

# **EXAMINATION OF THE LONDON SOUTHEND AIRPORT AND ENVIRONS JOINT AREA ACTION PLAN (JAAP)**

## **INSPECTOR'S INITIAL QUESTIONS TO THE COUNCILS**

The following questions have arisen from my preliminary examination of the Joint Area Action Plan (JAAP) and the supporting material, including the evidence base.

In the first instance I am seeking further information about certain general matters from the planning authorities as authors of the Plan. They are intended to be 'broad brush' at this juncture and should not be taken as an indication of the relative importance of these points compared to others or whether they are all necessarily critical to the soundness and legal compliance of the Plan. However, at this stage, I require some input from the planning authorities to, amongst other things, understand the relationship between the JAAP and planning decisions already taken.

In framing these questions I have had regard not only to the definition of soundness at paragraph 182 of the National Planning Policy Framework (NPPF) but also the principles for Local Plans set out in paragraph 157. Furthermore, the NPPF establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The JAAP should therefore set out clear policies on what will or will not be permitted.

If the full answer to any question can be given by directing me to section(s) of the supporting evidence, then I am content for it to be dealt with in that way. Otherwise I would like a brief but complete answer to each question to be sent to the Programme Officer (PO) in accordance with the timescales at the end of this note. If anything is not clear or if further explanation is required of what I am asking then please contact me via the PO.

In due course I will set out the issues and questions to be debated at the hearings sessions and this list may include matters not referred to here including those which have been raised in representations.

### **Duty to Co-operate**

This is covered in section 7 of the Consultation Statement (SUBDOC5). However, the JAAP refers to the sub-regional impact of development. For example, on p24 it states that the policy approach is to make a "significant contribution to the sub-regions employment aspirations". In the light of this, are the authorities satisfied that they have engaged constructively, actively and on an ongoing basis with other relevant authorities and bodies as required by s33A of the 2004 Act? If so, it would assist to have further details of the steps taken including confirmation of what is meant by the "sub-region" and which authorities

and bodies would be significantly affected by the development proposed in the JAAP.

### **Consistency with National Policy**

Since the publication of the JAAP the Aviation Policy Framework (DoT, March 2013) and the Airports Commission: Interim report (December 2013) have been produced. Are the authorities satisfied that the role of Southend Airport promoted by the JAAP is consistent with recent national policy? If so, a short statement explaining this would be of assistance and the relevant section of the Introduction should eventually be updated. Confirmation as to whether or not the JAAP has had regard to para 33 of the NPPF would also be useful.

### **General Policy**

1. Policy LS1 indicates that the growth of the airport to 2 million passengers per annum will be supported. What is the justification for that figure? What is the anticipated timescale?
2. What is the justification for the statements in the penultimate paragraph on p11?
3. Where is the quote from in the second paragraph on p12?
4. What is the status of the Regeneration Framework referred to at the bottom of p12?
5. Are there any policies in the Core Strategies for Southend and Rochford that relate to Southend Airport?

### **Airport operation and background**

1. What permissions exist for the operation of the airport? Details of the permissions that establish the current operating parameters (such as volume of flights, flying times) should be provided including conditions and any s106 obligations.
2. When did use of the runway extension commence?
3. Some representors refer to an enlargement of the terminal building. What is the current position?
4. What were the flight and passenger numbers for the airport for 2013? A resume should be provided of the companies and types of aircraft that are currently operating out of the airport.
5. The Airport Surface Area Strategy and Airport Travel Plan are referred to on p10 as having been developed in response to

conditions on the runway extension permission. What is their current status? They should be provided as part of the evidence base.

6. There is reference to an Airport Masterplan of 2005. What is its status in planning terms? Is it sufficiently up-to-date? If it is still relevant it should be provided as part of the evidence base.

### **Airport policies**

1. Depending on the information provided above are the authorities satisfied that all of the airport policies are effective in indicating how a decision maker should react to a development proposal? On the face of it, Policies LS3, LS4, LS5, LS7 and LS8 do not fall into this category.
2. Are the matters in the environmental controls schedule already covered by existing planning conditions or other controls?
3. Has the Public Safety Zone referred to in Policy LS6 been reviewed following the runway extension? If so, should this be reflected on the Proposals Map? Whilst extending beyond the JAAP area the entirety of this zone should be illustrated for clarity.

### **Deliverability**

What evidence is there to support the deliverability of the proposed employment and airport allocations during the Plan period including their viability? Has this taken into account issues such as market conditions, developer interest, land ownership, infrastructure contributions, contamination, flooding and achieving a BREEAM Excellent rating?

### **Green Belt**

1. Where is the existing Green Belt boundary? It should be shown on a plan as part of the evidence base.
2. In re-drawing the Green Belt boundary are the authorities satisfied that it is capable of enduring beyond the plan period in line with paragraphs 83 and 85 of the NPPF?

### **Flooding**

1. The Environment Agency objects to Policies MOR1 and MOR2 and also comments about Policy E2. Are the authorities intending to respond to the representations made?

## **Environmental**

Has consideration been given to introducing any of the ways suggested by the Sustainability Appraisal at para 12.1.12 to achieve sustainability benefits and mitigate adverse impacts? A statement setting out the response to each matter listed should be provided.

## **Transport**

What is the developing/emerging transport strategy referred to in Policies T4 and T5?

## **Other Matters**

1. What is the Plan period? There are references to both 2031 on p3 and 2027 on p17.
2. Parts of the Introduction concerned with the preparation of the JAAP are now out-of-date. For example, the reference to the pre-consultation submission stage at the top of p6.
3. Are there any other references to documents or organisations that are now out-of date? If so, these should be amended.
4. Are the authorities intending to respond to the representations made by bodies such as Essex County Council and Natural England?
5. Are there any other documents that should be added to the evidence base?

## **Modifications**

If the authorities intend to make modifications to the JAAP then a table should be prepared, referencing all such changes and containing the wording of the proposed modification. This table should be posted on the examination website and kept up-to-date throughout the examination process. The latest version should be available just prior to the hearings. Confirmation that this course of action will be adopted would be appreciated.

In due course the schedule should distinguish between main and additional modifications having regard to the provisions of sections 20 and 23 of the Planning and Compulsory Purchase Act 2004. Additional modifications are those that do not affect the policies. Discussion about any proposed changes and how they are to be dealt with can also take place at the hearing.

## **Timescales**

The examination hearings have provisionally been set to commence on Tuesday 29 April. Prior to that I shall be inviting participants to provide hearing statements to address the specific issues and questions that I will identify. I intend to give at least 3 weeks for the statements to be prepared and these would need to be submitted by Friday 18 April.

However, to allow sufficient time for these steps to be completed a response to these initial questions should be made by **Friday 14 March 2014** at the latest. However, it would assist me greatly if the authorities could comment on the matters raised under the headings of duty to co-operate, consistency with national policy and deliverability before then and by **Friday 7 March** at the latest. If the authorities decide that further work is required to demonstrate deliverability this could be addressed as part of the hearing statement.

If the authorities consider that any of these targets cannot be met then they should advise me of an alternative and realistic timescale although this may, in turn, have a 'knock-on' effect on the start of the hearings. In any event, it would assist if the PO could be informed of the authorities' intentions in this regard by **Wednesday 19 February**.

*David Smith*

INSPECTOR

12 February 2014