



PETITION SUBMITTED BY MEMBERS OF THE PUBLIC

1 PURPOSE OF REPORT

- 1.1 This report has been prepared in response to a petition submitted by members of the public of which notice has been given pursuant to paragraph 12.15 of Chapter 2 of the Council's Constitution.

2 LINKS TO COUNCIL'S PRIORITIES AND OBJECTIVES

- 2.1 This links to the Council's People priority.

3 RECOMMENDATION

- 3.1 It is proposed that Council **RESOLVES**

- (1) To note the contents of the Petition but to take no further action in respect of the Petition.

4 INTRODUCTION

- 4.1 On 22 November 2024 a petition (the "Petition") was handed in to the Council's reception and its receipt was acknowledged by the Chief Executive on Monday 25 November 2024.
- 4.2 The Petition's call for action is: "*We the undersigned, call on CASTLE POINT BOROUGH COUNCIL to accept this petition as a request to remove the HADLEIGH SALVATION ARMY FARMLAND, site GB8, from the local plan consultation, and any future local plan, as we STRONGLY OBJECT to any housing development on this farmland.*"
- 4.3 The Petition goes on to say that it "*has been completed in good faith and signed by residents of Hadleigh, Castle Point and Leigh on Sea/ Southend, who are all affected by this proposal. It had also been signed by (sic) those outside of our area, many of whom used to live in this area and who were*

born here but left. These signatures include the many visitors and tourists, so non-residential, which use this site and the surrounding areas of the Country Park, Mountain bike course, the Hub, Glamping site, Salvation Army Site, Fishing Lake and the Castle Heritage site. It also includes the many walkers, Park runners, and dog walkers that frequent this area on a regular basis.”

- 4.4 The Council is, therefore, being asked by the signatories to the Petition - to remove site GB8 firstly from the local plan consultation and secondly from any future local plan.

5 VALIDITY

- 5.1 The Council's Constitution at paragraph 12.15 of Chapter 2 deals with petitions and is reproduced below:

“Petitions sent to the Council will be passed directly to the Chief Executive who will acknowledge receipt and refer to full Council or the Cabinet at the next appropriate meeting. The Council will respond to all petitions which demonstrate sufficient local support and number of signatures that cause the Council to consider those petitions.

Petitions meeting this criteria will receive a substantive response reflecting the view of the Council on the issue(s) and/or proposed actions as soon as reasonably practicable and within a Council cycle.”

- 5.2 The Constitution does not place any numerical requirement on the number of signatures required before a petition can be considered, referring only to “sufficient local support”. The Petition’s organiser claims to have collected a total of 8517 signatures comprised as follows:

Number of signatures	Postcodes	Percentage (%)
2992	SS7 or SS8	35.1%
1988	SS0, SS1, SS2, SS3 or SS9	23.3%
29	Void	0.3%
5009	Others	58%

- 5.3 The signatures have not been checked against the electoral roll as it is not relevant to do so. It is relevant however, to note of the total number of signatures collected, 2992 signatures represent postcodes predominantly

within the Borough. Measured against an electorate of c68,000, this equates to approximately 4% but compared to other public engagement activities, on the face of it would likely be considered as meeting the threshold of sufficiency.

6 VIRES TO RESPOND TO THE CALL FOR ACTION

- 6.1 The Council can only accept a petition about something that the Council is responsible for. The Council does not have the vires (legal powers) to accept responsibility for something which it is not responsible for.
- 6.2 The Petition asks that the Council removes site GB8 firstly from the Castle Point Plan consultation and secondly from any future local plan.
- 6.3 The local plan making process that the Council must follow is prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended (the “Regulations”). A local plan must also be prepared in accordance with the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the relevant legal requirements in relation to the strategic environmental assessment of plans and programmes, the Habitats Regulations 2017, the Equality Act 2010 and requirements of the Environment Act 2021 in relation to biodiversity and the Planning Act 2008 in relation to climate change.
- 6.4 The Issues and Options consultation pursuant to Regulation 18 of the Regulations closed on 16 September 2024. As that consultation has already closed, therefore, it is not relevant to the Petition. The only consultation to which the call to action in the Petition can relate is, therefore, the consultation required pursuant to Regulation 19 of the Regulations.
- 6.5 The Regulation 19 consultation is the final consultation stage before the draft Castle Point Plan is submitted to Government for Examination. Consequently, the call to action in the Petition to remove GB8 from the consultation and “*any future local plan*” is one and the same thing – namely that the Council should not include site GB8 in the draft Castle Point Plan and, in so doing, GB8 would not be part of the subsequent Regulation 19 consultation.
- 6.6 The Council has not yet prepared a draft Castle Point Plan.
- 6.7 Members will recall that at Regulation 18 consultation stage, sites were submitted for consideration through the call for sites process and the urban capacity study. As was repeatedly stated throughout the Regulation 18 consultation, although sites were included in the consultation, it does not necessary mean that they are suitable for development, or that they will

become an allocation within the Castle Point Plan. All of the sites included and/or promoted for inclusion in the draft Castle Point Plan are being scrutinised by members of the Castle Point Plan Board..

- 6.8 Following the closure of the Regulation 18 consultation, the Council is reviewing all the public comments received and the responses from the statutory consultees. All comments and responses, along with technical evidence which the Council is preparing (including but not limited to development needs, transport impacts, infrastructure needs, flood risk, biodiversity, landscape, Green Belt harm and sustainability) will form the basis of the draft Castle Point Plan.
- 6.9 It is vital that the draft Castle Point Plan is prepared in accordance with legal and procedural requirements otherwise it will be found unsound at Examination and will not be capable of being adopted by the Council. Legally the Council is required through the plan-making process to undertake a sustainability appraisal which must, amongst other things, test reasonable alternatives. This means there needs to be consideration of a range of approaches to meeting local development needs, even if these are ruled out as the draft plan is developed.
- 6.10 Meanwhile, the four tests of soundness are set out in the National Planning Policy Framework (NPPF) are:
- Effective i.e. deliverable in practice
 - Justified i.e. evidence based
 - Positively prepared i.e. to meet the needs and issues of the community as defined; and
 - Consistent with national policy.
- 6.11 Whilst the Petition has garnered public support, the weight of public opinion, of itself, does not amount to evidence sufficient to meet the tests of soundness. The Petition's call to action does, however, reference material planning considerations in terms of the protection of farmland and the protection of public open space and, fortunately, these are the same issues which were identified by the public engagement as part of the Regulation 18 consultation.
- 6.12 39% of the responses to the Regulation 18 consultation were from residents in the Hadleigh area. Additionally, responses were also received from residents living in neighbouring Leigh-on-Sea Town Council. These responses indicated a significant level of objection to proposal GB8 due to a range of

matters. Material considerations raised during the consultation covered not only the loss of agricultural land and the loss of public open space, but also issues related to Green Belt impact, landscape impact, the impact on heritage and wildlife and on transport and infrastructure capacity.

- 6.13 This shows that the sentiments contained within the Petition have previously been expressed by those who contributed to the Regulation 18 consultation and, notwithstanding that the Petition has been submitted after the closure of the consultation period, that the concerns and representations have already been made and will be considered as part of the plan preparation process.
- 6.14 As part of the Regulation 18 consultation, the statutory consultees have also provided responses which are relevant to GB8 and, indeed, all the other sites (Green Belt or otherwise) contained within the consultation. This evidence along with the public responses provided as part of the consultation are being reviewed by officers and the Castle Point Plan Board in the context of the construction of the whole Castle Point Plan.
- 6.15 The Petition relates exclusively to GB8 but there are other green belt sites included in the Regulation 18 consultation. The review of evidence submitted as part of the Regulation 18 consultation is applied to every site under consideration as part of the local plan process and not just GB8.
- 6.16 Sites can only be excluded from the draft Castle Point Plan and the Regulation 19 consultation if the review of evidence submitted as part of the Regulation 18 consultation plus the technical evidence, supports that conclusion or if a site which was previously been promoted at Regulation 18 is subsequently withdrawn by the promoter.
- 6.17 The Council does not, therefore, have the legal power (vires) therefore, to direct removal of GB8 – or indeed any site - at this stage in the local plan making process. The Council’s legal power (vires) lies in its ability to approve – or not – the draft Castle Point Plan and the commencement of the Regulation 19 consultation when the draft Castle Point Plan is presented to a meeting of the Full Council. This is scheduled for January 2025.

7 OPTIONS

- 7.1 There are no options for the Council to consider. It has no legal powers to take the actions requested by the Petition.

8 RISK IMPLICATIONS

- 8.1 If the Council acts outside of its powers then its decisions are ostensibly and potentially unlawful and may be set aside by Judicial Review.
- 8.2 Council is advised that the specific call for action under this petition should not be considered in isolation from the statutory Local Plan process to avoid prejudicing that process and put the Council at risk of legal challenge.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 None

10 ENVIRONMENTAL IMPLICATIONS

- 10.1 Whilst clearly the subject matter of the Petition has environmental implications, the decision recommended to be taken does not. This is because the environmental implications of the subject matter of the Petition are addressed as part of the preparation of the draft Castle Point Plan and so these will be reported as part of the approval process for that document ahead of the Regulation 19 consultation.

11 FINANCIAL IMPLICATIONS

- 11.1 There are no financial implications arising from this report.

12 LEGAL IMPLICATIONS

- 12.1 There are none arising from this report. Petitions were introduced in the Local Democracy, Economic Development and Construction Act 2009, however, all sections regarding petitions have now been repealed by the Localism Act 2011. Whilst there are no legal requirements for the Council to adhere to, the Council's Constitution still contain the provision for a petition to be submitted and received.

13 HUMAN RESOURCES IMPLICATIONS

- 13.1 None.

14 EQUALITY AND DIVERSITY IMPLICATIONS

- 14.1 An Equality Impact Assessment has not been completed as no relevant decision is being made.



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Background Papers:-

None.

For further information please contact Angela Hutchings on:-

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