

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

To
Cabinet
On
19th June 2018

Report prepared by: Mark Sheppard

**Southend Development Plan Review: Comprising South Essex Joint Strategic Plan
and Southend New Local Plan
Place Scrutiny Committee
Cabinet Member: Councillor Courtenay
*A Part 1 Public Agenda Item***

1. Purpose of Report

- 1.1 To outline the proposed changes to national planning policy and note the government intervention letters sent to Basildon Borough, Brentwood Borough and Castle Point Borough Councils.
- 1.2 To seek Member endorsement for a new approach to reviewing the Development Plan for Southend-on-Sea, including the preparation of a South Essex Joint Strategic Plan (JSP) in partnership with other South Essex local authorities and Essex County Council to provide a statutory framework to guide the preparation of South Essex local plans including a new local plan for Southend, the Southend New Local Plan (SNLP), and related documents. Once adopted the plans would supersede a number of existing Southend development plan documents.
- 1.3 As part of the preparation of a South Essex Joint Strategic Plan (JSP) seek Member agreement of:
 - a Memorandum of Understanding;
 - the draft plan timetable;
 - a Statement of Common Ground; and
 - a Joint Statement of Community Involvement for a six week consultation period, subject to the Association of South Essex Local Authorities agreement.
- 1.4 To provide an update on the preparation of the Southend New Local Plan and seek Member agreement to:
 - a draft timetable for preparation;
 - a Southend Statement of Community Involvement for a six week consultation period as appropriate, and

- the production of a number of key evidence base documents to support the preparation of the local plan.
- 1.5 To seek Member agreement to delegate authority to the Deputy Chief Executive (Place) in consultation with the Executive Councillor for Growth to agree a draft South Essex Joint Strategic Plan and Southend New Local Plan for preparatory consultation and amend the Local Development Scheme and Statement of Common Ground as appropriate to ensure the JSP and Southend New Local Plan timetable for preparation remains up-to-date.
- 1.6 To agree the necessary funding required for this proposal.

2. Recommendations

- 2.1 That Members agree the preparation of a South Essex Joint Strategic Plan (JSP) and the Southend New Local Plan (SNLP) to provide a positive planning framework to manage and guide regeneration and development in the sub-region and Southend over a twenty year period.**
- 2.2 That as part of the preparation of a South Essex Joint Strategic Plan Members agree:**
- a JSP Memorandum of Understanding (Appendix 1);
 - the JSP preparation timetable (Appendix 3);
 - a Statement of Common Ground (Appendix 2); and
 - a Joint Statement of Community Involvement (Appendix 4) for a six week consultation period, subject to agreement of the Association of South Essex Local Authorities.
- 2.3 That as part of the preparation of a Southend New Local Plan Members agree:**
- the Local Plan preparation timetable (Appendix 3);
 - the Southend Statement of Community Involvement for a six week consultation period, as appropriate (Appendix 5); and
 - the production of a number of key evidence base documents to support the preparation of the local plan.
- 2.4 Members note that the JSP and Southend New Local Plan will replace, once adopted, existing Southend Development Plan Documents and other associated documents.**
- 2.5 That Members agree to delegate authority to the Deputy Chief Executive (Place) in consultation with the Executive Councillor for Growth (and any other relevant Executive Councillor) to agree and make amendments to the items described in paragraph 2.2 and 2.3 above, namely: JSP Memorandum of Understanding (Appendix 1); JSP and SNLP preparation timetables (Appendix 3); Statement of Common Ground (Appendix 2); Joint Statement of Community Involvement (Appendix 4); and Southend Statement of Community Involvement (Appendix 5).**

- 2.6 That Members agree to delegate authority to the Deputy Chief Executive (Place) in consultation with the Executive Councillor for Growth, in conjunction with the Local Development Framework Working Party, to agree and consult on preparatory drafts of the JSP and Southend New Local Plan and associated documentation under Regulation 18 of the Town and Country Planning (Local Planning) (England) 2012.
- 2.7 That Members agree to delegate authority to the Deputy Chief Executive (Place) in consultation with the Executive Councillor for Growth to amend the Local Development Scheme (Appendix 3) to ensure the described key milestones of the JSP and Southend New Local Plan preparation remain up-to-date.
- 2.8 That Members agree to delegate authority to the Deputy Chief Executive (Place) in consultation with the Executive Councillor for Growth to agree updates to the South Essex Statement of Common Ground (Appendix 2).
- 2.9 Members note that the total funding required for this project is £1.466million as per Appendix 7, and agree that the funding of £341,000 in 2018/19 be met from the Business Transformation Reserve. Members also to note that the remaining funding required of £1.125million be considered as part of the 2019/20 budget setting.

3. Background

The Importance of Updating the Development Plan

- 3.1 The delivery of a new updated Development Plan represents a significant investment by the Borough Council in creating a better Southend by providing a coherent long-term framework to manage development in a way that is sustainable and seeks to meet local housing needs, improve job opportunities, enhance health and well-being, improve transport provision and infrastructure, and protect and enhance the natural and built environment.
- 3.2 The current adopted planning policy documents which make up the local development plan for Southend only have three years to run covering the period to 2021. These adopted plans do not reflect a number of recent Government policy initiatives, particularly the drive to deliver greater numbers of new housing to meet current and future local needs, or take into account more recent changing economic and social circumstances. In addition, proposed changes to national planning policy seek to introduce a number of significant changes to development plan preparation. There is therefore an urgent need to update the current development plan for Southend and to plan for a longer time frame to effectively meet the future needs of the Borough over the next twenty years.
- 3.3 There is also an urgent need to plan strategically across the South Essex sub region to ensure that individual local authority local plan preparation provides a 'joined-up', co-ordinated approach to delivering future needs and meets the 'duty to cooperate' requirements of legislation. The current adopted strategic

plan for Southend, the Core Strategy (2007), was prepared within the framework provided by the East of England Regional Plan. The East of England Regional Plan was abolished by the Government in 2013.

- 3.4 A new strategic plan for South Essex and local plan for Southend will need to embrace a number of significant challenges facing the area including meeting future housing and employment needs, making sure the necessary infrastructure is put in place to support such provision and protecting the local environment and heritage of the area.

National Planning Policy Review

- 3.5 A new draft National Planning Policy Framework (NPPF) and associated background papers were published by the Government for comment until 10th May 2018. Subject to consultation responses the Government plans to issue a revised National Planning Policy Framework (NPPF) in late 2018. Unlike previous revisions to national planning policy the revised consultation draft proposes a number of significant changes. A detailed report on the full implications of the draft consultation will be reported to Members in due course. The SO46 response is attached for information (see **Appendix 6**).
- 3.6 Of particular note, Chapter 5 of the new draft NPPF deals with the delivery of new homes. It requires an assessment of minimum housing need to be prepared using the new nationally prescribed approach in Planning Practice Guidance. For Southend this equates to 1,114 dwellings per annum. This represents a significant uplift in annual housing provision compared to past development rates. Only about a third of this total annual provision has been built each year since 2001 in Southend (in line with Core Strategy targets), the majority of this development taking place on previously developed land within the existing urban area.
- 3.7 The proposed new guidance also requires any unmet need within neighbouring areas to be taken into account. A five year housing land supply report should be prepared and agreed on an annual basis supported by an annual Housing Delivery Test. Where a five year supply is not in evidence, planning policies for the delivery of housing will not be considered to be up-to-date.
- 3.8 The proposed NPPF continues to advocate a plan led system, outlining that it is essential that plans are in place and kept up to date to articulate a vision for each area and addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure as well as a basis for safeguarding the environment, adapting to climate change and securing good design.
- 3.9 The Government is keen to ensure that every local authority has an up-to-date development plan and have incentivised their preparation by ensuring they are a prerequisite for successful infrastructure bids. The Government is also prepared to intervene where local authorities are not making sufficient progress and they have written to 15 authorities on this basis, including

Basildon, Brentwood and Castle Point. Of these South Essex authorities, only Castle Point has been advised that the Government will intervene and an option of Essex County Council preparing the local plan for Castle Point on their behalf has been set out.

- 3.10 While the importance of having an up-to-date Development Plan in place has continued, there has been a change in emphasis on the importance of planning at a wider strategic level and discharging the Duty-to-Cooperate more positively and effectively. The proposed NPPF outlines that Development Plans must address strategic cross-boundary priorities, which may be produced either individually or by working together with others in the form of a joint plan. New tests of soundness are proposed for examining Development Plans incorporating a requirement that the strategy proposed is appropriate and that it is informed by agreements with other authorities.
- 3.11 The Government also propose that a Statement of Common Ground is maintained between local authorities as a written record of the progress made during the process of planning for strategic matters across local authority boundaries.

4. New Planning Policy Approach

- 4.1 The six South Essex authorities (Basildon Borough, Brentwood Borough, Castle Point Borough, Rochford District, Southend Borough and Thurrock Borough Councils) together with Essex County Council have been proactive in regards to establishing the *Association of South Essex Local Authorities (ASELA)* to facilitate on-going discussions on strategic matters and to provide strong leadership that is managed on a collaborative basis. A Memorandum of Understanding (MOU) has been agreed by the authorities to facilitate joint working as part of ASELA and a separate Memorandum of Understanding is proposed specifically for the preparation of the JSP - see **Appendix 1**.
- 4.2 The South Essex local authorities recognise that the long term healthy and sustainable growth in South Essex can only be delivered through a strategic solution. Table 1 outlines the proposed approach in providing a suite of planning policy documents to manage and co-ordinate development across South Essex. Both the JSP and Southend New Local Plan will cover a twenty year period.

Table 1: Proposed South Essex Planning Portfolio

South Essex Planning Portfolio 2018 (Managed through a Statement of Common Ground/ MOU)

South Essex Joint Strategic Plan (JSP)	Local Policies (LPs)	Implementation plan
High level planning framework for 'local plans' setting out the overarching spatial strategy, housing target and distribution, strategic employment areas, key transport and other infrastructure priorities, strategic Development Opportunity Areas.	Local plans providing more locally specific policies and managing areas of change. Local Plans will be prepared alongside the JSP but will need to be reviewed at key stages to ensure alignment.	Will support the delivery of the planning portfolio (JSP and LPS). Approach to be determined.

- 4.3 The South Essex authorities will maintain a Statement of Common Ground, - see **Appendix 2** - which will provide a written record of progress made on preparing the South Essex Planning Portfolio, including, the key strategic matters being addressed, the governance arrangements for the cooperation process and where agreements have been reached by the authorities incorporating those in relation to the distribution of housing need.
- 4.4 In accordance with statutory provisions the JSP and Southend New Local Plan will be prepared in iterative stages, each stage being subject to public consultation. The plans will then be subject to examination before an independent Planning Inspector to ensure they are consistent with national policy, are positively prepared and are effective and justified, being supported by a robust evidence base.
- 4.5 Appropriate and proportionate evidence is essential for producing sound development plans and national planning policy guidance sets out the types of evidence that may be required. To facilitate the preparation of the JSP and Southend New Local Plan a number of topic based reports have been prepared or are in the course of preparation. To date these have included a Strategic Housing Marketing Assessment, Economic Development Needs Assessment, Retail Study and Recreational Needs Assessment.
- 4.6 The JSP and Southend New Local Plan will in combination provide an up-to-date development plan. Without this the Council will have very little influence over the location and type of new development, the provision of supporting infrastructure, and may be liable to government intervention. It is therefore essential that the two plans are prepared to provide a positive planning framework to manage and guide regeneration and development in the sub-region and Southend over a twenty year period.
- 4.7 To facilitate the preparation of the JSP the South Essex authorities have secured £871,000 from the Ministry of Housing, Communities and Local Government Joint Working Fund. A further £127,000 has been secured from the Ministry of Housing, Communities and Local Government Innovation Fund to assist consultation and web-based design for the Southend New Local Plan.

South Essex Joint Strategic Plan (JSP)

- 4.8 The preparation of a South Essex Joint Strategic Plan (JSP) is required to ensure that strategic matters can be planned and co-ordinated effectively across South Essex, therefore ensuring compliance with the proposed NPPF, including changes to the test of soundness for examining development plan documents.
- 4.9 The JSP will be a formal statutory Development Plan Document, providing the strategic planning framework for the six Local Planning Authority areas. Essex County Council will assist with preparing the JSP. The JSP will contain strategic allocations and policies, including an overall spatial strategy and amount of housing, employment and supporting infrastructure to be provided across South Essex and for each local authority.
- 4.10 Preparation of the JSP will be managed through a Project Delivery Board and Members Steering Group that will report to ASELA, which in turn will make recommendations to each constituent local authority.
- 4.11 A draft timetable to guide the preparation of the JSP and a joint statement of community involvement to engage and facilitate public consultation on the various stages of plan preparation in accordance with statutory requirements is set out in **Appendices 3 and 4**.

Southend New Local Plan (SNLP)

- 4.12 The Southend New Local Plan will be prepared in conformity with the JSP overarching policy framework, providing more detailed local development plan policies for guiding and assessing future planning applications within the Borough of Southend. The Plan will articulate and seek to deliver a long term vision for Southend, having regard to Southend 2050, which will assist in aligning and reflecting other Council and stakeholder strategies and investment plans, helping to facilitate confidence in the market and assist with infrastructure bids.
- 4.13 The need for additional development plan documents to supplement the SNLP will be kept under review. For instance, additional plans can be used to set out more detailed policies for managing growth for specific areas or types of development where appropriate. The current adopted joint area action plan for London Southend Airport and its Environs (JAAP 2015), prepared jointly with Rochford District Council, may need to be updated and reviewed as a separate document as the land straddles the authorities administrative boundaries. The recently adopted Essex and Southend Joint Waste Local Plan (2017) will also be subject to its own separate review.
- 4.14 A draft timetable to guide the preparation of the Southend New Local Plan and a statement of community involvement to engage and facilitate public consultation on the various stages of plan preparation in accordance with statutory requirements is set out in **Appendices 3 and 5**.

5. Other Options

- 5.1 A failure to undertake preparation of a strategic plan for South Essex and a new local plan for Southend would result in the Council becoming increasingly unable to positively influence the scale, nature and location of change. This would lead to the potential increase in the risk of “planning by appeal” with the responsibility for decision making in effect being passed from the Council and the local community to both the Planning Inspectorate and the Secretary of State. It would also be likely that the Council would incur increasing costs in attempting to defend refusals of planning permission based on increasingly outdated development plans and related evidence base.
- 5.2 The preparation of a South Essex Joint Strategic Plan, Southend new Local Plan, and associated documents, provides the most effective option that would allow for the proper consideration of a range of spatial options and policies which address more recent changes in national planning policy, including the need to identify land to meet future housing and employment land requirements.

6. Reason for Recommendation

- 6.1 To ensure the expeditious production of a Joint Strategic Plan for South Essex and a New Local Plan for Southend and associated evidence base to manage and guide future growth and development in the South Essex sub-region and Southend in a positive and timely manner, where the Council has control of decision making in the public interest as representatives of the local community.

7. Corporate Implications

Contributions to the Council’s Vision & Corporate Priorities

- 7.1 The successful delivery of the Joint Spatial Plan for South Essex and Southend New Local Plan will contribute to the fulfilment of a number of spatial elements of the Council’s vision and priorities, for example, meeting local housing needs, improving transport provision and infrastructure, improving economic prosperity, and protecting and enhancing the natural and built environment.
- 7.2 The Southend New Local Plan will also provide the opportunity to build upon Southend 2050 and help define a new vision for Southend Borough going forward in consultation with the local community and key stakeholders.

Financial Implications

- 7.3 Financial and human resource input is necessary to fulfil the requirements of all statutory stages in the preparation and delivery of the JSP and Southend New Local Plan. It should be noted that taking a development plan document through to adoption does have significant financial implications owing to the statutory process which has to be adhered to.

- 7.4 **Appendix 7** sets out the finance required to deliver a Southend New Local Plan and contribution to the South Essex JSP, which totals £1.466million. It is recommended that the 2018/19 funding requirement of £341,000 be met from the Business Transformation Reserve. The remaining funding of £1.125million (19/20 - £585k, 20/21 - £410k and 21/22 - £130k) be considered as part of the 2019/20 budget setting. It is proposed that budget underspend is allowed to be carried over to subsequent years and will be reviewed annually. If further development plan documents are required in addition to the JSP and SNLP, additional finance is likely to be required.

Legal Implications

- 7.5 To meet its objectively assessed housing need each local authority must engage with adjoining local authorities under the Duty to Co-operate provisions set out in the Localism Act. It places a legal duty on local planning authorities to engage constructively, actively and on an on-going basis to maximise the effectiveness of development plan preparation in the context of strategic cross boundary matters.
- 7.6 Local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.
- 7.7 Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters. The status of a Local Plan is prescribed in Section 38(6) of the Planning and Compulsory Purchase Act 2004, which gives primacy to the development plan. It states: "if regard is to be had to the development plan 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." As such, having an up to date Local Plan in place allows the local authority to plan positively and direct development to those sites and locations that are in accordance with the Councils Strategy for regeneration and growth. It will provide the authority with the framework to robustly defend planning decisions at appeal.

People Implications

- 7.8 Significant staff resources from the Strategic Planning Team will be required in order to contribute to the preparation of the South Essex Joint Strategic Plan as a joint partner and to produce the Southend New Local Plan. This will particularly be the case as much of the two plans preparation work will be running in tandem. Support from the Department of Place Business Support Unit will be required, particularly with regards to the public consultation

process. Support will also be required from the IT department in relation to the preparation of updated/revised web site provision for the two plans.

- 7.9 As the two plans are cross-cutting in their coverage inputs from a number of other Council departments will be required particularly in relation to transport, housing, employment, tourism, recreation, health and well-being, nature conservation and corporate strategy and communication.
- 7.10 If further development plan documents are required in addition to the JSP and SNLP then extra staff resources may be required.

Property Implications

- 7.11 A South Essex Joint Strategic Plan and New Local Plan for Southend will provide allocations and planning policy for all land in the Borough, including Council owned assets.

Consultation

- 7.12 One of the key elements of the local planning system is the recognition of the need for the earliest and fullest community involvement in the preparation of new planning documents. The South Essex Joint Strategic Plan and New Local Plan for Southend will be subject to statutory consultation under the 2012 Regulations. In addition they will be subject to an examination in public held by an independent government appointment planning inspector to consider whether the plans are 'sound' and may be put forward for adoption.
- 7.13 The consultation process for the South Essex Joint Spatial Plan will be carried out in accordance with the Statement of Community Involvement Statement (see **Appendix 4**) as agreed by all the South Essex partner authorities. The Southend New Local Plan public consultation process will be in accordance with the Council's Local Statement of Community Involvement (see **Appendix 5**).
- 7.14 Recommendation 2.6 of this report seeks delegated authority to agree preparatory versions of both the JSP and Southend New Local Plan for statutory public consultation. This will be in conjunction with the Local Development Framework Working Party, which has cross party representation. Further member involvement and views will be sought in combination with public consultation.

Equalities and Diversity Implications

- 7.15 An equalities impact assessment will be produced for the South Essex Joint Spatial Plan and Southend New Local Plan. The public consultation will give the opportunity for different sections of the community to input into the plan making process.

Risk Assessment

- 7.16 The plan preparation timetables for the South Essex Joint Spatial Plan and Southend New Local Plan are challenging. Significant staff resources within the Strategic Planning Team will be required in order to take forward the plans through their various statutory stages including the examination stages at inquiry before an independent inspector.
- 7.17 If these plans were not to be published and taken forward to adoption, the absence of the planning policies may result in inappropriate development taking place within and adjoining the local authority area to the detriment of the local environment and supporting infrastructure. In addition there would be no policy to manage strategically the development of key sites and infrastructure, as well as having adopted planning policy to help secure Government funding particularly in relation to securing significant improvements to infrastructure provision.

Value for Money

- 7.18 There will be significant beneficial impacts on value for money by carrying out the work proposed using in-house resources wherever possible. This will have considerable benefits in terms of building in-house experience and expertise for officers, as well as utilising local knowledge and experience within the Strategic Planning team which would not be gained otherwise. It will also provide adopted planning policies which will enable applications for funding from Government and other sources to be promoted to help deliver much needed infrastructure in the South Essex sub-region and Southend Borough.

Community Safety Implications

- 7.19 The South Essex Joint Strategic Plan and Southend New Local Plan will seek to improve the natural and built environment (including designing out crime in development and the public realm) thereby contributing towards improving community safety.

Environmental Impact - Sustainability Appraisal

- 7.20 All iterations of the South Essex Joint Strategic Plan and Southend New Local Plan will require a Sustainability Appraisal to be undertaken. The Sustainability Appraisal is an assessment of the potential significant social, environmental and economic impacts of development. It 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. The appraisals will be used to assist decision-making and identification of the most sustainable policies to take forward

Environmental Impact - Habitats' Regulations Screening Report

- 7.21 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. As part of the preparation of the South Essex Joint Strategic Plan and Southend New Local Plan each policy included in the plans will need to be assessed for any significant impacts on sites designated of nature conservation value. Policy should only be approved after determining that it will not adversely affect the integrity of such sites.

8. Background Papers

- 8.1 The Town and Country Planning (Local Development) (England) Regulations 2012
- 8.2 Planning and Compulsory Purchase Act 2004
- 8.3 Revised Draft National Planning Policy Framework (NPPF) (along with an accompanying draft Planning Practice Guidance (PPG) for viability and a Housing Delivery Test) - Ministry of Housing, Communities and Local Government March 2018
- 8.4 Local Plan Intervention: Letters to Councils - Ministry of Housing, Communities and Local Government. Published 23 March 2018
- 8.5 Monies secured by South Essex authorities from Ministry of Housing, Communities and Local Government Joint Working Fund - £871,000
- 8.6 Monies secured by Southend Borough Council from Ministry of Housing, Communities and Local Government Innovation Fund - £127,000
- 8.8 Southend on Sea Statement of Community Involvement 2013
- 8.9 Southend on Sea Core Strategy (2007)
- 8.10 Development Management Document (2015)
- 8.11 London Southend Airport and Environs Joint Area Action Plan (JAAP 2015)
- 8.12 Southend Central Area Action Plan (SCAAP 2018)
- 8.13 Essex and Southend Waste Local Plan (2017)
- 8.14 Association of South Essex Local Authorities Memorandum of Understanding

9. Appendices

Appendix 1: South Essex Joint Strategic Plan – Memorandum of Understanding (MOU 2018)

Appendix 2: South Essex Joint Spatial Plan Statement of Common Ground (2018)

Appendix 3: Local Development Scheme (2018) – covering South Essex Joint Spatial Plan Draft Timetable and Southend New Local Plan Draft Timetable

Appendix 4: South Essex Joint Spatial Plan – Joint Statement of Community Involvement (2018)

Appendix 5: Southend New Local Plan – Statement of Community Involvement (2018)

Appendix 6: Revised Draft National Planning Policy Framework Consultation - SO46 Response

Appendix 7: Southend Development Plan Proposed Budget.