

Southend-on-Sea Borough Council

Report of Deputy Chief Executive & Executive Director

To

Cabinet

On

Date 23 February 2021

Report prepared by: Mark Sheppard

Agenda
Item No.

Southend New Local Plan Revised and Updated Local Development Scheme

Place Scrutiny Committee
Cabinet Member: Councillor Mrs Mulroney
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To seek Member approval of a revised and updated Local Development Scheme (LDS) which sets out the future programme for the preparation of the Southend New Local Plan.

2. Recommendations

- 2.1 In order to take forward the Southend New Local Plan in a timely, coordinated and efficient manner that Members approve the updated and revised Local Development Scheme (Appendix 1).
- 2.2 That Members agree to delegate authority to the Deputy Chief Executive and Executive Director Growth and Housing, in consultation with the Cabinet Member for Environment and Planning, to agree any future updates to the Local Development Scheme (Appendix 1) as required.

3. Background

3.1 *Local Development Scheme*

- 3.1.1 The Local Development Scheme (LDS) sets out a timetable for preparing and reviewing the Southend New Local Plan and related Development Plan documents to provide:
- an up-to-date statutory basis for determining planning applications (unless material considerations indicate otherwise); and
 - a long-term spatial planning framework for the Borough's development, within which the Council, other agencies and key stakeholders can coordinate their investment programmes.

3.1.2 In the light of the proposed changes to the preparation of the Southend New Local Plan revisions will be required to the Local Development Scheme.

3.1.3 **Appendix 1** sets out a revised and updated Southend Local Development Scheme to facilitate the preparation of the Southend New Local Plan.

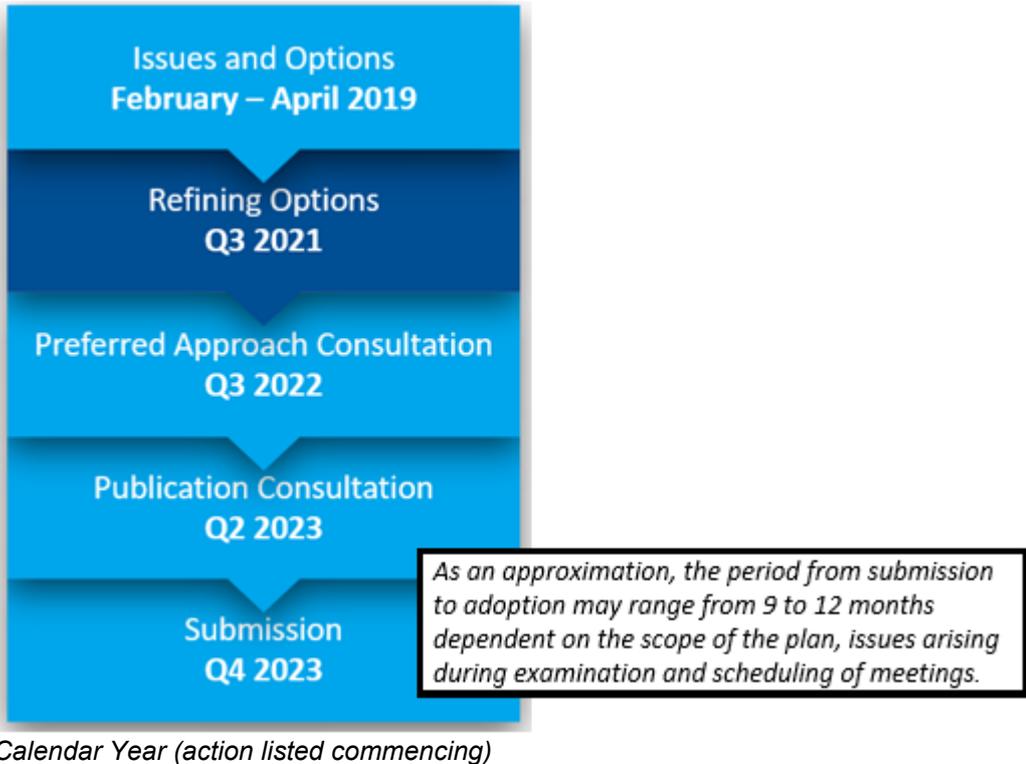
3.2 Southend New Local Plan Preparation

3.2.1 In early 2019 an ‘Issues and Options’ document was published for public comment as part of the first stage in the preparation of the Southend New Local Plan. Details of feedback to the Issues and Options consultation were published in August 2019 in a Consultation Report ¹ .

3.2.2 This consultation feedback continues to be invaluable in informing the next stage of local plan preparation, ‘Refining the Options’, proposed for summer 2021. Thereafter, the Plan will be subject to further consultation stages in 2022 and 2023, in accordance with statutory procedures before being submitted to be examined by an independent Inspector.

3.2.3 The forthcoming stages of local plan preparation are depicted in the **Figure 1** below. Ongoing plan preparation may also need to embrace any changes that are legislated in response to the Governments recently published White Paper, ‘Planning for the Future’². The White Paper proposes a package of measures which seek to radically reform the planning system including how Local Plans are prepared and presented.

Figure 1: Stages of Local Plan Preparation



¹ [Southend New Local Plan Issues and Options Consultation Report Southend on Sea Borough Council, August 2019](#)

² Planning for the Future, Ministry of Housing, Communities and Local Government, March 2020

3.2.4 Once adopted the Southend New Local Plan will be a key document in guiding and facilitating new development and growth in the Borough, helping to deliver some of the key aspirations of Southend 2050 and acting as a catalyst to assist economic recovery from the Covid pandemic. When adopted, the new local plan will replace the existing suite of documents that currently comprise the Local Development Framework, including the Southend Core Strategy (2007), Development Management Document (2015) and Southend Central Area Action Plan (2018).

3.3 Strategic Context

3.3.1 In 2017, in response to a wider need for a strategic and co-ordinated approach to development in South Essex, all six-constituent South Essex local authorities³ and ECC committed to the establishment of the Association of South Essex Authorities (ASELA). ASELA was formed in response to the need for greater cross-boundary working on strategic infrastructure planning and growth across South Essex, to provide the wider place leadership for South Essex and promote healthy growth for our communities.

3.3.2 Through ASELA, the Council has committed to the preparation of a South Essex Strategic Framework. When prepared, the framework will continue to inform the preparation and review of detailed Local Plans by the six Local Authorities and provide an effective 'joined-up' approach.

3.3.3 The wider strategic framework will be particularly helpful to Southend given that the preparation of evidence-based documents to support the preparation of the new local plan for Southend have identified a number of cross-boundary issues that cannot be effectively addressed in isolation, and under the Duty to Co-operate should be resolved in a co-ordinated manner. The preparation of background evidence base documents at South Essex level continues to feed into respective local plans, as appropriate.

3.3.4 In addition, the Borough Council continues to work closely with neighbouring local authority areas on specific cross-boundary issues. To date, various discussions and options have been explored with neighbouring local authorities including both Castle Point Borough Council and Rochford District Council to consider plan-making process and key development issues. This included discussion with Rochford District Council on the possibility of preparing a joint Part 1 of the local plan to cover cross-boundary growth issues, given that both authorities were at a similar stage of plan preparation.

3.3.5 Following these discussions, Rochford District Council has determined it wishes to pursue its own local plan on an individual basis. Therefore, each local authority will now prepare its own local plan but will continue to ensure the Duty-to-Cooperate process between the two authorities effectively addresses key cross-boundary development issues. That cooperation is required to ensure the 'soundness' of both authority's plans and will be thoroughly tested at Plan Examination in due course. Noting this approach, it is necessary to update and

³ Basildon, Brentwood, Castle Point, Rochford, Southend and Thurrock Councils

revise the current Local Development Scheme (LDS), previously agreed by Cabinet on 16 January 2019⁴.

4. Other Options

- 4.1 The failure to prepare a new local plan for Southend would result in its current plans becoming increasingly out of date and the Council becoming increasingly unable to positively influence the scale, nature and location of development within the Borough. Without the certainty of a recently adopted local plan which includes up to date policies and proposals for the location development and new infrastructural investment, potential investors in new development may be dissuaded from investing in the local area, leading to fewer new homes including affordable homes, and new jobs and facilities not being provided in the right places to best support the local economy and community. The local community would also be left with limited certainty of where and how new development would be provided for in future years.
- 4.2 An out-of-date local plan also brings the potential risk of “planning by appeal” with the responsibility for decision making increasingly being passed from the Council and the local community to the Planning Inspectorate and the Secretary of State, as the council’s existing local plan becomes further out of date. Councils can also be directed to prepare local plan where they are recalcitrant in keeping their local plan up to date and can even have plan-making powers taken away, should they fail to progress plan preparation in a timely manner, or refuse to prepare a plan.
- 4.3 The preparation of the Southend New Local Plan and associated documents in close collaboration with neighbouring local authorities is considered to provide the most effective way forward for the Borough mindful of the intention of neighbouring districts to prepare their own local plans. Ongoing co-operation with neighbouring councils and across the wider South Essex area (through ASELA), will continue to progress cross-boundary strategic development issues.

5. Reasons for Recommendations

- 5.1 To ensure the expeditious production of a New Local Plan for Southend and associated evidence base to manage and guide future growth and development in the Borough and its hinterland in a positive and timely manner, where the Council has control of decision making in the public interest as representatives of the local community.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

- 6.1.1 The successful delivery of the Southend New Local Plan will contribute significantly to the fulfilment of a number of 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.

⁴ Southend Cabinet Report 16 January 2019 - Southend New Local Plan Update

6.1.2 The delivery of the Southend New Local Plan is included as a Southend 2050 outcome on the Opportunity and Prosperity theme. In addition, it will make a key contribution to five of the six 'recovery' priorities of the Council in responding to the impacts of Covid 19, namely:

- Recovery Priority 1 - Economic focus on a stronger and safer town
- Recovery Priority 2 - Green City and Climate Change
- Recovery Priority 3 - Travel and Transport
- Recovery Priority 4 - People and Communities
- Recovery Priority 5 - Major Projects

6.2 *Financial Implications*

6.2.1 Financial and human resource input is necessary to fulfil the requirements of all statutory stages in the preparation and delivery of the 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.

6.2.2 The costs associated with preparing the Southend New Local Plan will be met from existing agreed budgets with the Director of Finance and Resources.

6.3 *Legal Implications*

6.3.1 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.

6.3.2 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.

6.3.3 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.

6.3.4 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.

6.4 *People Implications*

6.4.1 Significant staff resources from the Strategic Planning Team will continue to be required in order to contribute to the ongoing preparation of the Southend New Local Plan. Support from Performance and Business Support will also continue to be required, particularly with regards to the public consultation process.

6.4.2 As the new local plan is cross-cutting in its coverage, inputs from a number of other Council teams will be required particularly in relation to transport, housing, employment, tourism, recreation, health and well-being, nature conservation and corporate strategy and communication. As local plan preparation is often controversial in the local community and requires close co-operation on wider strategic planning issues and infrastructure provision, clear co-ordination, oversight and strong place-making leadership input from senior managers is also regularly required to help progress a plan.

6.5 *Property Implications*

6.5.1 A New Local Plan for Southend will provide allocations and planning policy for all land in the Borough, including Council owned assets.

6.6 *Consultation*

6.6.1 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 New Local Plan for Southend will be subject to statutory consultation under the 2012 Regulations as amended. In addition, they will be subject to an examination in public held by an independent government appointed planning inspector to consider whether the plans are 'sound' and may be put forward for adoption.

6.6.2 The Southend New Local Plan public consultation process will be in accordance with the Council's adopted Statement of Community Involvement.

6.7 *Equalities and Diversity Implications*

6.7.1 An equalities impact assessment will be produced for the Southend New Local Plan. The public consultation will give the opportunity for different sections of the community to input into the plan making process.

6.8 *Risk Assessment*

6.8.1 The plan preparation timetable for the Southend New Local Plan is challenging. Significant staff resources within the Strategic Planning Team will continue to be required to take forward the plan through its various statutory stages including the examination stages at inquiry before an independent inspector.

6.8.2 If the local plan were not to be published and taken forward to adoption, the absence of up-to-date planning policies may result in significant uncertainty for

potential investors, with a consequential reduction in new investment in jobs, homes, facilities and infrastructure coming into the Borough. It may also lead to inappropriate development taking place within the local authority area to the detriment of the local environment and supporting infrastructure. In addition, there would be no policy to manage 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.

6.8.3 Preparation of the Local Plan will need to be cognisant of future changes to national planning policy and legislation, including those proposed within the White Paper, which seek to radically reform the planning system including how Local Plans are prepared and presented.

6.9 Value for Money

6.9.1 The preparation of an up to date local plan brings significant new investment to an area. That investment manifests itself through the investment in construction of new homes, commercial premises, community facilities and infrastructure. Associated with the delivery of new development comes the ability to provide new affordable homes, the creation of significant new jobs and household income for workers living locally, greater spend to local businesses, developer contributions towards the provision of new community facilities, infrastructure and services, the ability to bid for a wider range of government funds to help facilitate growth and additional funds through council tax, business rates and homes bonus funding etc. to help provide new and improved council services. In terms of the process of plan preparation itself, the work proposed will be carried out using in-house resources wherever possible. This will have generic 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.

6.10 Community Safety Implications

6.10.1 The 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.

6.11 Environmental Impact - Sustainability Appraisal

6.11.1 All iterations of the 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.

6.12 Environmental Impact - Habitats' Regulations Screening Report

6.12.1 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 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.

7. Background Papers

- 7.1 Southend Cabinet Report 19 June 2018 - Southend Development Plan Review: Comprising South Essex Joint Strategic Plan and Southend New Local Plan
- 7.2 Southend Cabinet Report 16 January 2020 - Southend New Local Plan Update
- 7.3 The Town and Country Planning (Local Development) (England) Regulations 2012.
- 7.4 Planning and Compulsory Purchase Act 2004
- 7.5 National Planning Policy Framework (NPPF,2018)
- 7.6 Planning for the Future, Ministry of Housing, Communities and Local Government, March 2020
- 7.7 Southend Local Development Scheme (2018)
- 7.8 Southend New Local Plan Issues and Options Consultation (February 2019)
- 7.9 Southend New Local Plan Issues and Options Consultation Report Southend on Sea Borough Council, August 2019
- 7.10 South Essex Statement of Common Ground (2018)

8. Appendices

- 8.1 Appendix 1: Revised and Updated Local Development Scheme