



**Representations in response to the Castle Point Core
Strategy Proposed Amendments Consultation 2010**

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Foreword

The Canvey Island Independent Party realise that Castle Point Borough Council (CPBC) has provided an online method to give representations and formally consult on the Core Strategy Proposed Amendments; however, we hope the council can appreciate that it is has been easier to compile a group response by means of a single collated document which is presented hereafter. We thank the council for permitting our response as a whole report, and have respectfully structured it to be easily read alongside the **Castle Point Core Strategy Submission – Schedule of Key Minor Amendments** with the **Core Strategy Final Publication Document (October 2009)** used for reference. The **Castle Point Core Strategy DPD (October 2010)** document contains all of the amendments in context.

Preface

The Canvey Island Independent Party acknowledges that, due to its existence, it has a parochial outlook of plans to develop Canvey Island, but assurance is made that its policies are representative of residents and other stakeholders. This does not mean, however, that the whole of Castle Point and areas beyond have not been considered in preparation of this report.

The following sections are headed in a format that identifies the reference numbers stated in the Castle Point Core Strategy Submission - Schedule of Key Minor Amendments. The page, paragraph and policy numbers in the Schedule of Key Minor Amendments refer to the Core Strategy Final Publication Document (October 2009). The referencing in this report is applicable to both of these documents. The Castle Point Core Strategy DPD 2010 is the amended document where the changes can be seen in context.

In general, the representations made in this document, question the soundness of the Core Strategy (CS) amendments. This is mainly because there is no sense in acknowledging the sound CS amendments individually. It should be accepted that if there are no representations made to particular CS amendments, then they are generally perceived as sound; however, if an item is declared as sound, it is because it has been assessed as very important, approved of, and should be adhered to after adoption of the CS.

Core Strategy Amendments

1. Schedule of Key Minor Amendments

C/136, p.24, Table 3, Aim 5 Objective 2

Although the objective to 'seek a reduction in the level of risk posed by Hazardous uses in Castle Point' is an amendment to 'improve the balance between residents concerns and commercial interests', it is still deemed to be an imbalance that now favours commercial interests. The reasons are explained under the headings for C/138 and C/137.

C/141, pp.25-29, Spatial Strategy section

As the CS represents a 'plan', it should constitute the means to an end, the path by which CPBC guides interested parties towards a way of life that its constituents aspire to. Unfortunately, it is considered that the general reasoning behind many aspects of the Spatial Strategy is biased, not based upon strong evidence, and still does not consider the aspirations of its constituents.

Distributing Development

The reasoning within this section is flawed. There is no evidence to suggest that CPBC's predictions can be fulfilled and are merely wishful thinking.

The instituting of a vocational centre on Canvey Island is welcomed and needed to provide practically minded school-leavers with skills that give them a positive employment future. However, the centre will be open to all suitable pupils in Castle Point and should not be seen as panacea for only Canvey Island's problems - just as the sixth form college in Thundersley provides for all towns in Castle Point and further afield, a vocational centre on Canvey Island will provide for all Castle Point towns and beyond. Further than this, it is being untenably reasoned that having a vocational centre results in the need for additional housing on Canvey Island alone.

The Canvey Island urban periphery is already limited by natural and geographical features preventing further expansion in any direction other than the green belt land at West Canvey. This area must only be used as a last resort, after extensive consultation and when all other areas are exhausted, as it provides the last area of natural land open to the public.

It is considered that the evidence and reasoning behind the distribution of housing in particular, is flawed and aimed at building on areas considered to be soft targets. CPBC continue to refuse consideration of more viable and geographically suitable areas.

Policy SS3 Delivering Sustainable Development and Growth

When considering potential greenbelt development sites, the environmental impact must also be considered alongside 'Strategic Function of the Greenbelt', 'Sustainability', 'Developability', and 'Impact on Regeneration Objectives'.

Policy SS4 Distribution of Sustainable Development and Growth to 2026

Prior to these amendments, this policy (previously numbered SS2) gave clear indication of where developments would be and the number of dwellings to be built in that area. The way in which the information was provided alluded to a detailed assessment of development areas having taken place. For a plan that essentially guides a community towards its aspirations over a significant timescale, this level of detail is expected and helpful. Now amended, this policy has removed the answer to the most pressing questions related to the CS: How many houses and where? Before the amendment to this policy the answer was clear, but it was considered that CPBC had made decisions before consulting with its residents. Now that CPBC believes it has fully consulted with its residents, it seems rather lacking in decisions. The questions will still be the same, but with this amendment residents will not know the answer and will be living in fear of the plan. A requirement of the CS is that it is embraced by the community whom it serves to guide, otherwise it is just another plan that the community has to adapt unwillingly to.

It is suggested that the development of the Charfleets Industrial Estate (now apparently being presented as an 'enterprise centre') will provide 'enhanced employment opportunities'. This assumption is called into question as the location of this estate will only attract existing Castle Point businesses choosing to relocate there, or smaller start-up concerns. There is no evidence of larger companies, offering long-term careers or highly skilled job opportunities, having an aspiration to locate there, and it is considered that none will emerge.

C/138, p.54, 6.83 to 6.89

The vision stated in amendment paragraph 6.88 is seen to be undeliverable. It suggests that CPBC agrees with its residents' concerns over living around hazardous installations and desires their eventual departure, facilitating a change of land use for 'safe and sustainable waterfront uses'; however, CPBC also recognises that this change 'will take time to achieve, particularly as the operators remain committed to their installations at South Canvey.' The reality is that the land owners and operators aspirations are to continue, expand, grow and increase the capacity of, these hazardous installations – it is the business they are in, and they have no longer-term plans that commit to the changes suggested by CPBC. This is a major change to the CS which seeks to balance the views between residents' concerns and commercial interests, but represents a complete reversal of attitude when compared to the previously submitted Core Strategy Final Publication Document (October 2009). This isn't a balance – it is a change of sides.

The final statement does not say that operators must seek to improve facilities to reduce risk and therefore reduce the consultation zone area. In fact, if an operator

does not maintain the facilities effectively, the consultation zone area could actually increase. The wording is not clear or strong enough to ensure that risk is reduced within the time period of the CS. It is too ambiguous and again the commercial interests are favoured above the residents' concerns.

Paragraph 6.90 states that CPBC 'seeks clear reductions in the risk posed by the [hazardous] installations'; however the amount is not quantified and a timescale is not defined.

The statements in paragraph 6.93 further support the medium-to-long term need for the types of hazardous installation on Canvey Island. A reduction in demand for fossil fuels will not occur during the time period of the CS and operators will have no aspirations to redevelop their facilities for other purposes that are considered safe.

Paragraph 6.94, although an admirable idea, it is neither realistic nor enforceable. CPBC and local authorities in general, do not have the same ambitions as private enterprises and do not work well together. The relationship between CPBC and hazardous installation operators on Canvey Island has never been very good – mainly because the operators and CPBC do not have the same interests. A written agreement is required to ensure communication between the parties is frequent and regular, and constant monitoring is required for CPBC to recognise when issues arise. Even then, there seems no facility for CPBC to enforce requirements upon the operators.

There is no timescale indicated in paragraph 6.95 for the preparation of a plan to create 'safe and sustainable waterfront development'. A Supplementary Planning Document is required that forms part of the Local Development Framework.

C/137, p.55, Policy CP9

As alluded to under the heading for C/138, the assumption that CPBC and hazardous installation operators can and will work together towards the ultimate aspiration of reducing the risk level to zero, either by improving existing facilities or changing the type of operations altogether, is extremely unlikely. Without written and binding agreements, this aspiration is deemed undeliverable and makes Policy CP9 unsound.

To use the word 'resist' in CP9 section 1 is ambiguous and suggests to the general public that CPBC may be able to prevent applications that do not reduce 'the level of risk posed by the hazardous installations'. It is government policy to ensure that the energy infrastructure is secure and can provide for the country's energy demands. Development applications of this nature are most often supported at a national level and any 'resistance' from Local Planning Authorities is ineffective. Operators of the types of hazardous installation on Canvey Island usually find approval after utilising the appeal process. Because of this reality, a policy of resistance does not usually achieve the desired result and suggests that this policy will not be deliverable. Unfortunately this policy creates much uncertainty for CPBC and the hazardous installation operators, leaving the residents' concerns unaddressed. For these reasons Policy CP9 is unsound.

As stated above under the heading for C/138, section 3 of Policy CP9 only implies a timescale and needs to provide more detail in its resolve to create 'safe and sustainable waterfront development'. Again, as previously stated, a Supplementary Planning Document is required that forms part of the Local Development Framework so that operators of hazardous installations and concerned residents know what to expect.

C/169, p.57, 7.3 to 7.6

When developer contributions are sought/offered, there must be a level of transparency that enables both developer and CPBC clearly understand the methodology employed, and the breakdown and level of contribution from distinct aspects of the calculation. Once the contributions are agreed, the information must be made available to the ultimate beneficiaries (Castle Point residents) so that they are aware of the funds gained from particular developments within their locality.

When developer contributions are received by CPBC under the terms described within amendments 7.3 to 7.12 (and applied through Policy MI3), a condition is required to ensure funds are specifically used to benefit the constituent town where a development occurs. It is understood, as detailed in amendment 7.9, that some contributions may be requested for 'improvements to strategic infrastructure beyond the immediate area'. To ensure equity in the distribution of funds, there must be sufficient transparency for Castle Point residents to be informed of how developer contribution funds are being used within their constituent towns and beyond.

C/170, p.58, Policy MI3

As discussed above under the heading for C/169, further commitment is required of Policy MI3 to ensure developer contribution funds are equitably distributed amongst the constituent towns of Castle Point. As a specific example of this requirement, any financial contributions obtained from developments of less than 10 units, in lieu of on-site provision of affordable housing, should be used as funding for affordable developments within the same constituent town as the contributing development. This stipulation is necessary as prior to this policy CPBC has used contributions from one constituent town to fund affordable homes in another constituent town. This is not seen as equitable distribution and requires remediation.

C/139, p.61, Table 9 row 23

The HSE PADHI methodology is used to ascertain a consultation zone around hazardous installations and provides a gauge of the area affected as a consequence of a major accident occurring at that installation. Although there is a high level of technical and engineering expertise behind the methodology, it can only be used as a guide when considering planning applications. Unfortunately, within Castle Point, there are numerous homes already built within consultation zones around hazardous installations. If a major accident occurs, then many people are likely to suffer death or serious injury.

However, it is understood that hundreds of people cannot be displaced and rehomed easily for both practical and financial reasons. It is agreed that the HSE PADHI methodology is a good measure of the current position regarding the number of homes exposed to the risk of a major accident occurring.

This objective has changed from the 'removal of hazardous uses from the Borough' with a target of 0 (zero) by 2026, to seeking 'a reduction in the level of risk posed by hazardous uses' with a target of 25% reduction by 2026. This is a major change of strategy. This means that rather than no homes being exposed to hazardous installation risks in 2026, it is now acceptable that 75% of the homes currently at risk will still be at risk in 2026.

This distinction only serves to confirm the comments made under the headings for C/136, C/137, and C/138, above. The amendments do not serve to balance residents' concerns with commercial interest – in fact a large number of residents appear deemed collateral damage by CPBC and the hazardous installation operators, armed with responses such as 'it's in the interest of energy security' or 'it's in the national interest'.

It is considered that, for balance, the amendment should be to reduce the number of homes within the consultation zone by 100% by both improving the facilities and providing means for residents to move out of the consultation zone; however, the preference is still to change the use of land to 'safe and sustainable waterfront uses' by 2026.

C/172, p.93, 12.9

The CS must be stricter in its resolve to improve the quality of new developments within Castle Point, especially on greenfield sites. It is generally agreed that the negative impact current standard building developments have on the environment requires the building standard to be raised and reduce this impact as much as possible; however, there is no practical reason why all new greenfield developments cannot be built to meet at least Level 3 of The Code for Sustainable Homes – not just on sites over 0.1ha. Paragraph 12.4 of the CS states that CPBC expects all new homes to meet Code Level 3 of the Code for Sustainable homes, which must also include greenfield sites smaller than 0.1ha. Cost to raise building standards appears to be mainly the concern of developers - potentially reducing their profit margin - but it is not in the interest of CPBC as a planning authority to accept less environmentally sustainable developments, particularly dwellings.

It is considered that Code Level 3 is already insufficient and higher levels should be expected from the outset – especially for sites over 0.1ha, which should be expected to reach at least Level 4. A sliding scale policy is suggested below which should also be utilised for brownfield sites:

- Sites of less than 0.1ha, Code Level 3
- Sites between 0.1ha and 0.5ha, Code Level 4
- Sites over 0.5ha, Code Level 5

- On all sites above 0.1ha, it should be a requirement that building examples of higher than expected Code Levels are part of the development and serve to promote the desire for sustainable homes.

By creating a requirement to raise sustainability levels with larger and larger sites, CPBC must give developers encouragement to redevelop brownfield sites and discourage the preference of developing large greenfield sites.

Although from a developers aspect it would appear economically incongruous, dwellings built as 'affordable homes' should be built to the highest Code level attainable. As is already the case, and will be more prevalent in the future, dwelling running costs are higher for less sustainable homes. For this reason, affordable homes must not only be affordable to buy and rent, but also built to keep running costs to a minimum. Residents who need the provision of affordable homes often cannot afford to keep their standard construction homes fully heated throughout the winter months. Sustainability improvements dramatically reduce residents' bills.

C/125, p.94, DC6

0.1ha represents an area of 32 metres by 32 metres (104 feet by 104 feet) which in turn represents 3 to 4 standard dwelling plots on Canvey Island (slightly less on the mainland because of larger plot sizes). An area this size could mean 3 to 4 detached homes or 10 or more flats. There is no reason not to expect a minimum attainment of Code Level 3, even for 1 dwelling. Policy DC6 must insist that all greenfield sites, including those smaller than 0.1ha, are expected to attain at least Code Level 3.

The policy is unclear on future expectations. It appears that by 2016, new developments are expected to achieve at least Code Level 5. Is this an assumption that construction materials and methods will mean that this is the norm, or will CPBC increase their expectation to Code level 5 as the minimum acceptable standard? If the policy is suggesting a requirement step change increase of building standards from 2016, developers will prefer to develop now (to a lower 'cost-effective' standard) rather than later. Although, in principle, continuous improvement is a worthy and desired aspiration, not enough consideration has been given to its implications, and has led to a weak policy which does not support the ideal that brownfield sites are developed before greenfield sites.

This policy is very weak and does nothing to discourage developers from applying to develop greenfield sites above brownfield ones, nor smaller sites above larger ones, nor at a controlled rate for the first 5 years. The CS states that brownfield sites should be developed in preference to greenfield sites but this policy is not supportive of that aspiration. CPBC as the planning authority will become inundated with applications for greenfield site development within the first 5 years which will require excessive administration hours. To be consistent with the CS dwelling delivery rate, many applications will not gain approval at the initial stage, but appeals have historically resulted in approval - at a cost to CPBC – not only financially, but also with undesirable developments being constructed on undesirable sites.

To make the position being represented here, clear: if greenfield site developments are to be approved, there is no desire for the majority of development to occur in

the early years of the CS period; no desire for larger sites to be developed until the latter years of the CS period; and certainly no desire for any developments to be built to a lower standard up to 2016. The aspiration to continually improve building standards is welcomed, but must be done in a controlled manner, so that by the end of the CS period a distinct majority of the 'new' dwellings were built to Code Levels 5 or 6.

It should be noted that the 5000 new homes proposed in the CS represents approximately 10% of the housing stock in Castle Point. By 2026 90% of dwellings in Castle Point will remain below Code Level 3 by 2026, leaving the Castle Point housing stock proportionately sub-standard in terms of sustainability.

This policy must be designed to facilitate CPBC with some control over housing market forces and appeals through the planning system, which can be maintained with future changes government and/or national policy. It is considered that it doesn't. The policy is undeliverable without legislation or statute and unsound – to celebrate exemplar development schemes is not a policy of any worth.

C/123, p.103, 13.18

In this section there is no mention of any areas on Canvey Island. CPBC considers that no landscape or natural features on Canvey Island have any value. While it is true that there is no woodland, the area to the west of Canvey Island constitutes traditional grazing land and is part of Canvey Island's Dutch heritage. It should be kept as the last remaining natural habitat on Canvey Island and protected within the aspirations of this paragraph. The landscape is actually very valuable according to the RSPB, who have identified the area as ideal low-lying wetland suitable for not only birds, but supporting a diversity of habitats. In fact it is so ideal that the RSPB purchased a significant portion of the land and turned it into a reserve. Greenbelt land to the east of Canvey Road (adjacent to the RSPB reserve), which has been identified as available for development, supports the RSPB reserve and provides additional habitats. It is unreasonable to justify the eradication of these habitats – just because the RSPB do not own the land, it does not mean that birds do not land there and that no other wildlife exists there. In all but ownership, it constitutes the same landscape. It seems that prior to '[examining] landscape character in greater depth as part of the area action plans and identify specific landscape character areas', CPBC have predetermined the fate of Canvey Island's one remaining natural and historic landscape.

2. Schedule of Other Minor Amendments

As changes made under the Schedule of Other Minor Amendments are editorial in context and serve to clarify the changes made under the Schedule of Key Minor Amendments, it has not been necessary to make any comments that have not already been made above; however, if further scrutiny during the inspection raises concern that an item may actually represent a 'key' minor amendment, then appropriate representations will be made accordingly.