

Southend-on-Sea Borough Council

Agenda
Item No.

3

Report of Corporate Director for Place

To
Cabinet
9th December 2014

Report prepared by Matthew Thomas – Team Leader
Strategic Planning

Adoption of London Southend Airport Joint Area Action Plan (JAAP) Place Scrutiny committee

Executive Councillor: Councillor Assenheim

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 This report makes a recommendation to the Cabinet and Council to adopt the London Southend Airport and Environs Joint Area Action Plan (JAAP). This follows on from the JAAP's successful examination by an independent Planning Inspector and the publication of the Inspectors Report on 3rd December 2014, which found the document to be 'sound'.
- 1.2 This Report outlines the process to progress the JAAP to adoption, in accordance with the Local Development Scheme timetable, and provides detail of previous preparation to reach this stage, including the most recent statutory consultation on 'main modifications' agreed at the examination in public (EIP).
- 1.3 If adopted, the JAAP and its proposals map will provide to up to date guidance for development in the relevant area. It will therefore provide policy background for the determination of planning applications within the JAAP in conjunction with other planning policies of Southend on Sea Borough Council and Rochford District Council, where relevant.

2. Recommendations

- 2.1 That subject to any comments made by the Special Joint Committee at its meeting on 8th December 2014, all the recommendations of the Inspector in his Report at Appendix A and the revised version of the London Southend Airport and Environs Joint Area Action Plan (JAAP) set out in Appendix B be agreed.
- 2.2 That in conjunction with Rochford District Council, Southend on Sea Borough Council proceeds to formally adopt the JAAP in the format set out in Appendix B, in accordance with the Planning Regulations 2012.

2.3. That authorisation is delegated to the Corporate Director for Place, in conjunction with the Executive Councillor for Regulatory Services, to deal with all necessary adoption documents, minor adjustments which may be required to the text (including any minor changes made by Rochford District Council at its meeting on the 16th December) and other consequential matters.

3. Background

The JAAP

3.1 The 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 JAAP integrates land use, transport, environmental and regeneration proposals with clear mechanisms for delivery.

3.2 The JAAP provides a clear 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.

3.4 Specifically, the JAAP sets a framework to:

- Help deliver the London Southend Airport forecasted growth;
- Facilitate 109,000 square metres of additional employment floorspace, with a new business park with 99,000 square metres and regeneration of existing employment areas;
- Deliver new public open space to enhance the environment;
- Refer to the existing strong controls in current Section 106 agreements and leasing agreement;
- Implement sustainable transport measures 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. This stage followed a number of other stages of statutory plan preparation, which included public consultation in accordance with the relevant Planning Regulations. An Inspector was then assigned to determine whether the JAAP was:

- 'sound' - positively prepared (looks to meet need), effective, deliverable, justified, (based on robust and proportionate evidence) and consistent with national policy; and
- 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 EIP took place on the 29th, 30th April and 7th 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 Hearing Session the Inspector verbally outlined a number of recommendations for areas where main modifications may be made to improve the soundness of the plan.

- 3.8 After the EIP a further round of statutory public consultation took place for 8 weeks between 29th July and 25th September 2014 on the 'main modifications' to the JAAP which had been proposed by the two Councils. The main modifications reflected discussions at the examination Hearing Sessions and the subsequent 'initial findings' provided by the Inspector.

- 3.9 The Inspector has taken all matters into account including the responses to the consultation on the main modifications in compiling the 'Inspectors Report' (**Appendix A**). The responses received to the main modifications consultation may be found in **Appendix C**.

- 3.10 Throughout the EIP, 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 were not consulted upon.

The Inspector's Report

- 3.11 The Planning Inspector's Report was issued to the two Councils on 25 November 2014 (**Appendix A**).

3.12 Subject to the minor modifications specified, the Inspector concluded that the JAAP is sound and may be adopted by the Councils to guide development and planning applications in the JAAP area. These modifications are the same as those previously agreed by Council and which were consulted upon save that the Inspector has made minor textual changes.

The Role of Sustainability Appraisal

3.13 Sustainability Appraisal is an important part of the plan making process. It assesses the environmental, economic and social implications of policies and options in the production of plans. The Sustainability Appraisal forms part of the evidence base for the development of the JAAP and has been used, alongside other evidence, to aid decision-making.

3.14 The Sustainability Appraisal of the JAAP that was submitted for examination found that, overall, the Plan would result in significant sustainability benefits. A copy of the Non Technical Summary of this Appraisal is attached at **Appendix D**.

3.15 An addendum to the Sustainability Appraisal (**Appendix E**) was produced that considered the impact of the Schedule of Modifications. The conclusion of this addendum was as follows:

“The Schedule of Modifications will have a relatively modest impact on sustainability objectives. Overall, there are small positive impacts on the following sustainability objectives: to maintain the quality and setting of landscapes and townscapes (particularly in respect of cultural heritage); to ensure a high quality environment for local communities and other sensitive receptors. The Schedule of Modifications has the potential to have a negative impact on the sustainability objective to maximise economic benefits of the thriving airport (in that it, for example, places additional controls on new MRO operations) [maintenance, repair and overhaul] but any negative impact will be nominal and certainly not undermine the JAAP’s overall positive impact on this sustainability objective. “

3.16 Sustainability Appraisal (Non-technical summary) of the JAAP is provided as **Appendix D**.

Adoption of the JAAP

3.17 Each Council will need to adopt the JAAP to make it deliverable and effective as planning policy and attached at **Appendix B** is the final version of the JAAP incorporating all the recommendations of the Inspector.

3.18 On the 8th December 2014 a Special Joint Committee (‘the Rochford District Council and Southend-on-Sea Borough Council London Southend Airport and Environs Joint Area Action Plan Forum’) is meeting to consider the Inspector’s Report at **Appendix A** and the final version of the JAAP (**Appendix B**) and any comments made by that Joint Committee will be reported to Cabinet and Council.

- 3.19 Rochford District Council officers have prepared a similar report to this for their equivalent Full Council recommending adoption of the JAAP. This Full Council meeting is scheduled to meet on the 16th December 2014 and will ensure that Rochford District Council will be in a position to agree the JAAP and publish it at the same time as Southend on Sea Borough Council. If Rochford were to make any minor amendments it is proposed that the Corporate Director for Place be given delegated authority in conjunction with the Executive Councillor to make corresponding adjustments and also take any necessary procedural step in accordance with the Planning Regulations.
- 3.20 Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2012 outlines the formal adoption process that must be followed. This procedure will commence if Southend Borough Council and Rochford District Council adopt the JAAP at their respective Full Councils. This will involve a period of publicity where an Adoption Statement will be published together with details of the places and times where the adopted JAAP may be inspected.
- 3.21 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 adopted JAAP will, of course, be subject to public consultation.

4. Other Options

- 4.1 Not to adopt the JAAP but rely on the existing policy framework. This is not recommended as an up-to-date plan prepared using local evidence and guided by community consultation, is the most appropriate guide for local planning decisions.
- 4.2 Not to accept all or some of the Inspector's Report recommendations. This would result in the Council not having a sound document.

5. Reason for Recommendations

- 5.1 To enable the Council to adopt the JAAP as planning policy for the JAAP area.

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 was a minor financial commitment which was jointly met by Rochford District Council as with all previous work undertaken. There will also be minor costs associated with adoption of the JAAP.

6.3 Legal Implications

The adoption of the JAAP necessitates compliance with the statutory the Town and Country Planning (Local Planning) (England) Regulations 2012, a process which has been duly followed.

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

The requisite statutory process has been followed through the preparation of the JAAP.

6.7 Equalities and Diversity Implications

A detailed Equalities Impact Assessment was completed as part of the JAAP process.

6.8 Risk Assessment

The process is now practically complete and there are now minimal risks of formal adoption not taking place.

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 have extend the timescale, but it has brought in significant 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

8. Appendices

Appendix A – Inspector’s Report

Appendix B – Final Version of London Southend Airport and Environment Joint Area Action Plan (JAAP)

Appendix C – Responses the Main Modifications Consultation

Appendix D - Sustainability Appraisal (Non-technical summary)

Appendix E - Addendum to the Sustainability Appraisal