

**Southend-on-Sea Borough Council**

**Report of Corporate Director for Place**

**to  
The Cabinet  
on  
1<sup>st</sup> July 2014**

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Strategic Planning

**Agenda**

Item No.

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**Update on the delivery of London Southend Airport Joint Area Action Plan (JAAP)  
Place Scrutiny Committee  
Executive Councillor: Councillor Assenheim**

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**1. Purpose of Report**

- 1.1 To provide feedback on progress with the London Southend Airport & Environs Joint Area Action Plan (JAAP) and the outcome of the Examination in Public (EIP) held by an independent Government appointed Planning Inspector in late April/early May 2014 and the follow up letter from the Inspector dated 20<sup>th</sup> May 2014 (**Appendix 1**).
- 1.2 To describe the process for progressing the JAAP to adoption, in accordance with the Local Development Scheme timetable, including a period of statutory consultation on main modifications agreed at the EIP.
- 1.3 To agree the main modifications in the form of a Proposed Schedule of Changes to the Submission JAAP Document (**Appendix 2**) and Proposals Map (**Appendix 3**) for consultation.

**2. Recommendation**

- 2.1 **That the content of this Cabinet report is noted.**
- 2.2 **That the proposed schedule of main modifications (Appendix 2) is agreed and the JAAP can be consulted upon in accordance with the timetable for adoption in the Local Development Scheme.**
- 2.3 **That authorisation is given to the Director for Place in conjunction with the Portfolio Holder for Regulatory Services to make further minor amendments to the proposed schedule of main modifications that may be required and to then commence consultation.**
- 2.4 **That following completion of the consultation and pending receipt of the Final Report of the Inspector, a further Cabinet Report will be presented**

on 11<sup>th</sup> November with a recommendation to adopt the JAAP as planning policy.

### 3. Background

#### The JAAP

- 3.1 London Southend Airport and Environs Joint Area Action Plan (JAAP) has been prepared by Rochford District Council and Southend-on-Sea Borough Council in response to the challenges and opportunities offered by London Southend Airport together with an airport related employment cluster. The plan is intended to integrate land use, transport, environmental and regeneration proposals with clear mechanisms for delivery.
- 3.2 The JAAP provides the basis for coordinating the actions of a range of partners with an interest in the airport and the surrounding environs, and establishes planning policies up to 2031 and beyond. It will:
- Manage the level of growth and change in the area by establishing an approach to development and associated planning principles;
  - Safeguard areas and places sensitive to change;
  - Direct investment and provide key planning policies for regeneration in the area; and
  - Be effective and deliverable.
- 3.3 The JAAP is one of a number of plans being prepared by both local authorities, and must be read in conjunction with those other plans, and the National Planning Policy Framework. Policies within the adopted Southend-on-Sea Core Strategy and adopted Rochford Core Strategy provide the strategic context in which the JAAP proposals have been prepared, and it is important, in formulating development schemes and proposals, that account is taken of these documents, together with, national planning policy.
- 3.4 Specifically, the Submission JAAP set a framework to facilitate the delivery of:
- The London Southend Airport forecasted growth to 2 million passengers per annum by 2020, based on a mix of 53,000 air transport movements (ATMs)
  - 109,000 square metres of additional employment floorspace, including a new business park with 99,000 square metres and regeneration of existing employment areas
  - opportunities for new public open space to enhance the environment, as well as proposing detailed controls on the operation of the airport to ensure quality of life is maintained for residents
  - sustainable transport measures will be implemented to minimise traffic impacts and congestion

- 3.5 The approach to transport is intended to ensure that development within the JAAP is sustainable, and that there is integration with, and appropriate financial support for, proposals to improve the functioning of both the local and wider highway network (including improvements in Rochford District and the A127 junctions at The Bell, Tesco and Kent Elms Corner) as well as provide internal solutions to movement and accessibility.

### **Examination in Public**

- 3.6 The JAAP was submitted to the Secretary of State in December 2013 and was assigned to a planning inspector to determine whether it was considered to be 'sound' and legally compliant. This comprises assessing whether a plan is:
- 'sound' - positively prepared i.e. looks to meet need, effective i.e. deliverable, justified i.e. based on robust and proportionate evidence and consistent with national policy
  - Legally compliant – prepared in accordance with the Southend Local Development Scheme and Statement of Community Involvement and has followed procedural requirements including the 'duty to co-operate' and preparation of sustainability appraisal and habitats regulations assessment
- 3.7 The examination in public (EIP) took place on the 29<sup>th</sup>, 30<sup>th</sup> April and 7<sup>th</sup> May 2014. The hearing sessions covered key issues including London Southend Airport, the new business parks, transport infrastructure, environmental concerns such as noise and flooding and the allocation of new open space. At the final session the Inspector verbally outlined a number of recommendations for areas where 'main modifications' could be made to improve the soundness of the plan. The letter posted by the Inspector (**Appendix 1**), which highlights the areas to address are detailed below. It is not considered by Council officers that these matters will significantly alter the plan and its intended purpose but will assist with clarification and articulation of policy. The Inspector has stated he would like to be kept informed of progress with modifications.

### **Requirements to proceed to adoption**

- 3.8 As a joint plan, both Southend and Rochford Council's will carry out a public consultation on the main modifications to the JAAP for a period of at least six weeks. The main modifications reflect discussions at the Hearing Sessions and the subsequent 'initial findings' provided by the Inspector (**Appendix 1**). The Inspector will take the responses into account in compiling his Final Report. The main modifications are intended to address matters of soundness or legal compliance raised. They related to a number of policies, and in summary they address:
- how any future planning application in relation to the runway would be determined through to development management process

- need for illustration of the public safety zone,
- the removal of a no right turn ban for the business park,
- the presentation of jobs number in supporting text only,
- whether there is a need to refer to 2 million passengers by 2020 or whether there should be no reference to a timeframe or passengers
- the need for noise controls to refer to maintenance, repair and overhaul (MRO) areas and whether further restrictions should be imposed close to the golf course
- whether references to the various use classes provide sufficient flexibility
- whether there is a need to re-assess the phasing requirements of having regard to the initial Master Plan work
- some other minor textual changes

3.10 Southend Borough Council and Rochford District Council have considered the Inspector's letter and concluded that the following points will form the content of the proposed main modifications for consultation. There may be a need to amend these slightly as the Inspector has requested that we maintain a dialogue to ensure that policies remain sound.

- Update to the text to reflect the current stage of the process i.e. main modifications consultation
- Update to the text to reflect update to national policy
- Update to Policy E1, E2 and E3 to remove reference to jobs numbers and descriptions of jobs delivery in the supporting text as suggested by the Planning Inspector but reference to general job number retained in the supporting text
- Update to Policy E1 to the strengthen the consideration given to the amenity of nearby residential properties from noise and additional text to ensure that there is appropriate consideration of heritage assets
- Update to Policy E2 text to highlight support for development within use classes B1 (office and research and development) and B2 (general industry) and strengthen the consideration given to the amenity of nearby residential properties from noise
- Update to Policy E3 for Area 2 to include B2 as well as B1 uses
- Delete Policy E4 as phasing of development is now not required in JAAP for delivery and this will now allow for more flexibility in line with government policy
- Update to new Policy E4 (formerly Policy E5) to the strengthen the consideration given to the amenity of nearby residential properties from noise and changed to Area 1 (from Area 1A)
- Update to new Policy E5 (formerly Policy E6) to the strengthen the consideration given to the amenity of nearby residential properties from noise and changed to Area 3 (from Area 1B)
- Update to text to maintain a green buffer zone around Cherry Orchard Farm
- Update to new Policy E6 (formerly Policy E7) that the location for a new junction and access will be within Area 2 and to the strengthen the consideration given to the amenity of nearby residential properties from noise

and addition text to ensure that there is appropriate consideration of heritage assets

- Update to new Policy E7 (formerly Policy E8) to remove reference to jobs numbers as suggested by the Planning Inspector but reference to general job number retained in the supporting text
- Update to Policy LS1 to remove reference to 2 million passengers and replace it with reference to a capacity of 53,000 Air Transport Movements as detailed in the S106 agreement for the runway extension
- Update supporting text to include reference to an updated airport surface access strategy which will be a prerequisite to any scheme for development at the airport
- Update to Policy LS2 to include additional text to ensure that there is appropriate consideration of heritage assets
- Delete Policy LS3, LS4, LS5 as the Inspector considered that the content was suitably covered by Policies LS1 and LS2
- Update to supporting text to include section on the extension of the London Southend Airport Runway and the operational change as detailed in the S106 agreement
- Update to supporting text to include reference to air quality monitoring
- Update to new Policy LS3 (formerly LS6) to remove reference to current review of public safety zone (retained on Proposals Map)
- Delete Policies LS7 and LS8 as these are covered by the S106 agreement for the runway extension and the supporting text
- Update to Policy MR01 to support for development of an MRO facility but recognition that engine testing restrictions outlined in the Environmental Controls Schedule will relate to any applications considered
- Update to Policy MR02 to support for development of an MRO facility but recognition that engine testing restrictions outlined in the Environmental Controls Schedule will relate to any applications considered and recognition that appropriate noise attenuation measures will be required to mitigate potential noise impacts on residents and the golf course to north
- Update to MR03 to recognise that engine testing restrictions outlined in the Environmental Controls Schedule will relate to any applications considered
- Update to supporting text to encourage traffic to use the strategic highway network through appropriate road signage
- Agreement that access will be via a roundabout and the update to Policy T2 to reflects measures to encourage traffic from the new business park to use the principal highway network although the access will now not incorporate a no right turn and will be an appropriate type and scale to serve the needs of the new development
- Update Policy T5 include further reference to new cycle routes and networks which can integrate and add to existing routes
- There are also a number additional (minor) modifications which reflect the main modifications described above and in **Appendix 2**

### Proposal map changes (**Appendix 3**)

- Junction and road access moved slightly south to be wholly within Area 2

- Road access shortened to reflect the extent of east/west alignment before turning southwards
  - Flood zones added back and note added at foot of legend with date
  - Area 2 now cross hatched to show B1 and B2 use
- 3.11 Throughout the Examination in Public, both Rochford and Southend Councils also identified a number of minor modifications - these are to address typographical errors or provide clarity in the main or to update national policy changes - they do not go to the heart of 'soundness' or legal compliance and will therefore not be consulted upon.
- 3.12 Once the Final Report has been issued the Councils will have the option of adopting the JAAP. Both Councils will need to adopt the JAAP to make it deliverable and effective. Southend Local Development Scheme timetables to the adoption on the JAAP in October 2014. To achieve this timeframe the consultation on the main modification will need commence in mid to late July and run for eight weeks
- 3.13 After adoption, the JAAP will form part of the development plan and will be used to determine planning applications in relation to the JAAP area. It will be kept under regular review and will be revised, as appropriate, to reflect any changing or new circumstances or objectives for the area. Any future revisions of the final plan will, of course, be subject to public consultation.
- 3.14 Rochford District Council has prepared a Report to their Full Council on the same main modifications to the JAAP, which is scheduled to meet on the 1<sup>st</sup> July 2014. This has been put in place to ensure that Rochford District will be in a position to agree the main modifications required for the consultation to commence and be in accordance with the timetable outlined in Southend Borough Council and Rochford District Council's Local Development Scheme (LDS) timetables.

#### **4. Other Options**

- 4.1 An alternative option would be for the Council not to produce the JAAP in relation to detailed policies to direct and manage the future development of London Southend Airport and its Environs including Saxon Business Park. This would mean that the Council would need to rely solely on policies in their adopted Local Development Framework (LDF) Documents, that is the Core Strategy DPD and the emerging Development Management DPD (which will replace the remaining 'saved' policies in the Borough Local Plan) to determine planning applications. It is considered that the JAAP, once adopted, will be a significantly advantageous tool to comprehensively direct and manage the future development of this priority area in a co-ordinate and strategic manner.

#### **5. Reason for Recommendations**

- 5.1 To allow members to consider the draft main modifications to the JAAP as set out in **Appendix 2** and seek agreement to commence post examination in

public (EIP) consultation in line with Planning Regulations and recommendation from the Planning Inspector to continue process to adoption of the JAAP.

## **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 regeneration, improving economic prosperity 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. These are currently programmed to be met from existing resources and have been allocated for the delivery of the document. The main costs have already been met for the previous rounds of consultation and the examination in public. The consultation on the main modifications will be a minor financial commitment which will be jointly met by Rochford District Council as with all previous work undertaken.

### **6.3 Legal Implications**

Area Action Plans and all other Local Development Documents (LDD) 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. 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.

### **6.4 People Implications**

Significant staff resources from the Strategic Planning and Transport Group have been required in order to produce the JAAP, particularly during document preparation, consultation stages and examination. Further staff resources will be required to take the document to adoption stage and have been allocated as it is a corporate priority.

### **6.5 Property Implications**

Southend Borough Council owns a couple of sites promoted for development within the JAAP, namely the two proposed business parks.

### **6.6 Consultation**

One of the key elements of the LDF planning system is the recognition of the need for the earliest and fullest community involvement in the preparation of new planning documents. The JAAP has been subject to Issues and Options and Preferred Options Consultation stages as well as pre-submission consultation. In addition it has been subject to an examination in public held by an independent government appointment planning inspector.

The next consultation stage will be a consultation on the main modifications discussed with the planning inspector at the examination in public and agreed. This will take place for at least a six week period and the inspector will incorporate the representations into his final report on the soundness and legality of the JAAP.

#### 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 LDF preparation is challenging. Significant staff resources from the Strategic Planning Group will be required in order to take forward the JAAP through its examination stages as well as the Development Management DPD and the SCAAP for submission and examination.

If this DPD were not to be published and taken forward to adoption, the absence of the JAAP policies may result in inappropriate development taking place within the JAAP area and/or no development taking place where the two new business parks are proposed leading to a shortfall in the delivery of job targets in Southend and Rochford. In addition there would be no policy to manage strategically the development of London Southend Airport and its related business.

#### 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. This may extend the timescale, but will bring benefits in terms of experience and expertise which would not be gained otherwise.

#### 6.10 Community Safety Implications

The Local Development Framework documents, such as the JAAP, seek to improve the natural and built environment (including designing out crime in development and the public realm) thereby contributing towards improving community safety.



6.11 Environmental Impact  
*Sustainability Appraisal*

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.

*Habitats Regulations Screening Report*

Southend-on-Sea and the surrounding districts 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 the Southend-on-Sea.

**7. Background Papers**

- 7.1 The Town and Country Planning (Local Development) (England) Regulations 2012
- 7.2 Planning and Compulsory Purchase Act 2004
- 7.3 London Southend Airport and Environs Joint Area Action Plan (JAAP) February 2013

**8. Appendices**

- Appendix 1 - Letter from JAAP Planning Inspector to Southend Borough Council and Rochford District Council
  - Appendix 2 - Proposed Schedule of Changes to the Submission Document
  - Appendix 3 - Amended Proposals Map
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