



Report to Thurrock Borough Council

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Inspectors appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE THURROCK CORE STRATEGY AND
POLICIES FOR THE MANAGEMENT OF DEVELOPMENT**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 30 April 2010

Examination hearings held between 14 and 31 March 2011

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Abbreviations Used in this Report

AA	Appropriate Assessment
CSPMD	Core Strategy and Policies for Management of Development
DPD	Development Plan Document
LDS	Local Development Scheme
LP	Local Plan
NPPF	National Planning Policy Framework
PC	Proposed Change
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SSADPD	Site Specific Allocations Development Plan Document

Non-Technical Summary

This report concludes that the Core Strategy and Policies for Management of Development Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. The main points can be summarised as follows:

- Changes to ensure that the plan period covers 15 years;
- Changes to ensure that the approach to amending the proposals map complies with legal requirements and national policy;
- Changes to ensure policies for gypsy and traveller and travelling showpersons will deliver sites in accordance with the RS requirements;
- Changes to ensure requirements for sustainable buildings and lifetime homes do not undermine delivery of new development and comply with national policy.
- Changes to ensure that the identification of priority locations for decentralised renewable and low-carbon energy generation comply with national policy.

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains my assessment of the Thurrock Core Strategy and Policies for the Management of Development Development Plan Document (CSPMD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft core strategy (April 2010) which is the same as the document published for consultation in February 2010.
3. My report deals with the changes that are needed to make the Development Plan Document (DPD) sound and they are identified in bold in the report . The changes that have been proposed by the Council are presented in Appendix A. The limited number of changes that I recommend are set out in Appendix C. None of these changes materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.
4. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption. This provision includes any changes necessary to the front cover and title page to reflect the status and date of adoption, and it is not necessary to list these changes.
5. Where the Council has proposed changes that go to soundness they have been subject to public consultation and I have taken the consultation responses into account in writing this report. In some cases the changes in Appendix A relate to more than one soundness issue, but they are generally referred to only once in my report, in association with the main issue being addressed.
6. The Core Strategy was prepared taking account of the relevant Regional Spatial Strategy (RS), the East of England Plan. In July 2010, the Secretary of State announced the revocation of all RSs with immediate effect. The Council prepared a schedule of amendments deleting references to the RS and proposing other changes. This schedule was subject to public consultation and sustainability appraisal (SA).
7. By the time of the hearings in March 2011, the RS had been reinstated as part of the development plan, and the Council provided a revised schedule which restored the text of the submission draft plan in relation to the RS.

Assessment of Soundness

8. During the course of the examination the Government issued a Ministerial statement on Planning for Growth and the consultation draft of the National Planning Policy Framework (NPPF), which contains a number of references to the presumption in favour of sustainable development. Further consultation took place to ensure that the examination took account of the implications of these policy developments. All of the consultation responses have been taken into account in this report. However, at the time of writing my report the NPPF remains a draft document which may be subject to change and this limits the weight that can be accorded to it.

Main Issues

9. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 7 main issues upon which the soundness of the plan depends. Issues of legal process and requirements, which were identified under matter 1 for the examination hearings are considered in the table of legal requirements towards the end of this report. There is one matter, relating to the proposals map, that requires more detailed consideration.
10. Regulation 13(4) requires that, where a document includes a site allocations policy, it must include a submission proposals map showing changes which would result to the adopted proposals map if the DPD is adopted. The submission draft CSPMD contains an indicative proposals map but this lacks the clarity necessary to allow meaningful consultation on changes to the proposals map. In addition, the operation of a number of policies appear to depend on designations on the Proposals Map. The Council has proposed a number of changes to clarify that sites will be allocated and designations will be made through the SSADPD. **Changes A3, A31, A33, A36, A40, A43, A44, A47, A48, A49, A51, A53, A55, A59, A70, A73, A75, A81, A82, A83, A85, A86, A88, A89, A90, A92, A94, A97, A98, A99, A100, A102, A103, A104, A105, A106, A107, A110, A111, A117, A120, A123, A126, A127, A128, A131, A132, A135, A145** are necessary to ensure compliance with Regulation 13(4).

Issue 1 – Spatial vision

Does the Core Strategy present a clear spatial vision for the Borough, in compliance with PPS12, including the requirement for the plan period to extend 15 years from adoption?

11. The CS contains the main elements required by paragraph 4.1 of PPS12, namely an overall vision, strategic objectives, a delivery strategy and arrangements for monitoring. It is a lengthy plan comprising over 250 pages, excluding appendices, which tends to obscure the clarity and intent of the strategy and the Council may wish to consider, when a review is undertaken, whether it could be purposefully edited to produce a document that focuses on the critical issues. Having said that, Chapter 3 of the Plan successfully outlines the key drivers of change and articulates a spatial vision which outlines how much development is expected, where it will take place, as shown on the Key Diagram, and the impact this is expected to have on the

Borough's main towns. **Change A145** proposes a revised proposals map to ensure consistency with the text, and subject to the incorporation of this change the CSPMD is sound.

12. The Council has proposed changes to extend the plan period from 2021 to 2026 to comply with the requirement for a plan period of at least 15 years. Subject to the incorporation of the changes listed in paragraph 13 below, I consider the CSPMD to be sound in relation to this issue.

- 13. Changes A1, A6, A9, A10, A11, A13, A14, A15, A16, A17, A18, A19, A24, A25, A26, A27, A28, A32, A34, A35, A46, A57, A58, A65, A66, A67, A68, A69, A71, A72, A73, A76, A80, A112, A113, A114, A115, A116, A118, A119, A121, A122, A134, A137.**

Will it deliver sustainable development in accordance with national and regional policy?

14. The Sustainability Appraisal (SA) finds that: *Overall it can be expected that the Spatial Strategy and Broad Regeneration Locations identified in the DPD (Grays Urban Area, East Tilbury, Purfleet, Lakeside/West Thurrock, London Gateway and Tilbury) will contribute positively to sustainable development.*
15. In particular, regenerating existing urban areas has a positive effect, although the SA identifies that directing development to areas at risk of flooding will need to be mitigated, and the plan's policies reflect that. **Changes A30, A50, A64, A109, A143** are necessary to ensure full compliance with PPS25.
16. Some of the Council's proposed changes have been produced in response to changes to national policy, such as the publication of PPS5 and advice from English Heritage. **Changes A12, A22, A23, A25, A123, A124, A125, A129** are necessary to ensure full compliance with national policy.
17. The Council has also proposed changes in response to comments by the Highways Agency and Natural England. **Changes A93, A95, A130, A133, A134, A136** are necessary to ensure that a number of policies are more closely aligned with other aspects of national policy, including PPS9 and PPG17.
18. It was argued that the CS is not in conformity with PPS5 because it fails to pay due regard to the importance of Tilbury Fort and its setting as a heritage asset. Subject to the inclusion of the changes listed above, the CS provides an adequate strategic framework to allow more detailed matters regarding the setting of Tilbury Fort to be taken into account when individual proposals are considered.
19. Subject to those specific items dealt with in this report, and the inclusion of the changes listed above, including those relating to the plan period, the CS would accord with national and regional policy.

Does the strategy pay due regard to those of neighbouring authorities?

20. Proposed **Changes A7, A8, A54** clarify the ways in which the CS has had regard to the strategies of neighbouring authorities, and subject to the inclusion of these changes, the CS is sound in relation to this issue.

Is the Plan founded on a robust and credible evidence base? Is it flexible and able to be monitored?

21. The CSPMD is underpinned by a comprehensive evidence base. A limited number of studies were produced after the start of the examination, which does not reflect best practice. Nonetheless I am satisfied that representors had adequate opportunity to take this evidence into account and express their views during the Examination.
22. Chapter 7 of the CSPMD sets out an implementation framework for the CS which includes indicators for monitoring. Subject to the inclusion of **Change A147**, and the specific points covered in this report, the CSPMD contains adequate flexibility and is sound in relation to this issue.

Issue 2 – Housing supply and location

Will the strategy deliver the number of new homes required to meet the RSS requirements? Is there an over-reliance on previously-developed land? Is the CSPMD consistent with PPS3, notably the requirements of paragraphs 53-61?

23. The submission draft plan deals with housing provision to 2021 only. The Council has proposed the changes listed in paragraph 12 above to extend the period to 2026. Subject to the inclusion of these changes the CSPMD will meet the requirement of PPS3 to provide for the provision of housing for at least 15 years from the date of adoption. Over 90% of this provision is expected to be on previously developed land (pdl) identified through the SHLAA. Some respondents questioned the deliverability of some of the SHLAA sites for a variety of reasons and it is unlikely that all the pdl SHLAA sites will be delivered during the plan period. The Council accepts that it is not currently able to demonstrate a five year supply of housing land, although the magnitude of the shortfall claimed by some respondents is disputed. The CSPMD provides an appropriate strategic framework for the allocation of sites through the SSADPD. However, Policies CSSP1 and CSTP1 have a degree of flexibility which would enable the Council to bring forward additional sites, including greenfield sites, if required, to ensure a rolling five year supply of housing land.
24. Delivery of new housing within Thurrock Borough has historically been at a low level and several respondents expressed the view that the CSPMD will not provide the impetus necessary to increase delivery rates, without the identification of additional greenfield sites. However, significant releases of greenfield sites would run counter to the RS emphasis on directing growth to the urban areas. Furthermore, planning permission was granted in 2010 for housing development on two Green Belt sites within the Borough, and at the time of my site visits, shortly after the hearings, there were no obvious signs of development activity on these sites. This may be as a result of site-specific circumstances, but nonetheless it provides little confidence that the identification of additional releases of Green Belt land would necessarily increase the rate of housing delivery in the short term. There is a danger that if additional greenfield sites were to be identified at this stage, these may be the first sites to be developed when the housing market improves, which would undermine the regeneration of the existing urban areas, which is a strategic objective of the CSPMD.

25. In recognition of current difficulties in the housing market, the housing trajectory envisages a low rate of delivery in the early years of the plan period, with the bulk of new housing being delivered in the later stages. However, the policy contains sufficient flexibility to respond to a faster than expected rate of delivery, by bringing sites forward. In all the circumstances the plan can be considered sound in relation to this issue.

Are the locations identified for the supply of new housing, including the urban extensions, the most appropriate when considered against all reasonable alternatives?

26. The CSPMD seeks to focus growth at larger urban areas, which is a generally sustainable approach. Some representors have drawn attention to the disadvantages of some of the locations included in the CSPMD, such as the high level of development directed to areas at risk of flooding. Others seek to promote the advantages of alternative locations. Nonetheless the SA provides the most comprehensive assessment of alternatives and identification of mitigation measures, where appropriate, and there is no convincing evidence that the CSPMD is unsound in relation to this issue.

Will the needs of gypsy and traveller communities and travelling showpeople be met by Policies CSTP3 and CSTP4? Are the criteria in these policies reasonable?

27. The submission draft CSPMD contains 2 alternative policies (CSTP3 Options 1 and 2) relating to gypsies and travellers, dependent upon the outcome of an application for judicial review of RS Policy H3. However, this application was overtaken by events regarding the status of the RS. At the hearings the Council confirmed it was no longer pursuing an application for Judicial Review, and CSTP3 Option 2, is proposed to be deleted.
28. During the course of the examination I raised a number of concerns regarding policies CSTP3 and CSTP4, including whether the criteria for the allocation of pitches and the consideration of planning applications were unduly stringent and would fail to deliver the RS requirements. The Council has proposed changes **A61, A62, A63**, to meet these concerns and subject to the incorporation of these changes, the CSPMD is in broad conformity with the RS and there is a reasonable prospect that the needs of gypsies and travellers and travelling showpeople will be met through the CSPMD and SSADPD.

Is there evidence to demonstrate that the requirements of policies CSTP1(4) (lifetime homes) will not have an unacceptable impact on the deliverability (viability) of new housing?

29. The Council makes reference to general information on the costs of complying with the Lifetime Homes Standard, which suggests that costs are unlikely to render development unviable. It is intended that this requirement will be addressed through the Council's developer contributions/ Community Infrastructure Levy arrangements. However, in the absence of clear evidence relating to viability in Thurrock Borough, the Policy should contain adequate flexibility to allow economic viability to be taken into account, and I have recommended a change (**IC1**) to incorporate a more flexible approach.

Are the requirements for the provision of affordable housing consistent with PPS3?

30. The Strategic Housing Market Assessment (SHMA) identifies an acute need for Affordable housing in Thurrock. The Affordable Housing Viability Study supports the policy requirement for 35% affordable housing on sites capable of accommodating 10 or more dwellings or over 0.5 ha. The policy contains a degree of flexibility to allow site specific circumstances to be taken into account. The first part of the policy implies an overall target, as required by PPS3, of 35%. The CSPMD is broadly consistent with PPS3 in relation to this issue.

Issue 3 – Energy Generation/ Carbon Neutral Development

What are the local circumstances that warrant setting standards higher than national requirements?

31. The Thurrock Climate Change Evidence Base¹ found that CO2 emissions in Thurrock are 46% higher than national levels, and as a Key Centre for Development and Change, as designated in the RS, substantial new development is planned. These local circumstances provide a clear justification for seeking to address this issue in the CSPMD.

Is there adequate evidence that what is proposed will be viable in Thurrock, and is there sufficient flexibility to deal with unusual circumstances/difficult sites?

32. In relation to domestic buildings, policy PMD12 does not seek to anticipate national standards to any significant extent. Meeting the zero carbon target is not expected until 2016, which is in line with Government targets. The Government has expressed similar ambitions in relation to non-domestic buildings but, as yet, specific proposals for tightening building regulations have not been established. In addition it is not clear how the BREEAM 'outstanding' rating will relate to the eventual requirements for zero carbon development that may be established through the Building Regulations
33. The Council was unable to provide evidence of the likely effect that the BREEAM targets, set in policy PMD12, would have on the viability of new development. In the circumstances, there is a real risk that the requirements, particularly those for an 'excellent' rating from 2016 and an 'outstanding' rating from 2019, may inhibit development.
34. The aims of Policy PMD12 are laudable but, as drafted, part 2 of the policy does not fully meet the requirement of paragraph 31 of the Planning and Climate Change Supplement to PPS1 that 'when proposing any local requirements for sustainable buildings planning authorities must be able to demonstrate clearly the local circumstances that warrant and *allow* this' (my emphasis). I am therefore recommending a change to this policy to introduce a level of flexibility which would allow viability to be taken into account on individual schemes **(IC2)**.

¹ TS.003

Is the proposed use of SPD to set out further requirements, e.g. for the priority locations in PMD13, consistent with the guidance in paragraph 33 of the Climate Change Supplement to PPS1?

35. Policy PMD13 sets requirements, subject to feasibility and viability, for decentralised and renewable and low carbon energy generation. It also specifies that higher targets will be required on priority sites identified in the Energy Study. This approach is contrary to the spirit of paragraph 33 of the Planning and Climate Change Supplement to PPS1, which expects such matters to be set out in a DPD.
36. The Council's proposed **changes A138 - A144** clarify, amongst other things, the way in which viability will be considered and the criteria which will be applied to identify priority locations and indicates that these locations will be included on the proposals map. However, the identification of individual sites has not been part of the process of preparing the CSPMD. In order to comply fully with paragraph 33 of the Supplement to PPS1, the process of identifying priority locations should take place through the SSADPD, and I have amended the Council's proposed change to reflect that.

Issue 4 – Green Belt

Are the proposed changes to the GB boundary to accommodate development justified by exceptional circumstances as required by PPG2? Does the CSPMD set out a clear mechanism for the review of GB boundaries if/where it is justified.

37. The RS finds that the broad extent of Green Belt remains appropriate within the region, and identifies a limited number of areas where Green Belt reviews are promoted. It does not promote a comprehensive review of the Green Belt in Thurrock. The strategic priority for regeneration of the existing urban area would not be well served by extensive releases of Green Belt land. However, the CSPMD recognises that limited releases of Green Belt land will be necessary to meet specific development needs.
38. The CSPMD promotes alterations to the boundary of the Green Belt at Tilbury Port. The recently-published National Policy Statement (NPS) for Ports, which had been published in draft form at the time of the hearings, stresses the essential role of ports in the UK economy and encourages sustainable port development to cater for long term growth. The extent of Green Belt release promoted in changes to the CSPMD is supported by the Port of Tilbury London Limited, the port operators. The port is at present tightly-constrained by the Green Belt and it is inevitable that further significant port-related development can only, practicably, take place in the Green Belt. I consider these circumstances provide the exceptional circumstances necessary to justify the proposed changes to the Green Belt. The Port operators' view is that the release of Green Belt land included in the CSPMD is sufficient to meet its needs as far ahead as can be robustly forecast at the present time. In the circumstances, the release of further Green Belt land would not meet the exceptional circumstances test of PPG2.
39. The CSPMD proposes the inclusion of land in the Green Belt that was formerly safeguarded for oil refinery expansion at Shell Haven. The cessation of the refinery use and a decision by the Secretary of State for Communities and

Local Government to exclude the land from the London Gateway scheme provide the exceptional circumstances to justify this. The Council has proposed **change A52** which reduces the amount of land proposed to be included in the Green Belt, in order to provide some scope for additional port-related development which is supported by the scheme promoter. A revised Green Belt boundary has been subject to consultation (**Annex 8 to Appendix A**), and the proposals map can be amended accordingly on adoption of the CSPMD.

40. The CSPMD envisages that limited Green Belt releases will also be necessary for new housing provision, and there is a clear justification to assist in meeting the RS housing targets. Broad locations at North East Grays and Stanford-Le-Hope are identified on the Key Diagram, and this provides an adequate strategic framework for specific sites to be identified through the SSADPD. In the light of my conclusions on housing provision, there is no justification for the identification of additional site for housing provision in the Green Belt.
41. Minor releases of Green Belt land are proposed to deal with anomalies such as sites where planning permission for housing development has been granted. There is a clear justification for removing these sites from the Green Belt, given the likelihood that the sites will be developed during the plan period (**Change A29 and**).
42. Proposed alterations to the Green Belt will be defined through the SSADPD at the broad locations identified in the plan. Subject to the inclusion of the changes referred to above, the CSPMD is sound in relation to this issue.

Issue 5 – Employment and Retail Development

Will the CSPMD ensure that sufficient land is available to meet the additional jobs required by the RS? Are the Key Strategic Economic Hubs the most appropriate locations?

43. The submission draft CSPMD seeks to provide a sufficient supply of Employment Land to meet, or possibly exceed, the requirement of 26,000 new jobs set out in the RS to 2021. The draft revision to the RS (March 2010) includes an indicative net additional requirement of 30,000 jobs from 2011 – 2031, which equates to 22,500 jobs from 2011 – 2026, the plan period of the CSPMD. The RS revision was abandoned before being subject to Examination which limits the weight that can be placed on the document itself. Nonetheless, the evidence base underpinning the projections for job requirements is more up-to-date than that which informed the adopted RS, and provides a reasonable basis for rolling the CSPMD forward from 2021 to 2026, particularly bearing in mind the continuing slow levels of growth in the national economy.
44. The Employment Land Review estimates that the total supply of employment land promoted through the CSPMD can deliver between about 24,000 and 34,000 new jobs. These figures are an expected net increase which takes account of employment sites which are identified for housing redevelopment through the SHLAA. Some criticisms are made of the ELR, suggesting that some sites may not be delivered as expected, leading to a conclusion that additional greenfield sites should be identified for employment development.

It may be that not all the sites promoted in the ELR will come forward for development as anticipated in the ELR, but bearing in mind the potential for additional job creation at Lakeside, there is still a reasonable prospect that the additional jobs required through to 2026 will be delivered. Changes to extend the Plan period to 2026 are included above.

45. There is broad agreement that the 5 Key Strategic Economic Hubs are appropriate locations for employment development. The most common criticism is that additional locations for economic development should be identified to allow greater flexibility. However, the Key Strategic Economic Hubs, with the exception of London Gateway Port, are within the Thurrock Urban Area which is identified as a Key Centre for Development and Change in the RS. Bearing in mind the regeneration imperative which underpins the CSPMD, there is no convincing evidence to support the identification of additional greenfield sites through the CSPMD. The monitoring framework set out in Chapter 7, will enable the Council to reconsider this issue if necessary in reviews of the CSPMD.

Are the proposals for Lakeside and Grays consistent with the Regional Strategy (including the Single Issue Review (SIR))?

46. Policy ETG2 of the RS, as amended by the Thurrock Lakeside SIR, defines the northern part of the Lakeside Basin as a Regional Centre. It sets out various measures that should be pursued through Local Development Documents (LDD) to secure the transformation of the northern part of the Lakeside Basin as a town centre. It also expects LDDs to develop complementary policies for the regeneration of Grays town centre. Policy CSTP7 refines the regional policy by providing an indication of the quantum of development of housing retail and employment floorspace that will take place at Lakeside, and the type and levels of new development to be provided in Grays.
47. The changes proposed to the CSPMD replace some references to the 'northern part of the Lakeside Basin' with simply the 'Lakeside Basin', but this change has not been consistently applied (for example the reference to the northern part of the basin is not proposed to be changed in Policy CSTP14). To ensure consistency with the RS and within the CSPMD, I consider the original reference to the northern part of the Lakeside Basin should be retained, and I have amended the Council's changes accordingly. However, the identification of the boundaries of the Regional Centre is a matter that would be more appropriately dealt with in the SSADPD.

Does the CSPMD provide an appropriate strategic context for the Lakeside AAP?

48. In November 2010 during the course of the Examination, the Council made the decision not to produce an AAP for Lakeside, but instead to include a Lakeside specific chapter in the SSADPD with delivery and implementation matters set out in a Lakeside Delivery and Implementation SPD. This approach has been criticised as piecemeal and likely to lead to delays, but the RS refers to LDDs, rather than an AAP, and in that context it is primarily a matter for the local authority to identify the most appropriate mechanism for achieving the aims of the RS, bearing in mind, amongst other things, the resources it has available for the preparation of DPDs. The revised approach is now included in the Thurrock LDS and **changes A2, A4, A5, A21, A39, A74, A77, A78, A79,**

A84, A87, A91, A96, A101 are necessary to ensure the CSPMD is consistent with the LDS.

Issue 6 – Infrastructure

Are the key infrastructure requirements necessary to deliver the strategy identified in the plan? Are these requirements, including highway improvements and a new rail station at West Thurrock, deliverable? If there is uncertainty, are contingency plans in place?

49. Policy CSSP3 sets out a list of key infrastructure projects that are considered essential to the delivery of the Core Strategy, based on the Council's Infrastructure Study which was updated in 2010. Appendix 4 to the CSPMD identifies the relationship between housing growth and associated infrastructure needs. In general terms the delivery of improved infrastructure is identified in the SA as necessary to mitigate what would otherwise be negative effects of the levels of growth required by the RS. Key stakeholders expressed concerns regarding the deliverability of highway projects including widening and junction improvements on the M25 and A13. These concerns arose from both technical and funding uncertainties. However, the Department of Transport's 'Investment in Highways Transport Schemes' (October 2010) confirms that a scheme for the M25 Junction 30 is programmed to be completed by 2020. The scheme is expected to include capacity improvements on the section of the A13 between the M25 and the A1089. There is, therefore, a reasonable prospect that this scheme will be delivered. Subject to the inclusion of the Council's proposed **changes A22, A43**, which introduces greater flexibility in the way in which improvements can be delivered, the CSPMD is sound in this regard.
50. There remains, however, uncertainty over the delivery of the proposed South Essex Rapid Transport and new rail station at West Thurrock. Both schemes would improve the sustainability of growth proposals but the Council confirmed at the hearing that whilst highly desirable, the failure of these schemes to be delivered would not necessarily prevent implementation of the strategy. The Council's evidence to the hearings outlined the proactive approach it is taking to securing infrastructure provision against a background of reduced levels of public funding.
51. One representor argues that the CSPMD should contain a strategic allocation for a lorry park. Policy CSTP17 recognises the need for improved lorry parking provision and indicates areas where such provision may be appropriately located. It is entirely appropriate for more detailed allocations to be made through the SSADPD.

To what extent are the new community facilities identified in the Core Strategy critical to the success of the strategy, e.g. the Community Hospital, and are they deliverable?

52. The CSPMD identifies a range of key requirements for health, education and other facilities to enable the Borough to successfully absorb the levels of growth required in the RS. In most cases these requirements can be phased to accord with new development and funded by developer contributions (either

through planning obligations or CIL). The Community Hospital is part of the NHS South West Essex future plans, and there is a reasonable prospect that it will be delivered by the provider.

Issue 7 – Minerals and Waste

Is there a clear strategy for sustainable waste management to enable sufficient opportunities for waste management facilities in appropriate locations, delivering the key objectives of PPS10 and in conformity with the RSS? Are the key elements of the waste planning framework set out?

53. Planning Policy Statement 10: Planning for Sustainable Waste Management contains a list of Key Planning Objectives (PPS10, paragraph 3). The CSPMD meets these in the following ways:
- It sets out policies for driving waste management up the waste hierarchy, with disposal as the last option. In this context, the Council is responsible for the collection and disposal of municipal solid waste, and the Municipal Waste Strategy for Thurrock, which sets out appropriate aims, has informed the preparation of this DPD.
 - It plans for the Borough's self sufficiency with facilities close to the major sources of waste arisings, whilst allowing for a reduced proportion of wastes from London, based on the draft revision RSS and a proportion of the region's hazardous waste.
 - It helps implement the national waste strategy and targets.
 - It aims to secure the recovery or disposal of waste without endangering human health or harming the environment.
 - It supports the delivery of the Sustainable Community Strategy.
 - It provides for the protection of the Green Belt with an appropriate 'presumption' against waste management facilities in the Green Belt.
 - It sets out the context for the preparation of the Minerals and Waste Development Plan Document which will set out more detailed policies, which can include design and layout matters.
54. Before the East of England Regional Assembly was dissolved, it confirmed general conformity with the RS. However, in respect of the waste section of the DPD, account has been taken of research which was commissioned in the period 2005 to 2009 and a Draft Review of the East of England Plan was subject to public consultation and then submitted to Government in March 2010. This research makes clear that the projections in the adopted East of England Plan (2008), for both municipal waste and industrial and commercial waste are excessively high. I consider that the Council is justified in relying on the forecasts in the Review of the East of England Plan based on more recent data and the assessments of future arisings based on the experience of professional planners and waste managers.
55. The key elements of the waste planning framework are set out in the DPD, although the document as submitted has presentational weaknesses which do not provide the necessary clarity. This was discussed during the hearings, with the result that the Council published a schedule of minor changes. These deal

with such things as phrases with obscure meaning and the provision of cross-referencing to aid clarity and understanding.

56. There are two matters dealt with at the hearing to which brief reference needs to be made. Firstly, the question of whether policies CSTP29 and CSTP30 are too restrictive in dealing with imports, particularly from London. Part 2 of policy CSTP29 allows for updates of regional or local data, part 3 allows for a situation where strategic site allocations prove to be undeliverable, and policy CSTP30 (III) allows for provision for waste not included within the apportionment where there is a clear benefit to the region. In addition government policy will be a material consideration as will such matters as proximity of nearby London areas compared to more remote parts of the Region. I am satisfied that there is sufficient flexibility in the plan and its policies whilst maintaining necessary limitations.
57. The second matter concerns the way in which the waste policies deal with sites in the Green Belt. General matters concerning the Green Belt have been dealt with earlier in this report, and are not repeated here. I consider that the strategic site approach set out in the policy is the most sustainable – only broad locations are referred to and it will be for the Minerals and Waste Development Plan Document to identify these in detail. Part 3 of policy CSTP29 follows an approach to the Green Belt which is consistent with national advice in PPG2 and PPS10. In respect of determining planning applications PPS10 refers to material considerations that should be given significant weight, and it is at the development management stage that the extent of that weight should be judged.

Is there consistency with national policy in MPS1 and general conformity with the RSS?

58. The introductions to the reasoned justification for policies CSTP31 and CSTP32 set out the context for the DPD established in National and regional policy. The objectives of Government policy and the hierarchy promoted in MPS1 are described in paragraphs 5.234 and 5.235: the DPD seeks to follow these policies. In particular it takes the RS policy as its starting point and works from the apportionment figures set by the Regional Aggregates Working Group.
59. The document sets out an appropriate strategy, including the landbank requirement, the safeguarding of wharves and rail depots on the River Thames, and the delivery of facilities for recycling of construction and demolition waste for use as recycled and secondary aggregates in construction. It sets the context for the Minerals and Waste Development Plan Document, which will allow the greater detail of monitoring and reviewing the landbank, identifying 'Preferred Areas' within the Minerals Safeguarding Area and site phasing and development management criteria.
60. As with the Waste section, the Minerals section of the document as submitted

has presentational weaknesses which do not provide the necessary clarity, but this has been addressed by the minor changes suggested by the Council.

61. For the sake of clarity, it is necessary to record that at the hearing there was the question of whether there is a distinction in policy between Thanet Sand, which makes up the landbank at present, and coarse sand and gravel. The policies of this document cover both types of mineral, and whilst I am assured that there is no evidence of a shortage of minerals at present, the Minerals and Waste DPD must take account of the need for both minerals.

Legal Requirements

62. Our examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. We conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The CSPMD was identified within the LDS July 2007 which sets out an expected adoption date of October 2009. The LDS was subsequently revised and the latest version published in January 2011, with a revised adoption date for the CSPMD of June 2011. In part, the delays in progressing the CSPMD, which is now likely to be adopted late in 2011 arise from the changing policy context relating to the RS and new case law relating to sustainability appraisals. These are matters beyond the Council's control. In the circumstances, the CSPMD's content and timing can be considered to be broadly compliant with the LDS. The Council has recommended changes relating to its revised approach to planning for the Regional Centre at Lakeside which reflect to latest version of the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes (PC) and further proposed changes (FPC). Some respondents have expressed the view that public consultation has been inadequate, but the evidence before me indicates that the requirements of the SCI have been met. It is not my task to review the adequacy of the SCI
Sustainability Appraisal (SA)	SA/SEA has been carried out by independent consultants with known expertise in this field. It has been undertaken in accordance with Government Guidance, and reviewed to ensure compliance with recent case law. It is adequate.

Appropriate Assessment (AA)	Habitats Regulations Assessment ² has been carried out and is adequate.
National Policy	The CSPMD complies with national policy except where indicated and changes are recommended.
Regional Strategy (RS)	The CSPMD is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS
2004 Act and Regulations (as amended)	The CSPMD complies with the Act and the Regulations, except where indicated and changes are proposed.

Overall Conclusion and Recommendation

63. We conclude that with the changes proposed by the Council, set out in Appendix A, and the change/s that we recommend, set out in Appendix C, the Thurrock Borough Council Core Strategy and Policies for the Management of Development DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore, we recommend that the plan be changed accordingly. And for the avoidance of doubt, we endorse the Council's proposed minor changes, set out in Appendix B.

Laura Graham

Terrence J Kemmann-Lane

Inspectors

This report is accompanied by:

Appendix A Council Changes that go to soundness

Appendix B Council's Minor Changes

Appendix C Changes that the Inspectors consider are needed to make the plan sound

² CS.023