

11 December 2018		ITEM:
Full Council		
Issues and Options (Stage 2) Consultation		
Wards and communities affected: All	Key Decision: Key	
Report of: Cllr Mark Coxshall, Portfolio Holder for Regeneration		
Accountable Assistant Director: Andy Millard, Assistant Director Planning, Transportation and Public Protection		
Accountable Director: Steve Cox, Corporate Director for Place		
This report is Public		

Executive Summary

Following the publication of the National Planning Policy Framework in July 2018, the Issues and Options (Stage 2) Consultation document has been updated to reflect relevant changes in national policy. This time has also been used to reflect on the impact the Lower Thames Crossing has on the ability of the Council to deliver a Local Plan. Additionally, in the period since July there have been a series of Ward Member meetings to discuss the progress of the Local Plan and how the outcomes of the Your Place Your Voice events could shape its content going forward to ensure a community driven and infrastructure led plan.

The Local Plan will be guided and shaped throughout by the following principles:

- Delivering the right infrastructure in the right place and at the right time
- Positive health and wellbeing impact
- Meeting Thurrock's housing needs
- Protect and enhance the character of existing communities
- Minimising carbon emissions
- Maintain an effective green belt
- Protecting and delivering quality in the built environment
- Meeting employment needs
- Ensuring our town centres continue to thrive
- The River Thames
- Managing waste

The consultation responses will generate important evidence from across Thurrock's communities to enable the Council to challenge the Lower Thames Crossing

scheme; to challenge the number and location of homes to be built; and to challenge developers on the nature and type of development in the Borough. It represents a key stage in the plan-making process and provides local communities and stakeholders with the opportunity to influence how Thurrock should develop and grow in the future.

This consultation seeks views, through a series of questions, on a range of land use issues and options. It includes an indication of the type of locations where development could occur which are drawn from submissions made by landowners in the Borough through the call for sites process. This consultation is not seeking views on the merits of any specific location.

The identification of sites for development will occur at the next stage of the plan-making process. Comments and feedback received from the Issues and Options (Stage 2) consultation will help to inform the development of a preferred broad spatial strategy that reflects views from across Thurrock's communities and accommodates Thurrock's future needs.

Consultation on the Local Plan Issues and Options (Stage 2) document will commence on Wednesday 12 December 2018 and end at 5pm on Friday 22 February 2019.

1. Recommendation(s)

That Full Council:

- 1.1 agree the Thurrock Local Plan Issues and Options (Stage 2) Consultation Document (Appendix 1) for public consultation**
- 1.2 delegate to the Corporate Director of Place in consultation with the Portfolio Holder for Regeneration the authority to make any factual changes that may arise and any other inconsequential alterations to the wording of the Issues and Options (Stage 2) consultation document arising from the Council meeting**
- 1.3 agree the Local Plan Issues and Options (Stage 2) – Engagement Strategy (Appendix 2)**

2. Introduction and Background

- 2.1 The Council's approach to plan-making is that it should be community-driven and infrastructure-led. The need to plan for future housing and economic growth due to population growth and the impact of wider socio-economic factors means that Thurrock and South Essex will change considerably over the next 20-30 years. Having an up-to-date Development Plan is a key component in ensuring that the borough grows in a sustainable way with the necessary supporting infrastructure in place.

- 2.2 The Council has an adopted Local Plan in the shape of the Core Strategy and Policies for Management of Development DPD (December 2011). However, In February 2014, the Cabinet gave approval to undertake a review of the Core Strategy and begin the preparation of a new Local Plan.
- 2.3 A key principle underpinning the operation of the planning system is the requirement that local authorities must have an up-to-date Local Plan for their area. The February 2014 Cabinet resolution recognised that a review of the Core Strategy was required in order to address the impact of economic change and a number of significant changes to the planning system at the national, regional and local levels. These included:
- The need for a more up-to-date statutory planning framework to coordinate the delivery of the Council's ambitious growth strategy for Thurrock;
 - The revocation of the East of England Plan and the requirement for local planning authorities to undertake a fresh assessment of their future development needs;
 - A requirement for the Council to identify a deliverable five-year housing land supply and to bring forward more sites for development to support long term economic growth;
 - Legislative changes that fundamentally affect the form, content and process for preparing a Local Plan; and
 - A need to plan for a decision by Government on the route and location of the Lower Thames Crossing and its potential economic transport and environmental impact on the Borough.
- 2.4 The first consultation on the new Local Plan Issues and Options (Stage 1) Consultation Document (I&O1), was published in February 2016 and focused on thematic policy areas. During the 6-week public consultation, 70 organisations made formal responses raising 548 separate comments. An additional 500 comments were received from Members of the community at events organised to promote and raise awareness of the Consultation.
- 2.5 Based on the responses received from those who made representations on the I&O1 Consultation Document, the following key challenges for the Local Plan to address were identified:
- Reduce inequalities and create more balanced communities
 - Allocate enough land to meet our housing needs in full in particular affordable housing that meets local needs
 - Secure sustainable economic growth and create a wider range of local employment opportunities
 - Ensure that our centres are vibrant and remain relevant to the communities they serve
 - Create welcoming and engaging spaces and places for young people
 - Plan for healthier places that encourage people to be active and have a positive effect on the mental wellbeing

- Deliver essential strategic and local infrastructure to support new development and regeneration
 - Protect the integrity of the green belt
- 2.6 The challenges listed have been identified using evidence from local strategies and technical studies, national policy, and responses received to the previous consultations. This list should not be seen as exhaustive and will be developed further as work on the emerging development plan continues.
- 2.7 Moving forward one of the most difficult challenges/issues to be addressed surrounds the need for more housing (including Council housing) and the lack of suitable sites to accommodate the level of housing required in the urban area.

Your Place, Your Voice

- 2.8 Community and stakeholder engagement is an important and central feature of the planning system and in order to engage with as many people as possible the Council launched a series of Your Place, Your Voice (YPYV) community planning events. These events were devised in response to comments that residents felt overwhelmed by the technical nature of planning consultations and the volume of Council consultations that all seem to ask similar questions. The community planning events were run on a drop in basis giving local communities the opportunity to feed into the Local Plan and other Council documents and strategies by participating in a range of informal and highly interactive consultation activities.
- 2.9 In total 17 events were held across the borough between February and April 2018. Across all of the events there were a number of issues which were consistently raised including:
- Poor and failing infrastructure
 - Lack of affordable homes and homes for older people
 - Anti-social behaviour, drugs and crime
 - Neglected open spaces
 - Congestion and poor air quality
- 2.10 A series of follow up YPYV events will also be programmed to run alongside all future stages of the Local Plan, including the Issues and Options (Stage 2) Consultation in order to provide local residents with greater range and more accessible means of engaging with and influencing the plan-making process.

The National Planning Policy Framework (NPPF) July 2018

- 2.11 The process of preparing Local Plans must be taken forward in the context of and consistent with national planning policy. In July 2018 the Government published a revised version of National Planning Policy Framework (NPPF) and the key changes in policy direction have now been taken into account in preparing the Issues and Options (Stage 2) Consultation Document.

2.12 A summary of the key policy changes and messages contained in the NPPF is set out below in Figure 1.

Figure 1: Key Changes to National Planning Policy Framework

- The introduction of a Housing Delivery Test which will penalise local authorities who fail to meet their housing delivery targets
- The introduction of a new standardised method of calculating housing need for all local authorities
- The requirement that development plans, must as a minimum “seek to meet the area’s objectively assessed needs” to be declared sound
- Changes to the NPPF’s definition of affordable housing to include homes for social rent
- Larger-scale developments (Urban extensions and new settlements) must be well located and designed and supported by necessary infrastructure
- Planning performance agreements (PPAs) are likely to be needed for very large or complex applications
- The introduction of minimum density standards for city and town centres and other locations well served by public transport
- Increased recognition of the importance of the warehousing and logistics sector
- The need for planning policies to promote and support town centre diversification
- The need for Local Plans to clearly identify what infrastructure is required to support future development and the role that developer contributions will play in funding their delivery

2.13 The key changes in the NPPF relate to housing development and the need to boost levels of housing delivery. The NPPF identifies the key role that Local Plans have to play in bringing forward new sites for housing. Reflecting this priority, the NPPF sets out a more nationally prescriptive ‘top down’ approach for calculating housing need which then challenges local authorities to allocate sufficient land to meet the need identified or provide strong and compelling evidence why cannot do so.

2.14 With the introduction of the new Standard Methodology for assessing housing need, Thurrock’s new local housing target is now 1,173 homes a year. This is

lower than the Objectively Assessed Need of 1,381 new homes a year which was set out in the South Essex Strategic Housing Market Assessment (2017). However, the reduction in need is due in part to the fact that the Standard Methodology does not take into account whether any adjustments need to be made to the calculation of housing need to ensure that the provision of new housing addresses any imbalance between the available labour supply and the projected rate of job growth in the Borough.

- 2.15 The Government intends to publish new and updated local housing needs figures for each authority. It is intended that this will run in parallel with further consultation on the up-dated methodology and approach. However, no date has been given by the Government for publication of the revised methodology although it is anticipated this happen before the end of 2018.
- 2.16 The introduction of the Housing Delivery Test will also have significant implications for Thurrock with the Council becoming increasingly vulnerable of being penalised by the Government for failing to provide sufficient land to boost housing delivery and meet the Borough's current and future housing needs.

Lower Thames Crossing and implications for the Local Plan process

- 2.17 The proposed alignment of the Lower Thames Crossing threatens to significantly undermine the efforts of the Council to plan to meet its housing needs in full and to support economic growth and the regeneration of local communities. The current alignment will have an adverse impact on the potential to bring forward sites for development along the length of its route for a number of reasons. These include:
- The sterilisation of development opportunities in sustainable and deliverable locations around existing settlements;
 - Poor local connectivity and of a failure to explicitly plan for and design a scheme with the objective supporting the delivery of strategic sites for housing and economic development;
 - The need to mitigate the impact of noise, air quality, severance and flood risk considerations which has led to an increase in land take in locations where future development capacity exists
- 2.18 The full extent of these impacts on the availability of land for development will need to be assessed in more detail through the plan-making process and the ongoing detailed design work and environmental impact assessment work associated with the Lower Thames Crossing – for example, the desire that where the route passes major urban areas the road should be in a tunnel or in 'cut and cover'. The outcome of this work will help inform decisions on whether the identification of broad locations for growth or specific sites can be taken forward as development plan allocations. The scheme being promoted by Highways England actively prevents the Council from following the advice set out in the NPPF which requires local authorities to maximise investment in new nationally significant infrastructure in planning for growth.

2.19 There is a clear but complex interrelationship which exists between the Local Plan and Lower Thames Crossing Development Consent Order (DCO). Expert advice received suggests that while the Council should proceed with the planned Issues and Options (Stage 2) Consultation, it would need to carefully consider whether it should submit a Local Plan to the Secretary of State before the conclusion of the DCO process (expected in 2021). This is because of the potentially adverse impacts of the scheme, including any future design changes, on the ability of the Council to prepare a sound and deliverable Local Plan. As a consequence of this, consideration will need to be given to amending the Thurrock Local Development Scheme to reflect the further delays to the possible submission and adoption of the Local Plan due to continued uncertainties over the route and alignment/design details of the proposed Lower Thames Crossing.

Feedback from Member Ward Meetings

2.20 In addition to the reports and presentations that have been made to the Planning, Transport and Regeneration Overview and Scrutiny Committee, the Local Plan Group and various Group meetings, a series of meetings have recently been held with Ward Members to discuss the feedback received from the Your Place, Your Voice events, how the Local Plan is being prepared and the key issues within their communities. A summary of the outcome of those discussions is set out below:

- Growth will need to focus on community needs and be infrastructure led. The consultation will need the promoters of new development to illustrate how they are addressing these matters, through the development of master plans and accompanying infrastructure delivery plans that will need full engagement with the Council, service providers and the wider community
- It is important to undertake this consultation, in order for residents to have a direct say and input on the future of their areas.
- Concerns over the amount of growth in the Borough can only be progressed if there is evidence to support this. The outcome of the IO2 consultation will be pivotal in providing evidence on the growth capacity of the Borough.
- New development should be of the highest quality, both in terms of design and place-making and should respect the character and identity of existing areas.
- The delivery of affordable housing, transport interventions, education facilities, health facilities and open spaces are key components of infrastructure provision.
- Urban sprawl should be prevented and existing town centres enhanced.

Association of South Essex Local Authorities

2.21 As work on preparing the Local Plan has continued, the Council has also become involved in working with neighbouring South Essex authorities to

prepare a Joint Strategic Plan (JSP) which together with the emerging Local Plan will provide guidance on both the strategic and detailed planning issues relating to housing, employment, retail, infrastructure and the environment. The JSP will set out a wider vision and spatial strategy for the development of South Essex including a range of high level strategic policies which will establish the scale and distribution of new housing, employment, retail and town centre development across South Essex, together with supporting infrastructure priorities over the plan period to 2038.

- 2.22 Although the JSP will identify a range of broad strategic locations and priorities for development and infrastructure delivery, it will not allocate specific sites for development which will continue as now to be determined locally through the Local Plan process and community involvement.
- 2.23 On 11th July 2018 Cabinet approved the publication of several documents to enable the Council to pursue a coordinated approach to plan making. These included:
- South Essex Statement of Common Ground
 - Local Development Scheme – July 2018
 - Statement of Community Involvement – July 2018

Issues and Options (Stage 2)

- 2.24 The spatial strategy set out in the adopted Core Strategy focuses the majority of new housing development on previously developed land in the urban area. To meet some of the challenges set out earlier in this report the emerging Local Plan will need to look at the possibilities of a combination of denser urban developments and the potential of releasing Green Belt sites to meet our housing needs over the next 20 years. This approach would represent a significant change from the Council's current adopted planning policies.
- 2.25 The purpose of the Issues and Options (Stage 2) consultation document is to seek views from communities and key stakeholders about how Thurrock should develop and grow in the future and where, in broad terms, new development should be located to meet identified needs. It is important to note that at this stage in plan making the Council will set out all potential spatial options for growth without stating a preference or referring to specific sites.
- 2.26 In addition to looking at potential spatial options the consultation document will also look at policy options to address issues like housing for older people and other specialist needs, hot food takeaways, the need to protect locally important green spaces and buildings and the provision of sports facilities in the Borough. A full copy of the consultation document is included in Appendix 1. Alongside this, complementary strategies and policies (such as those relating to Council housing provision) will also need to be reviewed.

- 2.27 Delivering new homes that local people can afford is a key policy principle and an important outcome for the Borough. The Local Plan as a land use document can enable and influence the location and type of new homes and the proportion that should be made affordable. All mechanisms that are available to be used by the Local Plan to secure new Council homes will be used. These mechanisms sit alongside other current Council initiatives to build new Council homes such as new build schemes in the HRA (117 currently in the pipeline), through TRL and by taking the opportunity afforded by the lifting of the HRA debt cap.
- 2.28 Thurrock Council is committed to providing low cost housing, allocated through the Council's housing allocations scheme, for Thurrock's residents. The Council accepts the local need to provide between 6,000-10,000 council homes and will work with social landlords and Thurrock Regeneration Limited to build further low-cost housing. The Council will ensure that any eligible private developments include affordable housing.
- 2.29 Within the lifetime of this plan there is a commitment to exploring and implementing all available means to meet the aspiration of providing 15,000 council, housing authority and/or affordable homes, which will be allocated through the council's allocations policy to provide homes to low income to middle income earners across the borough.
- 2.30 To ensure that stakeholders are able to make an informed response to the consultation the Council will publish a range of supporting technical evidence documents alongside the consultation document. These together with the main consultation document will be made available on the Council's website and in hard copy at various locations across the Borough.
- 2.31 It is proposed that the consultation document will be subject to a period of public consultation which will commence on Wednesday 12th December 2018 and run until Friday 22nd February 2019. Appendix 2 details the range of consultation activities proposed to be undertaken by the Council to support the process. The Council is reviewing its approach to consultation and engagement, ensuring a collaborative attitude to communities is consistent throughout and the Your Place, Your Voice model of delivery will be at the forefront of this new approach.
- 2.32 Following the conclusion of the consultation period all responses will be logged and reported back to Members as a precursor to the Draft Local Plan Consultation which will be held in September 2020. It should be noted that this will be subject to the ability of the Council to bring forward a sound Local Plan and will in turn be dependent on the success of the Council in influencing Government and Highways England in bring about significant modifications to the proposed alignment and design of the LTC scheme. At that stage of the process the public will be consulted on the draft Local Plan policies and proposals and preferred development strategy.

3. Issues, Options and Analysis of Options

- 3.1 The Council's current spatial strategy in the adopted Core Strategy focuses the majority of new housing development on previously developed land in the urban area. The emerging Local Plan will need to look at a combination of denser urban developments and releasing several green belt sites to meet our housing needs over the next 20 years. This approach represents a significant change from the Council's current adopted planning policies.
- 3.2 The Planning and Compulsory Purchase Act 2004 provides for local authorities to plan for their areas through the preparation and adoption of Local Plans. In addition to the threat of intervention and possible sanctions from Government, an ongoing failure to adopt a sound and deliverable Local Plan would also:
- Lead to a whole generation of local people being put at risk of not being able to find decent or affordable housing in the Borough;
 - Undermine efforts by the Council to boost the supply of affordable housing through a lack of viable and deliverable sites for development;
 - Undermine opportunities to support the future regeneration and renewal of existing local centres and communities;
 - Prevent the provision of new community infrastructure which requires large sites including primary and secondary schools to meet existing and future needs due to the constraining nature of the Green Belt boundaries in Thurrock and a lack of suitable sites in the urban area; and
 - Raise a serious risk that, without an adequate supply of housing to meet workers needs locally, firms could relocate or switch investment to other locations as workforce availability declines.
- 3.3 Alternatively, if job growth continues without the necessary housing growth, increased levels of in-commuting are likely to result, thereby putting additional strain on existing transport networks and further congestion on the roads.
- 3.4 The new NPPF requires Local Plans to identify a supply of specific deliverable sites to meet the housing needs of the area for 5 years with a further supply of developable sites (or at least locations for them) for years 6-10 and, where possible for years 11-15. A Local Plan that does not meet these requirements is likely to be found unsound at examination.
- 3.5 Under the Housing Delivery Test, local authorities who fail to meet their housing targets and provide a rolling 5-year housing land supply (plus 20% buffer) will effectively lose their ability to determine where development goes. To put this in context, Thurrock currently has a 1.2 year five year rolling land supply and would therefore be liable to sanction under the proposed Housing Delivery Test.
- 3.6 For those authorities who fail the Housing Delivery Test there will be a presumption in favour of sustainable development which would make it potentially easier for developers to get planning permission for housing

development on appeal to the Secretary of State where it can be demonstrated that the Local Plan is either out-of-date or fails to allocate sufficient land to meet future housing needs. This could lead to sporadic development (including in the Green Belt) and fail to maximise the benefits that future housing growth could bring to the local community in terms of infrastructure and place-making.

4. Reasons for Recommendation

- 4.1 It is essential that the Council has an up to date Development Plan in place, to guide and support the sustainable growth of the Borough in a manner that appropriately balances economic, social and environmental needs.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Progress statements on the emerging Development Plan are regularly discussed with Group Leaders and Deputy Leaders and reports are regularly prepared for the Planning, Transportation and Regeneration Overview and Scrutiny Committee, the most recent being in October 2018. Presentations have also been made to Group meetings.
- 5.2 It was agreed at the Planning, Transportation and Regeneration Overview and Scrutiny meeting on 4 July 2018 that a Member-led body be established to support the production of the emerging Development Plan. The Terms of Reference for this Task Force were agreed at the meeting on 17 October 2018.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Local Plan has an impact on the delivery of all of the Council's corporate objectives.

7. Implications

7.1 Financial

Implications verified by: **Carl Tomlinson**
Finance Manager

There is a dedicated budget for plan making to cover the basic costs of preparing planning policy documents. This budget is supplemented by a separate YPYV consultation funding pot that was allocated to the service by Cabinet early this year.

Going forward, the Council will also explore the potential to secure additional funding and "in kind" assistance from key delivery partners, including the

Government in order to assist in the development and delivery of key infrastructure requirements and an increase in housing delivery rates.

The Council will also be actively encouraging promoters of key/strategic sites to enter into a policy led planning performance agreement (PPA)¹. Policy PPAs would be used as a project management tool which enable all parties to be clear about what is required of them at all stages of the plan making process. The cost of a PPA will depend on the scale of the proposed site, the resources required and input from officers for the project. It will be based on daily rates for officers, including overheads. We may need to bring in additional expertise or temporary staff, which will be funded by the site promoter.

7.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration)

The current system of plan making is contained in the Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning) (England) Regulations 2012 ('2012 Regulations') and supported by the National Planning Policy Framework and Planning Practice Guidance. The Issues and Options Consultation Stage 2 is a preparatory step for the production of a draft Local Plan as required under Regulation 18 of the 2012 Regulations. In due course, the draft Local Plan shall be prepared and publicised in accordance with the statutory and policy frameworks.

The Authority has a statutory duty pursuant to Section 13 of the PCPA 2004 to keep under review matters which may affect the development of its area and it should be noted that the Secretary of State's powers pursuant to Section 27 of PCPA 2004 apply where they think that the Authority are failing or omitting to do anything necessary in connection with the preparation, revision or adoption of a development plan document or local plan. In such cases, the Secretary of State may prepare or revise a plan or direct that the Authority or another do so.

Under the Council's Constitution and in accordance with the statutory provisions contained in section 9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Full Council has the power to make decisions in relation to the preparation and adoption of the Development Plan.

7.3 Diversity and Equality

Implications verified by: **Becky Price**

¹ It should be noted that Policy PPAs and the process of undertaking the PPA will in no way prejudice or pre-judge the outcome of plan making in Thurrock and/or the wider South Essex area.

Community Development Officer

The Council has a statutory duty under the Equality Act 2010 to promote equality of opportunity in the provision of services and employment opportunities. The adoption of a new SCI will ensure that the consultation process associated with the emerging Development Plan will provide an opportunity for all sections of the community, including harder to reach groups, to become fully involved in helping to shape the future planning and development of Thurrock.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

There are no other implications associated with the report

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Cabinet Report on Development Plan Update – <http://democracy.thurrock.gov.uk/documents/s21471/Appendix%20C%20-%20Development%20Plan%20Update.pdf>
- Local Plan Issues and Options – Engagement Strategy (Phase 1) - https://www.thurrock.gov.uk/sites/default/files/assets/documents/local_plan_engagement_strategy_phase1.pdf

9. **Appendices to the report**

- Appendix 1 - Local Plan Issues and Options (Stage 2) consultation document
- Appendix 2 - Local Plan Issues and Options (Stage 2) - Engagement Strategy

Report Author:

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