



The Planning Inspectorate

Report to Rochford District Council and Southend on Sea Borough Council

by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 25th November 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO THE LONDON SOUTHEND AIRPORT AND ENVIRONS JOINT AREA ACTION PLAN

Document submitted for examination on 17 December 2013

Examination hearings held between 29 April and 7 May 2014

Ref: PINS/D1590/429/7

Abbreviations Used in this Report

AA	Appropriate Assessment
ACC	Airport Consultative Committee
APF	Aviation Policy Framework
ASAS	Airport Surface Access Strategy
CS	Core Strategy
JAAP	London Southend Airport and Environs Joint Area Action Plan
LDS	Local Development Scheme
LP	Local Plan
LSA	London Southend Airport
MM	Main Modification
MRO	Maintenance, Repair and Overhaul
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement

Non-Technical Summary

This report concludes that the London Southend Airport and Environs Joint Area Action Plan provides an appropriate basis for the planning of this part of Rochford District and Southend Borough providing a number of modifications are made to it. Rochford District Council and Southend on Sea Borough Council have requested me to recommend any modifications necessary to enable the plan to be adopted. All of the modifications were proposed by the Councils but where necessary I have made minor amendments to the detailed wording.

The Main Modifications can be summarised as follows:

- Clarifying that the Plan period runs to 2031;
- Referring to air traffic movements rather than passenger numbers as the overall capacity for airport growth;
- Removing policies that refer to the permitted runway extension and which are repeated elsewhere;
- Confirming that the Environmental Controls Schedule applies to the maintenance, repair and overhaul areas;
- Updating the policy about the Public Safety Zone;
- Omitting a specific figure for additional jobs from relevant policies;
- Adding safeguards for residential amenity and heritage assets;
- Specifying that a Master Plan will be undertaken for the Saxon Business Park;
- Deleting the policy regarding the phasing of the Business Park; and
- Removing the requirement to prevent right turning traffic out of the Saxon Business Park.

Introduction

1. This report contains my assessment of the London Southend Airport and Environs Joint Area Action Plan (JAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; 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 Submission Draft of February 2013 which was published for pre-submission consultation at that time.
3. My report deals with the Main Modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Councils have requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. These Main Modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal. This schedule has been subject to public consultation. I have taken account of the consultation responses in coming to my conclusions in this report. I have also made some minor amendments to the detailed wording. None of these significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A in relation to the Plan's preparation. In working jointly and in consultation with Essex County Council as Highway Authority to produce the JAAP, the Councils have collaborated in accordance with paragraph 179 of the NPPF and with Planning Practice Guidance (PPG)¹. They have also engaged positively with other bodies prescribed by Regulation 4 including the Environment Agency and English Heritage. Further details are in the Consultation Document².
6. The JAAP refers to the sub-regional impact of development and that it will make a significant contribution to its employment aspirations. This role within Thames Gateway South Essex has been recognised by the member authorities and the Planning and Transport Board ensures that there is a forum for constructive and active engagement on an on-going basis.

¹ ID 12-007-20140306

² SUBDOC05 p15/16

Furthermore, the Planning and Transport Strategy for Thames Gateway South Essex of October 2013³ refers to an increase to 2 million passengers per year and the delivery of over 7000 jobs within the JAAP area. As such, there has been adequate opportunity for co-operation across the wider sub-region and the main principles of the JAAP are supported by other relevant planning authorities. Overall I am satisfied that the duty has been met.

Assessment of Soundness

Main Issues

7. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 6 main issues upon which the soundness of the Plan depends.

Issue 1

Is the overall strategy for development within the JAAP area sound having regard to the needs and demands of the area; the relationship with other plans, national policy and Government objectives and the evidence base and preparatory processes?

8. The JAAP covers London Southend Airport (LSA) and surrounding land which straddles the administrative boundaries of Rochford District and Southend-on-Sea Borough. Its vision is of 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.
9. A presumption in favour of sustainable development is at the heart of the NPPF but as part of this the Government is committed to securing economic growth in order to create jobs and prosperity. It also establishes that when planning for airports such as LSA, account should be taken of their growth and role in serving business, leisure, training and emergency service needs. One of the main objectives of the Aviation Policy Framework (APF) (DfT, March 2013) is to ensure that the UK's air links continue to make it one of the best connected countries in the world. Furthermore, the Government recognises the very important role that airports outside London play in providing domestic and international connections and the vital contribution they can make to the growth of regional economies.
10. The APF recognises that LSA has responded to local demands by completing a programme of investment that has transformed the airport. A new terminal has been constructed and a runway extension completed that allows for the operation of newer-generation, high-efficiency medium-capacity aircraft and a railway station was opened in September 2011. The Airports Commission has been set up to examine the scale and timing of any requirement for additional airport capacity in the longer term and has shortlisted 3 options. However, no final recommendation or decision has been made and any consequences for LSA are therefore unknown. So there is no need for the course of the JAAP to be delayed or altered at this stage.

³ Appendix 4 of EXJ007

11. At sub regional level the now revoked East of England Plan referred to airport growth as providing a "catalyst" for the regeneration of nearby towns, notably Southend and that provision should be made for the direct or indirect employment generated by airports. This role is now recognised within Thames Gateway South Essex as mentioned in paragraph 7. Furthermore the proposals within the JAAP are supported in the South East LEP Strategic Economic Plan⁴. Therefore there has been, and is, a good measure of support for its overall approach.
12. The JAAP is also entirely consistent with existing development plans as required by Regulation 8(4). Enabling LSA to reach its potential as a local regional airport providing for significant new employment opportunities and improved surface access subject to environmental safeguards is a Strategic Objective of the Southend Core Strategy which is bolstered by relevant policies. The Rochford Core Strategy supports the enhancement of LSA in similar terms and the area in proximity to it is identified as a location for future employment development by Policy ED4 in line with the aspirations for existing business and new enterprises in Policy ED1.
13. Over the years therefore the production and intentions of the JAAP have built up something of a 'head of steam'. However, some representors claim that now is the time for a radical re-think. This is in the light of reports by the Intergovernmental Panel on Climate Change that highlight the fast pace of climate change and the need for a reduction in all polluting activities. Evidence published by the British Medical Journal also suggests that there are increased health risks for those living close to airports. It is therefore maintained that in the medium term LSA should be closed particularly given its close proximity to housing. However, the Government's objective, as expressed in the APF, is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions rather than to reduce or curtail activities altogether.
14. Moreover, it is at this level that the direction for airport policy should be set rather than within the JAAP itself. The APF refers to the commitment to reduce emissions by 2050 in the Climate Change Act of 2008. Nevertheless, the Government recognises that the aviation sector is a major contributor to the economy and supports its growth within a framework which maintains a balance between the benefits and costs. Even if Southend is a signatory of the Nottingham Declaration⁵ the JAAP sits entirely 'four-square' with that approach. The Sustainability Appraisal⁶ acknowledges that the expansion of LSA will have inevitable adverse impacts on sustainable development but suggests ways in which sustainability benefits could be achieved and adverse impacts mitigated. These have all been taken into account in the policies of the JAAP including the future Master Plan or are covered by existing policies in the Core Strategies.
15. The preparation of the JAAP has been on-going for some time with consultation on the Issues and Options Document taking place in 2008. It is claimed that 75% of residents were opposed to High Growth at that stage

⁴ EXJ0020

⁵ http://www.southend.gov.uk/info/200370/protecting_our_environment_and_emergencies/206/climate_change/10

⁶ SUBDOC02 para 12.1.5

although of the 50 representations received by the Councils in relation to Scenario 3 just over half were objecting and 13 were in support. Whatever the precise figures the Councils have simply reached a different view to some people in favouring growth in line with overall Government policy.

16. There is also criticism that since its inception the JAAP has largely been overtaken by events and that the decisions to extend the runway and expand the terminal building were premature. However, the Councils had a duty to determine those applications following due process taking into account the development plan and other material considerations. Whilst some regret the decisions taken they are now matters of fact and the use of the longer runway commenced in April 2012 subject to extensive controls in a planning obligation. It is therefore right that the JAAP should be based on the reality of the recent developments carried out at LSA.
17. The boundary of the JAAP includes outlying areas to the north that are within the Green Belt and the flood zone where there are no specific proposals. However, the line selected follows existing roads and allows a footpath link to Hall Road to be included. This is therefore justified and there is no evidence to support the expansion of the JAAP area to include additional employment land further to the north or north-east.
18. Therefore having regard to the above considerations and subject to clarifying that the Plan period runs to 2031 (**MM1**) the overall strategy for development within the JAAP area is sound.

Issue 2

Are the airport policies justified, deliverable within the Plan period and consistent with national policy?

19. Policy LS1 of the JAAP supports the growth of the airport to a capacity of up to 2 million passengers per annum by 2020. Although this figure is still relevant referring to 53,300 air traffic movements gives a more realistic impression of the likely environmental consequences than passenger numbers and is consistent with the terms of the obligation (**MM14**).
20. Some fear that the terminal has scope for up to 5 million passengers but that figure is not part of the JAAP. The most authoritative forecast for the expansion of LSA is that contained in the Avia Solutions report of 2009 in support of the planning application⁷. From a low base passenger numbers have steadily increased to 617,000 in 2012 and 970,000 in 2013 and have now exceeded 1 million on a rolling 12 month basis. This is slightly ahead of the Avia forecast and the 57% increase between 2012 and 2013 was substantially greater than any of the other top 30 airports in the UK. Good progress towards the target figure of 2 million has therefore been made.
21. Whether the number of passengers will double from current levels is dependent on a number of factors. Critics question whether this is feasible given the published profit and loss accounts, the strength of the runway and the limited range for aircraft operating from LSA. However, the bigger picture, as recorded in the Airports Commission's Interim Report, is for significant growth in demand for aviation between now and 2050 even taking

⁷ Appendix 1 of EXJ007

account of climate change targets. The pace of growth may slacken and is subject to actors and actions outside of the planning process but there is no overriding evidence to suppose that the current 'upward curve' will not continue. Overall I consider that Policy LS1, as amended, contains a realistic aspiration.

22. Some say that facilitating and encouraging air travel has a detrimental impact on the local economy since expenditure is 'exported' out of the UK to a far greater degree than the anticipated job creation. The question of 'aviation tourism deficit' is addressed in paragraphs 1.15 and 1.16 of the APF and these confirm that the question is a complex one. Overall, however, the Government believes that continuing to make UK tourism more attractive is a better approach both for residents and attracting new visitors. There is therefore no support at national policy level to 'tail off' air travel overseas and also no grounds to find the JAAP unsound for this reason.
23. Policies LS4, LS5, LS7 and LS8 refer to matters that are specifically dealt with by the planning obligation for the runway extension or supplement other policies. They do not indicate how a decision maker should react to a development proposal and therefore should not be included in the JAAP in line with paragraph 154 of the NPPF (**MM19**, **MM21** and **MM25**). Policy LS3 should also be deleted as relevant considerations regarding noise are covered in Policies LS1 and LS2 (**MM18**). Other associated changes are required to retain and re-order important text (**MM15**, **MM20**, **MM22** and **MM23**).
24. The safeguards in the varied Section 106 agreement are reflected in the Environmental Controls Schedule which is carried forward should any further proposals materialise. Changes are required to Policy LS2 and the supporting text in the interests of effectiveness to ensure that references to the Schedule are consistent and to acknowledge the possible consequences for heritage assets within the JAAP area including St Laurence and All Saints Church (**MM16** and **MM17**).
25. Policy LS6 provides that certain forms of development will not be permitted within the Public Safety Zone consistent with DfT Circular 01/2010. Modification is required to reflect the commencement of a review of its extent (**MM24**) and the Policies Map should be updated to show the entire Zone.
26. Around the periphery of the airport but within its operational boundary are maintenance, repair and overhaul (MRO) areas. The companies based there clearly have a direct functional link to the activities of the airport and therefore need to be in close proximity. The Rochford Employment Land Study Final Update Report⁸ expects that these facilities will grow significantly and highlights that the sector provides highly skilled jobs. The Southend Employment Land Review⁹ also notes that it is vital that these jobs are retained in Southend and that the cluster is encouraged to develop.
27. To this end, Policies MRO1 and MRO3 are broadly supportive of proposals to consolidate these activities in the Northern and Southern Zones and Policy MRO2 allocates further land for this purpose as a Northern Extension. Parts of

⁸ Evidence Base Document JAAP26

⁹ Evidence Base Document JAAP35

the Northern sites are within Flood Zones 2 and 3. The Sequential Test¹⁰ revealed that there are no alternative sites at less risk of flooding that can reasonably be considered taking into account the planning and operational requirements of the MRO uses. As a result the Environment Agency's original objections have been withdrawn although a flood risk assessment would nonetheless be required to accompany individual applications.

28. The Flood Risk Constraints Report¹¹ expresses concern that there may be little room to accommodate Sustainable Drainage Systems and thus make required run-off rates unachievable. However, the recommendation that a green corridor is incorporated alongside the Eastwood and Rayleigh Brooks and the actual layout of development could be dealt with in any development brief or in any detailed planning application proposals. By controlling surface water in this way it should be possible to ensure that the flooding experienced by the adjoining golf course is not exacerbated.
29. To safeguard general amenity including the golf course to the north and heritage assets, further provisions are required to the MRO policies confirming, amongst other things, that the Environmental Controls Schedule is applicable (**MM27**, **MM28** and **MM29**). The wording of Policies TR1 and ADZ1 relating to the expansion of the terminal and airport related development should be clarified (**MM26** and **MM30**).
30. Overall I am satisfied that the airport policies are justified, deliverable within the Plan period and consistent with national policy.

Issue 3

Are the employment policies justified, deliverable within the plan period and consistent with national policy?

31. The JAAP allocates 99,000 sq m of employment floorspace at Saxon Business Park and 10,000 sq m at Nestuda Way. Policy E2 also indicates that the redevelopment and intensification of existing premises within Aviation Way Industrial Estate will be supported. Overall it anticipates that this strategic employment area will support the delivery of more than 7,000 jobs over the Plan period to 2031. For greater clarity the constituent parts of the Saxon Business Park should be described as Areas 1, 2 and 3 (**MM5**).
32. The economic dimension of sustainable development in the NPPF refers to ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. The Core Strategies of Rochford and Southend both support employment development around LSA as part of their wider economic strategies. The Southend Employment Land Review observes that given constraints elsewhere this location will help provide an offer that is currently lacking. Based on experience at Bournemouth Airport the Rochford Employment Land Study Update suggests that a significant growth in airport capacity is likely to increase demand and uptake for office accommodation.

¹⁰ Evidence Base Document JAAP34

¹¹ Evidence base Document JAAP07

33. The market analysis undertaken suggests that the area will be attractive to companies and investors¹² and in general terms developer activity is increasing¹³. There are other business parks close to UK airports of comparable size but equally there are quite a number of airports where this is not the case for different reasons. Nevertheless, the weight of evidence supports the concept of a link between airports and business parks. For example, although local conditions will no doubt apply, planning permission has been given for an extra 42,000 sq m of floorspace in the vicinity of Bournemouth Airport.
34. The intention is to develop Saxon Business Park as a high quality destination suitable for medical technology and other eco-friendly businesses. In general terms this concept is criticised as "wishful thinking". However, Anglian Ruskin University would facilitate the delivery of a MedTech Campus and there is reportedly strong interest from a well-established business park developer and also from an existing occupier within Southend. Moreover, Southend Borough Council has approved a £10 million fund to progress and support the business park and, in particular, to allow the early phases to 'get off the ground'. The Borough Council also owns the land covered by Areas 2 and 3. These last two factors, in particular, convince me that there is a strong desire and commitment to ensure that development takes place as intended.
35. A further consideration is whether high-tech industries of the kind sought would wish to locate near, and be associated with, an airport and its environmental implications including noise. Silicon Fen is some distance from Cambridge Airport and the businesses at Cardiff Airport Enterprise Zone have direct links with aviation. However, these isolated examples do not confirm that the relationship envisaged between a business park and an airport is unrealistic. The expressions of interest to date will no doubt have been made in the knowledge that LSA would be close at hand. In short, there is insufficient evidence to demonstrate that the JAAP is unsound in this respect.
36. Other sites in Southend may be ripe for re-development. However, even once the floor space proposed in the JAAP comes on stream there would still be unsatisfied demand for employment land within the town with gaps in future provision to 2021¹⁴. Consequently the allocations in the JAAP would not necessarily prejudice more central brownfield sites from coming forward. Alternative locations for the proposed allocations within the JAAP area would encroach into the Green Belt to a greater extent than the sites proposed.
37. Paragraph 173 of the NPPF emphasises that careful attention should be paid to viability and that sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The Viability Statement of April 2014¹⁵ takes a high level view but calculates that the residual land value across all phases is more than 10 times the existing use value of the site of Areas 2 and 3. Certain contributions have not been factored in and the results are not intended to give a firm view on whether the scheme is viable. Nevertheless there is a sufficient gap between residual and existing land values to persuade me that, in principle, this should produce

¹² Evidence Base Document JAAP35 para 6.19

¹³ EXJ0012 para 2.1.2

¹⁴ Evidence Base Document JAAP35 para 6.22 and Table 6.4

¹⁵ JAAP0012

a competitive return to a willing land owner. This is strengthened by the fact that the land in question is owned by Southend Council.

38. Area 1 partially comprises former brickworks. There are therefore likely to be greater development costs associated with bringing that part of the Saxon Business Park forward in terms of potential contamination. However, there is developer interest¹⁶ and pre application discussions have taken place with Rochford. Because of this there is no reason to suppose that this part of the overall allocation will not be brought forward during the Plan period.
39. Policies E1, E2 and E3 contain specific figures relating to the delivery of additional jobs. Even if the numbers themselves are realistic they do not assist a future decision maker in determining what will or will not be permitted since the quantum of employment generated by any development is not enforceable. As such these references should be included in the supporting text (**MM2** and **MM13**). The Use Classes referred to in Policy E3 provide for sufficient flexibility whilst allowing the Business Park to fulfil the Councils' expectations (**MM5**). In the light of the initial Master Plan work undertaken there is no need to require the phasing of development in Policy E4 and references to phasing in the transport section should therefore also be deleted to ensure deliverability (**MM6**, **MM31**, **MM32** and **MM33**).
40. It is intended that development of the Saxon Business Park would be the subject of a Master Plan and this should be confirmed (**MM4**, **MM7**, **MM10** and **MM12**) together with intentions regarding access to Area 2 (**MM11**). To ensure that all relevant considerations are taken into account the employment policies should also be modified to refer to amenity and heritage assets as necessary (**MM2**, **MM3**, **MM5**, **MM8**, **MM9** and **MM11**).
41. Although there has been localised flooding in the area none of the proposed employment allocations, apart from a small part of the existing Aviation Way Industrial Estate, are within Flood Zones 2 or 3. This factor is therefore not an impediment to development. Indeed, I find that the employment policies are justified, deliverable within the plan period and consistent with national policy.

Issue 4

Are the transport policies justified, likely to be effective and consistent with national policy?

42. The Modelling Assessment Report¹⁷ concludes that given the generation and distribution of vehicles as a result of the proposals within the JAAP there would be likely to be adverse impacts on the road network without mitigation. These comprise measures to encourage a shift away from use of the car as well as schemes to improve existing network capacity.
43. Policy T4 refers to public transport and expects developers to make a contribution in this regard. The main proposals are the creation of additional bus corridors and a High Quality Public Transport Corridor to Southend town centre. These schemes are currently being progressed so that there is scope to offer alternatives to the car in future to those working at or visiting

¹⁶ EXJ0017

¹⁷ JAAP46 p69

destinations within the JAAP area. Walking and cycling improvements are covered by Policy T5 and the list should be expanded to more accurately reflect the position (**MM35**). Various road schemes have been identified and funding is being sought for some of these including an 'ask' of over £20 million in the South East LEP Strategic Economic Plan. In addition, Policy T7 confirms that contributions will be expected from developers to ensure that junctions work effectively in the peak period. In this way I am satisfied that sufficient safeguards are in place to ensure that transportation provision is able to keep pace with developments within the JAAP area.

44. The JAAP acknowledges that in the longer term it may be necessary to build more capacity into the network with an east-west link. However, there is no justification for such a scheme at this juncture and also no evidence that existing inadequacies within the road system would jeopardise the delivery of the development proposed within the JAAP.
45. On a different tack, some suggest that the JAAP is simply not doing enough to facilitate modal shift bearing in mind that most people come to the airport by car. However, the Airport's Annual Report¹⁸ of 2012-2013 records that a survey in October 2012 shows that 29% of passengers are using public transport. This compares favourably with the targets in the Airport Surface Access Strategy (ASAS) which is to be updated in line with the Section 106 agreement. Greater incentives such as increased parking and drop off charges and reductions for rail travel are outside the scope of the JAAP but could be addressed, if necessary, by means of the ASAS, the Airport Transport Forum and the Transport Liaison Group.
46. There is no technical evidence that right turns out of the proposed Saxon Business Park onto Cherry Orchard Way would have negative effects on the road network. This clause of Policy T2 is therefore not justified and I recommend its deletion. Nevertheless because of concerns about additional traffic on the local roads to the north measures to encourage left turns towards the main routes to the south are warranted (**MM33** and **MM34**).
47. Subject to the Main Modifications referred to above the transport policies are justified, likely to be effective and consistent with national policy.

Issue 5

Are the environmental policies justified, likely to be effective and consistent with national policy?

48. The existing Green Belt boundary would be adjusted northwards. Paragraph 83 of the NPPF confirms that, once established, this should only be altered in exceptional circumstances.
49. The existing boundary¹⁹ is somewhat anomalous as it crosses the middle of the operational area of LSA. Furthermore, altering the line is necessary to provide for airport development and allocations within the JAAP, particularly given the lack of alternative sites in the vicinity and the unique role of LSA within the sub-region. Moreover, the need to adjust the Green Belt boundary within Rochford District as part of the JAAP is anticipated by Policy ED4 of the

¹⁸ EXJ0026

¹⁹ EXJ007

Core Strategy which refers to allocations to the north and west of LSA. Policy GB1 also implies that Green Belt land will be required to meet the District's employment needs but that this should be the minimum necessary. Taken together these considerations amount to exceptional circumstances.

50. The new boundary would be clearly defined and follow existing features where possible. It has been set to be permanent in the long term and there is no evidence that the proposed alignment is incapable of enduring beyond the Plan period. It includes the Green Buffer to the east of the railway which is protected by Policy ENV6. This is supported by the Sustainability Appraisal and in consultation responses. Developing the land for purposes associated with LSA would bring about an unwelcome northerly spread of airport activities close to existing housing.
51. The Appropriate Assessment carried out as part of the Habitats Regulations Assessment²⁰ recommends that a challenging policy to restrict additional water use be included and this is found at Policy ENV7. Furthermore there is an undertaking to report on the water quality of the Rayleigh, Eastwood and Prittle Brooks in the Annual Monitoring Reports.
52. In light of the above considerations and subject to changes to Policies ENV2 and ENV4 for clarity (**MM36** and **MM37**) the environmental policies are justified, likely to be effective and consistent with national policy.

Issue 6

Does the JAAP have clear and effective mechanisms for implementation, delivery and monitoring?

53. Section 5 of the JAAP contains the Implementation and Delivery Plan. It clearly identifies potential risks, mitigation and monitoring indicators. Progress should be addressed through the Council's Annual Monitoring Reports under Regulation 34. This provides adequate assurance that policy delivery will be kept under review and that the JAAP is likely to be effective.

Other Matters

54. At the hearings a number of other matters were raised which do not bear directly on matters of soundness but which I shall comment on.
55. The Airport Consultative Committee (ACC) contains representatives from local authorities, Town Councils and residents groups. Such an arrangement should ensure that LSA is not simply self-policing in respect of the various environmental safeguards that are in place. Section 35 of the Civil Aviation Act 1982 provides that adequate facilities for consultation should be provided for certain prescribed groups and the APF also comments in paragraph 4.8 that membership of ACCs should reflect the balance of interests. However, it is not for me to comment on any decisions taken in the past to exclude certain groups or individuals who may have been categorised as vexatious.
56. Some residents were worried about the possibility of compulsory purchase of their properties but there is no mention of this anywhere within the JAAP and this is an entirely separate procedure. A plea was made to expand the scope

²⁰ SUBDOC03

of noise insulation grants. I note that this is covered within the planning obligation and it is a matter for the airport operator or for the local planning authorities to enforce.

57. Given the sensitivity of the River Roach and the shellfish that it supports there is understandable concern about pollution of the watercourses. However, the Environment Agency will deal with applications for water discharge under Environmental Permitting Regulations. Furthermore, even if there have been incidents in the past, as of April 2014 the Agency was not aware of pollution being caused by LSA²¹. There is also no evidence from relevant bodies that the sewerage arrangements in connection with the terminal extension are defective.

Assessment of Legal Compliance

58. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The JAAP is identified within the approved Rochford LDS of April 2013 and the approved Southend on Sea LDS of 2009. Its content and timing are compliant with both LDSs and with the updated Rochford timetable of November 2013 and the Southend on Sea timetable update of May 2014 ²² .
Statement of Community Involvement (SCI) and relevant regulations	The Rochford SCI was adopted in January 2007 and the Southend on Sea SCI was adopted in 2013. The consultation undertaken has been compliant with their requirements including the consultation on the post-submission proposed modifications.
Sustainability Appraisal (SA)	SA has been carried out, including SA of the Council's proposed modifications, and is adequate.
Appropriate Assessment (AA)	The AA undertaken within the Habitats Regulations Assessment Report of January 2013 concluded that the JAAP will not result in adverse effects on the integrity of European sites. Natural England is content that potential issues can be resolved through adherence to the AA's recommendations.
National Policy	The JAAP complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Equality Analysis of December 2013 provides evidence of compliance with the Duty.
2004 Act (as amended) and 2012 Regulations.	The JAAP complies with the Act and the Regulations.

²¹ EXJ0016 Appendix 3

²² EXJ0029

Overall Conclusions and Recommendation

59. The JAAP has a number of deficiencies in relation to soundness which have been explained under the main issues set out above. This means that I recommend non-adoption of the JAAP as submitted in accordance with Section 20(7A) of the 2004 Act. However, the Councils have requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix the JAAP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

David Smith

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications