these sites are undeliverable because of significant infrastructure constraints (particularly access arrangements) and which affect two adjoining authorities. Incorporating such sites into a Local Plan would immediately cast doubt on the soundness of that plan, which is why Castle Point Council has not in current circumstances pursued that option in the local plans which it has promoted to date.

However the Joint Spatial Plan described in this response is expected to identify and resolve South Essex infrastructure requirements, which could then allow for these sites to come forward, potentially providing 2,000 new dwellings.

Appendix 2

Measures in hand to accelerate plan publication

The Council is very keen indeed to have an up-to-date plan in place for this area, which is fully consistent with national policy, and provides for the protection of long-established open Green Belt.

It committed to a new Local Development Scheme referring to Local Plan work in July 2017, following the withdrawal of the most recent Local Plan, and I am pleased to have this opportunity to provide an update on the Council's Local Plan work since then. Throughout the summer and autumn of 2017, work was carried out on evidence concerning population projections, an updated strategic flood risk assessment, an employment development needs assessment, a Gypsy and travellers' accommodation assessment, a retail and leisure needs study, an Essex coast recreational disturbance avoidance and mitigation strategy, and a Statement of Common Ground regarding the A127 London to Southend Arterial Road.

For 2018 Local Plan work will focus on a 2018 Strategic Housing and Employment Land Availability Assessment, including a call for sites, support for the preparation of planning and development briefs for potential development sites in consultation with land owners, a review of the Brownfield Land Register in order to bring forward sites to Part 2 of the Register and to grant a "Permission in Principle" and the preparation of policy and development options for the next Local Plan. The Council is confident that, with the additional measures I have mentioned above, within the next 12 to 18 months, housing delivery could be increased by up to 50% to 150 units per annum.

However it would clearly be unwise for the Council simply to prepare and resubmit a Local Plan in similar terms to the New Local Plan of 2016, without having regard to the Planning Inspector's conclusions from March 2017. His remarks in substance concluded that the Council is not able to plan effectively on its own, due to the high level of constraints which apply to its own area, and because of its wider relationship with other South Essex authorities. As a result, over the nine months since the Planning Inspector's report was received, the Council has also focused on helping to put in place a strategic planning framework for South Essex, within which more finely tuned local delivery plans can be prepared for areas where change is expected or promoted.

Consequently, the Council has moved from the approach which was interpreted by the Planning Inspector as a failure to co-operate, to a much more positive and proactive approach with neighbouring and surrounding authorities reaching agreement on strategic planning matters, including housing, across South Essex.

To summarise the situation in terms of acceleration of plan production, there are in principle three options open to the Council – one, to continue to pursue a Joint Spatial Plan; two, to submit a Local Plan based on development of open Green Belt land; or three, to resubmit a Local Plan with the protection of the established Green Belt as its priority.

The Council is already pursuing what it regards as the optimal strategy (*option one*), of working with neighbouring authorities to put a Joint Spatial Plan in place for South Essex. This is also likely to allow all South Essex authorities to meet the amended

tests of soundness concerning strategic matters in plan preparation. The timetable agreed by the six authorities in South Essex for this work is referred to in *Appendix 3*, and a Memorandum of Understanding for the Association of South Essex Local Authorities managing this work is shown as *Appendix 6*. This is likely to result in a ground-breaking Joint Spatial Plan for an important growth area in the south east by 2020 at the latest.

If the Council were, hypothetically, to follow *option two*, and resume work on a Plan in the form of its 2014 Draft New Local Plan, it can confidently predict that there would be substantial local opposition to the use of open Green Belt land for development. Although such a plan could in theory deliver approaching 200 dwellings per annum (still only 66% of the assessed annual housing need), nearly half of this supply would need to come from open Green Belt sites, and the shortfall would still need to be distributed elsewhere across the housing market area of South Essex. This issue is at the heart of the discussion within South Essex, and one of the primary objectives of the Joint Spatial Plan work is to address it. If *option two* were pursued, it is unlikely that a Local Plan could be adopted before 2020, because of the perceived conflict with well-publicised Government policy to protect the established Green Belt, and because the mechanism for the distribution of unmet need relies in any event on the completion of the Joint Spatial Plan for South Essex.

Alternatively the Council could pursue *option three*, and resubmit a Plan in the form of its 2016 New Local Plan. This plan has local support, since it does not propose development of open Green Belt sites, and is therefore consistent with Government policy to protect the Green Belt, but it will only provide for some 100 dwellings per annum (approximately 33% of the assessed annual housing need). Again the shortfall would need to be distributed elsewhere across the housing market area of South Essex, and again this is the issue which would need to be resolved by the joint work already underway. If this option were pursued it is once again unlikely that a Local Plan would be adopted before 2020, since the mechanism for the distribution of that need relies on the completion of the Joint Spatial Plan for South Essex.

The Council's firm preference, taking into account the advice of the Planning Inspector from March 2017, is to work with neighbouring authorities on a Joint Spatial Plan which can resolve the issue of meeting the housing needs of the housing market area in a co-ordinated way.

Thus none of the potential approaches will produce an adopted plan sooner than 2020, but the Council's preferred approach (*option one*) will also in fact allow for the publication of a planning strategy for the area more quickly than if the Council were to have to re-commence the traditional Local Plan preparation process, especially since the "duty to co-operate" point would still need to be addressed through the joint spatial planning work.

The likely timing implications of the three options here discussed, and the fourth one of potential intervention by the Secretary of State, are further considered in *Appendix 7 – Risk Assessment*.

Appendix 3

Timetable for preparation of Joint Spatial Plan for South Essex

Key Milestones	Work programme	Accountable body/ Person*	Decision-making
	STAGE 1: PRE-COMMENCEMENT STAGE		
End of Jan 2018	SE2050 workstreams agreed and Association of South Essex Local Authorities (ASELA) Memorandum of Understanding setting out commitment to developing a joint spatial strategy agreed	SE Leaders	MoU signed 10.01.18
February 2018	Scope of JSP, Draft timetable and initial working arrangements agreed	SE HoS/ SPMG	ASELA 01.02.18
	Scope of (pilot) Statement of Common Ground agreed	SE HoS/ SPMG	ASELA 01.02.18
	Audit of existing evidence base and scope out additional requirements	SE HoS	
	Workshop between SE2050 spatial planning and infrastructure workstreams to agree working arrangements and responsibilities, evidence base	Lead CXs for workstreams	
	Prepare draft Statement of Common Ground	SE HoS	
	Audit of resources and skills	SE HoS	
	Initial engagement with Homes England and GLA	Lead CX/ SE HoS/	
March 2018	Draft Statement of Common Ground agreed (scope of JSP, timetable, working arrangements, initial work programme and risk assessment)	SE HoS	ASELA 01.03.18
	Initial consideration of how other local planning documents/ local plans will support delivery of the JSP & map timetables to ensure alignment	SE HoS	ASELA 01.03.18
	Budget for JSP agreed	SE HoS	ASELA 01.03.18
	Project management arrangements established	Lead CX/ SE HoS	
	Draft community and stakeholder engagement programme prepared	Lead CX/ SE HoS	
	Strategic evidence base commissioned	SE HoS	

April 2018	Ongoing development of evidence base and strategic policies	SE HoS	Purdah period
May 2018	Ongoing development of evidence base and strategic policies	SE HoS	
	Final Statement of Common Ground prepared	SE HoS	Purdah period
	Final timetable of JSP prepared with timetables established for all other local development plan documents that will be needed to deliver the JSP	SE HoS	
	New planning MoU drafted	SE HoS	
	Statement of Community Involvement (SCI), Strategic Stakeholder engagement arrangements and communications strategy drafted	Lead CXs	
June 2018	Statement of Common Ground and Planning MoU agreed and signed by all partner authorities		ASELA / All SE Authorities
	Statement of Community Involvement (SCI) for JSP agreed		ASELA / All SE Authorities
	Local Development Schemes updated to reflect JSP alongside individual local development plan activity with aligned timetables		All SE Authorities
	STAGE 2: PREPARATION OF DRAFT PLAN AND PREFERRED OPTION		
June – Nov 2018	Prepare draft spatial strategy based on SE2050 vision, evidence base, emerging Strategic Infrastructure Framework and Local Industrial Strategy.	SE HoS	
	Assess all emerging local development plan documents to ensure alignment with emerging JSP	SE HoS / individual LPAs	
December 2018	Agree draft strategy and policies for Regulation 18 consultation		ASELA / All SE Authorities
Jan – March 2019	Reg 18 Consultation on draft strategy options and policies		
	Stage 3: Preparation of Publication Plan		
April 2019	Review Reg 18 responses / update SCG		
April – Sept 2019	Prepare Publication Plan for Regulation 19 consultation		

October 2019	Agree Publication Plan for consultation		ASELA/ All SE Authorities
Nov – Dec 2019	Reg 19 Consultation on Publication Plan		
	STAGE 4: EXAMINATION IN PUBLIC		
Jan – Feb 2020	Review Reg 19 responses, update SCG and prepare proposed Mods for submission with plan		
March 2020	Agree JSP and supporting documents for submission for Examination		ASELA/ All SE Authorities
Late Spring/ Summer 2020	Examination of JSP (if fast-tracked to Examination by PINs)		
Autumn 2020	INSPECTORS REPORT & CONSULTATION ON MAIN MODIFICATIONS / ADOPTION OF JSP		ASELA/ All SE Authorities

* HoS: Heads of Service, SPMG: Strategic Planning Members Group

Appendix 4

Wider planning context

The long-established history of collaboration and joint working across South Essex includes examples of evidence commissioned jointly such as:

- 4 Strategic Housing Market Assessments from 2008
- 2 Strategic Flood Risk Assessments from 2012
- South Essex Water Cycle Study 2011
- South Essex Surface Water Management Plan 2012
- South Essex Economic Development Needs Assessment 2017
- Essex Thames Gateway Historic Landscape Characterisation 2007

A Planning & Transport Strategy was also published in 2014.

The Council is also an active supporter of the work of the Essex Planning Officers Association, and has participated in county-wide demographic analysis, assessment of the need for Gypsy and Traveller Site provision and a review of the Essex Design Guide.

Planning officers and Planning Cabinet Members/Portfolio Holders meet on a regular basis to review evidence which has been commissioned, monitor the agreed Memorandum of Understanding to prepare Joint Strategic Planning Framework for South Essex 2016/7, and to consider and agree joint responses to consultations, such as the recent planning consultation paper in October 2017 (when at the same time it was also agreed to express an interest in acting as a pilot for a new Statement of Common Ground).

More recently, and in part due to the Planning Inspector's conclusions on the Castle Point Local Plan, Leaders and Chief Executives of the South Essex Councils of Basildon, Brentwood, Castle Point, Rochford, Southend on Sea, Thurrock and Essex County Council have been meeting on a regular basis, as your officials saw.

Their purpose has been to explore options for working better together on delivering some shared strategic priorities to support long-term sustainable growth (titled "South Essex 2050"). During this time, it has become clear that one area of activity that would benefit significantly from a more collaborative approach is spatial planning.

This has been informed by the following matters:

- Castle Point being found not to have complied with the duty to co-operate in early 2017, demonstrating that current collaboration on strategic planning priorities across South Essex, particularly in terms of meeting housing needs, had not been effective.
- The need to ensure that the recently announced Thames Estuary 2050 Commission's recommendations reflect the shared strategic priorities of the South Essex authorities, and that the Councils remain in control of how this is delivered.

- The need to influence the recently published London Plan, ensuring that the significant growth proposed for London has mutual benefits for neighbouring areas, like South Essex.
- The Government's proposed new approach to plan-making, initially introduced in the Housing White Paper and supported through subsequent proposed planning reforms and funding priorities throughout 2017. Although this will be formalised through a review of the NPPF in early 2018, the foundations for the new system have already been established through the Neighbourhood Planning Act 2017. This requires local authorities to set out their 'strategic planning priorities' and demonstrate how these will be delivered. However, a flexible approach is to be taken on what form plans may take, with no statutory requirement to deliver Local Plans as currently set out in the NPPF.

This collaboration is supported by a signed Memorandum of Understanding, in *Appendix 6* below. The Joint Spatial Plan will be prepared on an accelerated timetable as shown in *Appendix 3* above.

Work on the Joint Spatial Plan will be steered by the Association of South Essex Local Authorities, which comprises the Leaders of all six local planning authorities and the County Council. This will not only ensure that it is given the highest priority, but will also ensure that it is prepared within the wider growth context, taking into account long term strategic infrastructure investment, and the emerging Thames Estuary Commission and Local Industrial Strategy.

Appendix 5

Letter to Secretary of State from Leaders of South Essex Local Authorities

(Following pages)

Association of South Essex Local Authorities

ASELA Secretariat
c/o Alison Griffin, Chief Executive
Southend Borough Council
Civic Centre
Victoria Avenue
Southend on Sea
Essex SS2 6ER

01702 215101

29 January 2018

The Rt Hon Sajid Javid MP
Secretary of State for Housing, Communities & Local Government
Ministry of Housing, Communities & Local Government
4th Floor, Fry Building
2 Marsham Street
LONDON
SW1P 4DF

By email to: sajid.javid@communities.gsi.gov.uk

Dear Secretary of State

South Essex 2050

We understand that you are considering what action you may take in relation to the local plan process of three authorities namely Brentwood, Basildon and Castle Point in South Essex. To help inform your thinking, we are writing to you as the leaders of all the local authorities in South Essex setting out what we are doing to strengthen our collaboration across this economic and housing market corridor. We are working together to set out a new strategic approach to housing and planning which allows us collectively to deliver in full the homes and economic growth our area needs.

Local circumstances have made delivery of Local Plans in these three areas challenging with all authorities having to consider the Metropolitan Green Belt restraints on development.

Recognising the need to deliver housing in a sustainable way that will create strong communities across South Essex, we have come together to bring certainty to the adoption of local plans and most importantly are working to address the needs around new infrastructure that will support the much needed housing and economic development opportunities. Earlier this month we established the Association of South Essex Local Authorities (ASELA), which brings together all our authorities to progress our strategic long term ambitions for our region.

Basildon Council
BASILDON • BILLERICAY • WICKFORD



castlepoint
benfleet | canvey | hadleigh | thundersley



Rochford
District Council



thurrock.gov.uk

2.

Critically, in forming the Association we have agreed to work together collectively across district borders to seek to realise our full economic and social potential and plan on a joint basis for new infrastructure, homes and jobs. A copy of the Memorandum of Understanding setting out our collective commitment to this work is attached.

We also attach to this letter a clear timetable for delivery of a joint infrastructure and spatial plan and the new Statement of Common Ground, which we have offered to pilot with your Ministry. This sets out our commitment that all of our local plans will be delivered in a joined up approach, with an emphasis on the provision of necessary infrastructure to support the expanding and new communities. Your department has previously discussed the importance of this and made reference to its relevance for new towns and new village and town developments, a position that we very much support.

Our focus is on ensuring the delivery of more than 90,000 homes over the next 20 years across South Essex in the shortest possible time with the necessary infrastructure. We recognise and accept that there will be some areas that will find full delivery of their plans more difficult than others. We are committed to working together to help address this and will co-operate across the region, recognising that the opportunities and challenges are not confined within single municipal boundaries.

Through ASELA we are committed to progress these matters collectively in the interests of South Essex as a whole, whilst respecting local priorities. The joint spatial plan will provide a strong framework to build on and deliver the sound individual local plans and provide the future strategic context for them. Individual authorities are taking immediate steps to progress their local plans and those three authorities at risk of intervention have set out to you individual responses which we fully support. Additionally within South Essex we will use the joint strategic plan to set the future strategic context for our local plans as part of the national requirement for a 5 year review of housing needs in the region. This will deliver our ambition of creating growth for our communities across the region, as we seek to develop a strong and robust South Essex economy.

We have a tremendous opportunity to work together across South Essex as a whole to deliver in full the homes we need. We want to do so in close partnership with Government. We are concerned that formal intervention in any one of the three authorities could disrupt the collective political progress we are making and would not make any faster progress towards getting sound local plans in place, slowing delivery of new homes.

Our plans are ambitious and we are keen to work in partnership with your Ministry to put in place the proposed framework. We intend to provide quarterly updates on the progress we are making in our shared objective of delivering new homes and communities within South Essex.



3.

Yours sincerely,

Cllr Gavin Callaghan		Leader of Basildon Borough Council
Cllr Louise McKinlay		Leader of Brentwood Borough Council
Cllr Colin Riley		Leader of Castle Point Borough Council
Cllr Kevin Bentley		Deputy Leader of Essex County Council
Cllr Terry Cutmore		Leader of Rochford District Council
Cllr John Lamb		Leader of Southend Borough Council
Cllr Robert Gledhill		Leader of Thurrock Council

enc

Appendix 6

Memorandum of Understanding between South Essex Local Authorities

Association of South Essex Local Authorities

Memorandum of Understanding

between

Basildon Borough Council

Brentwood Borough Council

Castle Point Borough Council

Essex County Council

Rochford District Council

Southend on Sea Borough Council

Thurrock Borough Council

1. Background

- 1.1 Stemming from housing and local planning issues initially, there has been a *growing recognition of the opportunity and need for greater cross-boundary working on strategic infrastructure planning and growth across South Essex*. In June 2017 Leaders and Chief Executives of Basildon, Brentwood, Castle Point, Rochford, Southend–on-Sea, Thurrock and Essex County Council (the Authorities) agreed to initiate and shape a programme of work through the summer and autumn to explore a joint ‘place vision’ and the scope for greater strategic collaboration along the South Essex growth corridor.
- 1.2 The work during the summer and autumn has resulted in an emerging vision and identification of strategic growth opportunities that need testing and strengthening with the people and stakeholders of South Essex and beyond. It has also built a strong commitment amongst the Authorities to collaborative working. It was agreed that an Association of South Essex Local Authorities (ASELA) *should be established to continue this collaborative work*.
- 1.3 The Authorities wish to record the intention to establish ASELA and basis of our collaboration through a Memorandum of Understanding (MoU). This MoU sets out:
 - a) The core purpose and aims of ASELA
 - b) The principles of collaboration

2. Core Purpose and aims

- 2.1. The core purpose of ASELA is to provide place leadership for South Essex. Recognising that through our collaborative approach we will be best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for our communities.
- 2.2. ASELA will focus on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that will help our individual areas to flourish and realise their full economic and social potential.
- 2.3. The aims of ASELA will be to:
 - Provide place leadership;
 - Open up spaces for housing, business and leisure development by developing a spatial strategy;
 - Transform transport connectivity;
 - Support our 7 sectors of industrial opportunity;
 - Shape local labour & skill markets;
 - Create a fully digitally-enabled place;
 - Secure a sustainable energy supply;
 - Influence and secure funding for necessary strategic infrastructure;
 - Enhance health and social care through co-ordinated planning; and
 - Work with and provide a voice for South Essex to the Thames Estuary 2050 Growth Commission and Commissioners.

3. Principles of collaboration

- 3.1. Our collaboration will be focused on three key areas:
 - Tackling problems we can't solve individually
 - Creating collective scale and impact
 - Providing the place leadership to promote and sell the 'South Essex' proposition
- 3.2. The Authorities agree to adopt the following principles in working together:
 - We are all in this together – and stronger if we work together
 - We should build our governance incrementally – learning from the lessons from other places who are more advanced
 - Through our collaboration we should be gaining something not losing something
 - Local identities should not be lost
 - We need to be a voice for South Essex

4. Term and Termination

4.1. This MoU shall commence on the date of the signature by each Authority, and shall expire if ASELA dissolves.

5. Variation

5.1. The MoU can only be varied by written agreement of all the Authorities.

6. Charges and liabilities

6.1. Except as otherwise provided, the Parties shall bear their own costs and expenses incurred in complying with their obligations under this MoU.

7. Status

7.1. This MoU cannot override the statutory duties and powers of the parties and is not enforceable by law. However the parties agree to the principles set out in this MoU.

Signed by

Local Authority	Leader/Chairman of Policy and Resources Committee	Chief Executive	Date
Basildon Borough Council			10/1/18
Brentwood Borough Council			10/1/18
Castle Point Borough Council			10/1/18
Essex County Council			10/1/18
Rochford District Council			10/1/18
Southend on Sea Borough Council			10/1/18
Thurrock Borough Council			10/1/18

Appendix 7

Options for a Local Plan - Risk Assessment

In terms of acceleration of plan production, as discussed already in *Appendix 2* above, there are three options hypothetically open to the Council – one, pursue a Joint Spatial Plan; two, submit a Local Plan relying on building on open Green Belt sites; or three, resubmit a Local Plan with the protection of the established Green Belt as its priority. The fourth option is Secretary of State intervention, with the Secretary of State taking responsibility (even if the task were delegated to others) for producing a new Local Plan for Castle Point Borough.

Option one – the Joint Spatial Plan across South Essex - is the Council's favoured approach, and one which reflects the Government's desire to strengthen strategic planning matters in plan-making. As shown in *Appendix 3*, it is likely that a new, adopted Joint Spatial Plan can be in place by 2020.

If the Council were (hypothetically) to follow *option two*, and resume work on a Plan like its 2014 Draft New Local Plan (which it is most unlikely to do, because it would be in obvious conflict with clear Government policy and advice about not building on established, open Green Belt land), it would anticipate very substantial local opposition. In any event, even if an approach of this kind were to be adopted, it would still leave a substantial shortfall in housing provision which would need to be distributed elsewhere across the housing market area of South Essex. Thus, even if this option were pursued, it is unlikely that a Local Plan could be adopted before late 2020 at the earliest, because the mechanism for the distribution of that unmet need still relies on the completion of the Joint Spatial Plan for South Essex, and because of the numbers of objections likely, owing to the perceived conflict with well-publicised Government policy to protect the Green Belt.

Alternatively the Council could pursue *option three* and resubmit a Plan like its 2016 New Local Plan – which has local support, since it does not seek to develop Green Belt sites, and is consistent with Government policy to protect the Green Belt. However it would only provide for some 33% of the assessed annual housing need to be built within the Borough, so once again the shortfall would need to be distributed elsewhere across the housing market area of South Essex, and again this is the issue to be resolved by the joint work already underway. Thus if *option three* were to be pursued, it is once again unlikely that a Local Plan could be adopted any earlier than late 2020, since the mechanism for the distribution of that need relies on the completion of the Joint Spatial Plan for South Essex.

Since the Green Belt can only be altered through the preparation of a statutory development plan, there is no other means which the Council is aware of, by which the weight to be afforded to housing delivery as opposed to the protection of the Green Belt can be tested, other than through plan production.

In terms of the *fourth option* of intervention by the Secretary of State, it appears that all of the risks and timetables set out above apply equally to any other person or organisation tasked with preparing a Local Plan for Castle Point. If for example the County Council or consultants were asked to prepare a plan for Castle Point, this plan too would need to address the "duty to co-operate" and the new tests of

soundness, by starting again with the Joint Spatial Plan work described above, as well as needing to give full consideration to all the opposition likely to be engendered by any plan including substantial development on established, open Green Belt land.

It is most unlikely that this process could be completed to a timescale any shorter than those discussed above. In particular, it would not produce a more speedy result (and may very well take longer) than the Council's preferred option, on which it is already working, of a Joint Spatial Plan for South Essex.