

Guide to responding to the Public Consultation on the Castle Point Local Plan

Castle Point Council launched the 'Regulation 19' consultation of their new Local Plan in December. The local plan will decide the future shape of our borough and guide development in our area for the next fifteen years. It is important that resident's views are heard. This guide is designed to help residents make their submissions as effective and relevant as possible and assist them to phrase their arguments in planning terms. Please do pass this guide on to anyone else you know who would like to make a submission about the plan or encourage them to contact my office for their own copy.

What is this consultation about?

This consultation is a 'Regulation 19' consultation and the Council have to do it if they want to continue with the plan. The remit a 'Regulation 19' consultation relates to the 'Tests of Soundness' and the plan's legal compliance, particularly with the 'National Planning Policy Framework' (NPPF).

Unlike the previous consultation on the plan (which was a 'Regulation 18' consultation), this is not a consultation where general views about sites or policies in the plan will be taken into account unless they relate to that test of 'soundness' the plan has to pass or other legal responsibilities of the council. That is ultimately what the planning inspector will judge the plan on and the submissions from this consultation will be reviewed when they examine it.

IT IS IMPORTANT TO REMEMBER THAT THIS IS A CONSULTATION DESIGNED TO HELP THE PLANNING INSPECTOR DECIDE IF THE PLAN IS COMPLIANT WITH THE NATIONAL PLANNING POLICY FRAMEWORK.

Relevant documents and web links

The Castle Point Local Plan, Evidence Base, and Local Development Scheme:

<https://www.castlepoint.gov.uk/pre-submission-local-plan>

<https://www.castlepoint.gov.uk/evidence-base>

<https://www.castlepoint.gov.uk/local-development-scheme>

All the above documents are also available to view at request from the Castle Point Council Offices, and Benfleet, Canvey, Hadleigh and Tarpots libraries.

The National Planning Policy Framework:

<https://www.gov.uk/guidance/national-planning-policy-framework/>

Glossary of Planning terms:

<https://www.planningportal.co.uk/directory/4/glossary/category/7>

What to comment on

Any part of the Draft Local Plan, its accompanying documents, can be commented on. The points you make however have to focus on the 'soundness' or the legal compliance of the plan for the Planning Inspector to take them into account.

The 'tests of soundness'

The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework. Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

Legal Compliance (key points)

The plan has to be compliant with all relevant laws relating to the creation of local plans. On top of the NPPF, the key legal obligations the plan has to meet are:

- **Contain an accurate and evidenced Sustainability Appraisal:** The Council have to construct and release a Sustainability Appraisal among its supporting evidence when it publishes a plan. The appraisal is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- **Outline a Statement of Community Involvement:** The Council must include and abide by a Statement of Community Involvement that outlines a strategy for involving the community in the preparation and revision of the plan and the consideration of planning applications.
- **Be consistent with the council's Local Development Scheme:** Development of the plan has to be in line with Council's 'Local Development Scheme' and consistent with the project plan it contains to achieve a complete and legally compliant plan.
- **Fulfil the 'Duty to Cooperate':** The Council must engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The Council will be expected to provide evidence of how they have complied with the duty.

How to make a submission

Submissions should be made to the council by **14th FEBRUARY**.

Your submission can be sent by email to the council, via this email address: localplan@castlepoint.gov.uk, or by post to the council's main office address:

*Local Plan Consultation
Castle Point Borough Council
Kiln Road
Benfleet
Essex, SS7 1TF*

The council's submission form can be downloaded from their website, however I have also included a copy of the Planning Inspectorate's model response form at the end of this guide.

Notable parts of the plan and their location

- **Achieving Sustainable Development**, Chapter 8, Paragraphs 8.1-8.18, Policy SD1 Making Effective Use of Land, Policy SD2 Developer Contributions, Pages 17-20 – *Achieving Sustainable Development can summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Further details can be found on pages 5-6 of the NPPF. This is a key objective of the plan and the council have to evidence how the plan achieves it.*
- **Delivering a Sufficient Supply of Homes**, Chapter 9, Paragraphs 9.1-9.70, Policy HO1 Housing Strategy, Policy HO2 Master Planning, Policy HO3 Housing Mix, Policy HO4 Secure More Affordable Housing, Policy HO5 Preventing Loss of Housing, Policy HO6 Caravan and Park Homes, Policy HO7 Gypsy and Traveller provision, Policy HO8 Residential Annexes, Pages 21-36 – *This section contains the policies relating to*

housing policies and distribution within the plan, including Park Homes and Gypsy and Traveller provision

- **Large housing sites in the Green Belt:**

- Land North West of Thundersley (known by some as the 'Blinking Owl Site'), Paragraphs 10.4-10.10
- Land West of Benfleet (including what is known by everyone as the 'Jotmans Site'), Paragraphs 10.11-10.19, Policy HO9.
- Land between Catherine Road & Felstead Road, Paragraphs 10.20-10.25, Policy HO10
- Land off Glyders, Paragraphs 10.26-10.29, Policy HO11.
- Land East of Rayleigh Road, Paragraphs 10.33-10.40, Policy HO13
- Land at Glebelands, Paragraphs 10.61-10.65, Policy HO19
- Land at The Chase, Paragraphs 10.66-10.72, Policy HO20
- Land East of Canvey Road (including what I known by everyone as the 'Dutch Village Site'), Paragraphs 10.77-10.84, Policy HO23
- Land West of Canvey Road, Paragraphs 10.85-10.90, Policy HO24
- Land at Thorney Bay Caravan Park, Paragraphs 10.91-10.97, Policy HO25

- **Promoting Sustainable Transport**, Chapter 14, Paragraphs 14.1-14.56, Table 14.1 Strategic Highway Improvements, Table 14.2 Highway Improvements from Growth, Policy STP1 Transport Strategy, Policy STP2 Improvements and Alterations to Carriageway Infrastructure, Policy STP5 Highway Impact, Policy STP6 Safe and Sustainable Access, Policy STP7 Parking Provision – *This section details the main highways infrastructure improvements in the plan and policies relating to public transport, cycling and parking. Chapter 9 of the NPPF contains most of the guidelines that these policies should be designed to satisfy.*

- **Green Belt**, Chapter 17, Paragraphs 17.1-17.62, Strategic Policy GB1 Green Belt Strategy, Strategic Policy GB2 New Development in the Green Belt, Strategic Policy GB3 Extensions and Alterations to and Replacements of Buildings in the Green Belt, Local Policy GB4 Limited Infill - Special Policy Areas, Strategic Policy GB5, Local Policy GB6, Strategic Policy GB7 Positive Uses in the Green Belt – *This section outlines the plan's policies towards Green Belt INCLUDING THE JUSTIFICATION FOR DEVELOPING ON GREEN BELT SITES AROUND THE BOROUGH, and outlines the supporting evidence used to support these policies. The NPPF is clear that development can only take*

place on Green Belt in exceptional circumstances and this section includes details of why the council feel those exceptional circumstances exist.

- **Meeting the Challenge of Climate Change, Flooding and Coastal Change**, Chapter 18, Paragraphs 18.1-18.67, Strategic Policy CC1 Responding to Climate Change, Local Policy CC2 Tidal Flood Risk Management Area, Strategic Policy CC3 Non-Tidal Flood Risk Management, Strategic Policy CC4 Sustainable Buildings. – *The plan has to actively plan to mitigate contributions to and impacts from Climate Change as outlined in the NPPF and it is also a key part of the environmental responsibility that has to be satisfied to achieve sustainable development. The plan also has to actively aim to better mitigate existing flood risks and prevent further ones through design and master-planning of new developments and by avoiding development sites likely to flood.*
- **Protecting and Enhancing the Landscape and Landscape Features**, Paragraphs 19.50-19.54, Local Policy NE6 – *The plan outlines how developments should contribute positively towards creating a visually attractive environment, and outlines the visual amenity of the natural environment which is another factor that it needs to take into consideration.*
- **Pollution Control**, Paragraphs 19.55-19.69, Strategic Policy NE7 – *The plan outlines ways it minimises and reduces air, land, water, noise and light pollution on local residents through design and appropriate site choice.*
- **Developments near Hazardous Uses (specifically Calor and Oikos)**, Paragraphs 19.73-19.76, Local Policy NE9 – *Any proposals for development within the consultation zone will be assessed against the ‘Planning Advice for Developments near Hazardous Installations methodology’ outlined by the Health & Safety Executive in consultation with them.*

Tips for effective submissions

- The Planning Inspector will review this consultation as part of their examination of the plan to see if they have followed Government planning policy and guidelines. Remember that they are your audience, not members of the council or council officers.

- Remember the Inspector will be looking through hundreds of responses. Make their life as easy as possible and make your submission as concise as possible. Do not mention things that are not relevant to soundness or other legal obligations and make sure you mark up your comments with the relevant policies and page numbers
- Make sure you reference the evidence included with the plan when making your points. If you do not agree with evidence submitted with the plan, supply other reputable evidence to support your view if you can.
- When you start a point, reference the element of the test of soundness or the legal responsibility you want to talk about in your first sentence to highlight it loud and clear to the Inspector. E.G. 'I do not believe the plan meets the test of soundness because I do not believe policy [insert number] is properly justified' or 'I believe this plan fully meets the council's legal obligation on Duty to Cooperate.'
- Do not make many weak points across the whole plan in an attempt to get it abandoned. It won't work. Focus on your main concerns, make strong arguments to support them.
- If you disagree with a policy and have evidence to back it up, do attempt to suggest an amendment to the relevant plan policy and explain why it is more 'sound' than the policy it would be replacing.
- Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues they identify.

*****Please find attached an example form below*****

Model Representation Form for Local Plans



Local Plan Publication Stage Representation Form

Ref:

(For
official
use only)

Name of the Local Plan to which this representation relates:

Please return to Castle Point Borough Council BY 14/02/2020

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.