

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director of Enterprise, Tourism and
the Environment

to

Cabinet

on

4th December 2012

Report prepared by: Matthew Thomas, Team Leader
Strategic Transport and Planning Policy Group

Approval of the London Southend Airport and Environs Joint Area Action Plan for public consultation

Economic and Environmental Scrutiny Committee – Executive Councillor: Councillor J Garston

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 Member approval is sought to publish the submission version of the London Southend Airport and Environs Joint Area Action Plan (JAAP) [Appendix 1] for “pre-submission public consultation” under Regulation 19. Once consultation has taken place and the representations analysed, approval is also sought for Submission of the JAAP to the Secretary of State for Communities and Local Government under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is proposed that any minor amendments to the JAAP, which may result from representation received during the public consultation and further evidence, can be made by the Corporate Director of Enterprise, Tourism and Environment in conjunction with the Portfolio Holder for Planning.
- 1.1 The Council must make a copy of the proposed submission documents and a Statement of the representations procedure available for public inspection for 6 weeks. Any person may make representations on whether the document is 'sound' and legally compliant.
- 1.2 The JAAP is a Development Plan Document as defined under the Planning a Compulsory Purchase Act 2004. It will have statutory Development Plan status with regard to Section 38 (6) of the Act which states: "... for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

2. Recommendation

- 2.1 Members approve for the JAAP to be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 Members approve the JAAP to be submitted to the Secretary of State, prior to Examination in Public, under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3 Members approve that any minor amendments, which may result from *inter alia* analysis of the representations made following public consultation and any additional evidence considered, is made by the Corporate Director of Enterprise, Tourism and Environment in conjunction with the Portfolio Holder for Planning.

3. Background

3.1 The London Southend Airport and Environs Joint Area Action Plan (JAAP) will set the Planning Framework for delivery of development, infrastructure and services at London Southend Airport, two new business parks and other locations specified in the JAAP. It also details measures which will be necessary outside the JAAP area to facilitate the successful functioning of the area including improvements to wider transport infrastructure, particularly key junctions along the strategic road network.

3.2 The JAAP sets out a clear vision, which is:

'An area that realises its potential as a driver for the sub-regional economy, providing significant employment opportunities and ensuring a good quality of life for its residents and workers. To achieve this, the area's assets and opportunities for employment need to be supported and developed'

3.3 The objectives for the JAAP are:

- Creation of sustainable, high quality and high value employment and other land uses within the study area;
- Maximising the economic benefits of a thriving airport and related activity;
- Ensuring good connectivity to the development area by all modes of transport, with appropriate improvements to sustainable transport and the highway network;
- Ensuring a high quality public realm and environment for residents and workers;
- Maximum return on public investment through attracting inward investment; and
- Efficient use and upgrading of existing employment land resources.

3.4 The JAAP sets out the planning policies governing the use and development of land in the plan area. These policies are consistent with higher order policies and with the government's priorities for economic growth. However, there are also strong environmental policies as well as policies which aim to protect residential amenity. The JAAP will be subject to Strategic Environmental

Assessment and Sustainability Appraisal, which considers the social, economic and environmental impacts of policies.

- 3.5 The JAAP has been through two rounds of public consultation in accordance with Planning Regulations. An Issues and Options consultation took place in June 2008. It explored a number of growth scenarios for the Airport and the development of the surrounding area. Following analysis of the representations received and development of the evidence base a Preferred Options Report was published for consultation in February 2009. This outlined the preferred approach to development at the airport and the surrounding area.
- 3.6 Since the Preferred Options Report was published an application to extend the runway at London Southend Airport has been granted permission and completed with the Airport now fully operational with a number of routes to Europe and beyond. A decision was taken to delay pre-submission consultation on the JAAP until there was an outcome to the runway planning application and after the period allowed for legal challenge.
- 3.7 Preparation of the pre-submission JAAP has taken place since then; and following a meeting of the Special Joint Committee, which involved Councillors from Rochford and Southend on 24th October 2011, extensive work has been carried out in relation to transportation issues as well as other matters which were raised by Members. Traffic modelling work has been carried out by Essex, Rochford and Southend during this period taking account of development of the JAAP area as well as new housing in Rochford, particularly on Hall Road. The modelling work investigated the ability of the road network to accommodate increased road traffic owing to development in the JAAP area in conjunction with further housing development in Hall Road, and to consider what measures may be necessary to ensure that network viability is maintained.
- 3.8 An updated version of the pre-submission JAAP was presented to the Special Joint Committee on 12th November 2012 and the approach was agreed by members on behalf of each authority. This version takes account of the public consultation that took place during the Preferred Options consultation and additional evidence developed, particularly in relation to transport issues detailed above. It has also considered changes in development on and around the Airport and wider area.
- 3.9 A JAAP Transport Strategy is also being prepared jointly with Essex County Council, as the partner highway authority, and as part of the evidence base, which will reflect the results of the ongoing modelling work and other transport evidence. This will provide an approach to the delivery of infrastructure improvements required alongside development of the JAAP. This will also support submission of Business Cases for external Major scheme funding. Furthermore, development briefs/masterplans will also be developed for the business parks planned in the JAAP area. These will provide the more detailed development and design principles including matters related to *inter alia* accessibility, sustainability, layout and massing.
- 3.10 The Submission Draft of the JAAP is being prepared as the final stage in public consultation prior to its submission to the Secretary of State scheduled for June 2012. Consultation will be carried out in accordance with the Councils'

Statement of Community Involvement. Unlike earlier stages of public participation, representations at this juncture can only be made on legal compliance and the soundness of the plan, as set out in planning regulations and reiterated in National Planning Policy which sets out that to be sound, a plan should be "...justified, effective and consistent with national policy."

- 3.11 Should objections be received to the JAAP on this basis, then the local planning authorities will submit these to the Secretary of State, who will then arrange for an Examination in Public. This Examination will be undertaken by the Planning Inspectorate on behalf of the Secretary of State. Those who have made representations may be invited to appear. The Examination will comprise a number of hearing sessions to discuss in more detail matters which the Planning Inspectorate considers necessary to make a decision on whether the JAAP may be found 'sound'. The Planning Inspectorate will issue a report on the soundness and legal compliance of the plan, and make recommendations, which under current legislation are not binding on the Councils. The Inspector will produce a Report with recommendations. Following this, and subject to the plan being sound, the JAAP may be put before Council for adoption. The document, when adopted, will form part of the Development Plan for each of the two authorities. From previous experience it is likely that the time from submission to adoption could take up to six months, therefore, the date for adoption of the JAAP (including Council approvals) is anticipated to be December 2013.

4. Other Options

- 4.1 An alternative option would be for the Council not to produce the JAAP in partnership with Rochford District Council. However, there is a commitment in the Southend Core Strategy to produce this document as part of the Development Plan for Southend. The JAAP provides specific policies for the development of the airport and the business parks as well as environmental enhancements and new infrastructure.
- 4.2 Without the JAAP the Councils' would need to rely solely on policies in their respective adopted Local Development Framework Documents, which do not cater specifically for that key economic growth area. It is considered that the JAAP, once adopted, will be an important tool to directing and managing the future development of this priority area in a coordinated, comprehensive and strategic manner.
- 4.3 In addition the JAAP policies allows for a 50-50 split of net additional new jobs between Southend and Rochford in the JAAP area. This will assist Southend greatly in achieving its job targets to 2021 in the adopted Core Strategy. Furthermore, under the new 'duty to co-operate', as outlined in the National Planning Policy Framework, the Council has an obligation to work in partnership with neighbouring authorities on cross boundary matters and those of strategic importance.

5. Reasons for Recommendations

- 5.1 To allow members to consider the pre-submission version of the JAAP as set out in **Appendix 1** and to approve it for a statutory 6 week pre-submission

public consultation in line with the current LDS Timetable. Furthermore, to allow Members to consider whether to agree to allow any minor amendments to the JAAP, which may result from representations received during the public consultation and further evidence. Such amendments to be made by Corporate Director of Enterprise, Tourism and Environment in conjunction with the Portfolio Holder for Planning before the document is submitted to the Secretary of State under the terms of the recommendations.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

The successful delivery of the JAAP will contribute to the fulfilment of a number of spatial elements of the Council's vision and priorities as laid down in the Sustainable Community Strategy, for example, in relation to improving economic prosperity, improving sustainability and design of new development and the protecting and enhancing the natural and built environment.

6.2 Financial Implications

There are financial implications at all stages in the preparation of the JAAP. The next stages, including pre-submission consultation, submission to the Secretary of State and the Examination in Public will need to be funded and identified from existing Council resources, which includes the Councils contingency and earmarked reserves. The Head of Finance and Resources will therefore identify an appropriate budget to meet the necessary costs.. It should be noted that taking a development plan document through to adoption does have significant financial and people resource implications owing to the statutory process which has to be adhered to. To take the JAAP through to adoption will have substantial financial implications for the Council, in the region of £75,000, depending on the matters examined, which is subject to the discretion of the Inspector. It should be noted that the cost of delivering the JAAP has and will be shared equally between Southend Borough Council and Rochford District Council.

6.3 Legal Implications

There are significant legal implications for the JAAP as it will form part of the Council's development plan which will have implications for the assessment of planning applications in the JAAP proposals map area.

As with any decision made by the Council there is also the potential for judicial review following the adoption of the document in the future at Full Council. The Council must therefore ensure that the correct procedures are followed to reduce the potential risk of such a challenge.

6.4 People Implications

The documents will have an impact on the built and natural environment in the borough and so will affect the quality of life for people who live, work and visit the borough.

The JAAP as with all other LDD's must be produced in accordance with the LDS and in compliance with the Statement of Community Involvement (SCI) and the Town and County Planning Regulations (2012). The SCI sets out the Council's policy and standards for involving the community in the preparation of planning policy documents that form part of the Local Development Framework.

Significant staff resources from the Strategic Transport and Planning Policy Group, primarily the Strategic Planning Team, will be required in order to produce the JAAP, particularly during document preparation, public consultation stages and examination. This responsibility has, of course, been shared with officers from Rochford District Council as it is a jointly produced development plan document.

6.5 Property Implications

Southend Borough Council owns land promoted for development within the JAAP. The policies will set the principles and criteria against which any application for planning permission is judged in the JAAP area. Work is ongoing to ensure as far as possible that the property implications are dealt with in a timely manner.

6.6 Consultation

Consultation will be carried out in compliance with the Statement of Community Involvement. Consultation on the JAAP will be proportionate to the scale of the issues involved and the stage of consultation reached. This document will be subject to at least a six week statutory consultation to receive representation on the soundness of the plan.

The organisation of the consultation will be co-ordinated by Southend Borough Council and Rochford District Council officers. This approach has been used for all previous stages of JAAP consultation.

6.7 Equalities and Diversity Implications

It is not considered that there are any equalities issues with regard to the LDD's, as these are tackled effectively by the Statement for Community Involvement

The JAAP has also been subject to a Sustainability Appraisal, which is an assessment of the potential significant social, environmental and economic impacts of development and forms an integral part of the plan making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. This appraisal has been used to assist decision-making and identification of the most sustainable policies to take forward. All policies in this submission document have been subject to a final Sustainability Appraisal

6.8 Risk Assessment

The Timetable for Local Plan preparation is challenging. Significant staff resources from both Essex County Council, Rochford District Council and the

Southend on Sea Strategic Transport and Planning Group will be required in order to take forward the JAAP through the forthcoming stages to examination and at the same time prepare *inter alia* the Development Management DPD and Southend Central Area Action Plan for pre-submission consultation and examination.

At the same time, resources are also required to take forward the Victoria Avenue Development SPD, the Streetscape Manual SPD, the Development Delivery DPD, the Essex and Southend Waste Development Document, the Site Allocation DPD and Shoeburyness AAP.

If the JAAP and other DPD's and SPD's were not to be published and taken forward to adoption, the absence of these policies and allocations may result in inappropriate or piecemeal developments being allowed on appeal that the Borough Council considers would not be consistent achieve its Vision and Priorities for the town.

6.9 Value for Money

It is believed that there will be significant beneficial impacts on value for money, by carrying out the work proposed using in-house resources wherever possible including developing a skills base that can be applied to the preparation of other documents making cost effective use of existing resources. This will bring benefits in terms of experience and expertise which would not be gained otherwise.

6.10 Community Safety Implications

Local Planning documents, such as the JAAP, seek to improve the natural and built environment thereby contributing towards improving community safety.

6.11 Environmental Impact

Sustainability Appraisal

Two issues and options stages (the later one included the council's preferred approach) have been subject to initial Sustainability Appraisals. A Sustainability Appraisal is an assessment of the potential significant social, environmental and economic impacts of development and forms an integral part of the plan making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. This appraisal has been used to assist decision-making and identification of the most sustainable policies to take forward.

All policies in this submission document will be subject to a final Sustainability Appraisal.

Habitats Regulations Screening Report

In combination Southend-on-Sea Borough and Rochford District are home to a number of important designated sites for nature conservation. Habitats screening is an assessment of the potential significant effects of a policy on European Sites designated for their nature conservation importance. These include Special Areas of Conservation, Special Protection Areas, and international Ramsar sites. A policy should only be approved after determining that it will not adversely affect the integrity of such sites. Each policy has been assessed for any significant impacts on European sites within or outside Southend-on-Sea.

In summary the Appropriate Assessment (AA) determined that due to the low vulnerability of the interest features (to changes in salinity as a result of increased abstraction) and mitigation provided by other plans and programmes that would help to minimise the effects of proposed development on water resources, the JAAP will not have adverse effects on European site integrity either alone or in-combination through increased levels of abstraction.

The AA also concluded that there is the potential for adverse in-combination effects through increased wastewater discharge, however, at this point it is not clear how likely or significant these effects could be on the integrity of European sites. The AA includes a recommendation to review these findings once the final Water Cycle Study is available. Furthermore it concluded that the JAAP will not have adverse effects on European site integrity either alone or in-combination through increased surface water run-off.

7. Background Papers

- 7.1 The Town and Country Planning (Local Planning) (England) Regulations 2012
- 7.2 JAAP Habitats Regulations Screening Report
- 7.3 JAAP Sustainability Appraisal Report

8. Appendices

8.1 Appendix 1 – London Southend Airport and Environs Joint Area Action Plan (and Proposals Map)