



The Planning Inspectorate

Report to Southend-on-Sea Borough Council

by Mike Fox

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

Date 12 December 2017

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report of the Examination of the Southend Central Area Action Plan

The Plan was submitted for Examination on 10 March 2017

The Examination Hearings were held between 23 and 25 May 2017

Accompanied site visits conducted on 25 and 26 May 2017

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Abbreviations Used in this Report

AA	Appropriate Assessment
AH	Affordable Housing
DMD	Development Management Document
DTC	Duty to Co-operate
GHA	Genesis Housing Association
HRA	Habitats Regulation Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LTP	Local Transport Plan
MM	Main Modification
SA	Sustainability Appraisal
SCAAP	Southend Central Area Action Plan (the Plan being examined)
SCG	Statement of Common Ground
SCI	Statement of Community Involvement
SSSI	Site of special scientific importance (for nature conservation)
SUFC	Southend United Football Club
<i>The Framework</i>	National Planning Policy Framework (NPPF)
VMS	Variable Messaging Sign (a controlled parking operating system)

Non-Technical Summary

This report concludes that the Southend Central Area Action Plan (SCAAP) provides an appropriate basis for the planning of the Central Area of the Borough over the plan period to 2021, providing a number of main modifications [MMs] are made to it. Southend-on-Sea Borough Council has specifically requested me to recommend any MMs necessary to enable the plan to be adopted.

All of the MMs concern matters that were discussed at the Examination Hearings. Following the Hearings, the Council prepared a schedule of the proposed modifications. The MMs were subject to public consultation over a six week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Secure a strong emphasis on supporting **town centre viability and vitality**, as the first preference for retail development, whilst protecting the living conditions of residents in the town centre primary shopping area from undue noise and disturbance, and increasing retail flexibility where appropriate;
- Within the Plan's strategy to promote sustainable travel, address the issue of **car parking access and capacity**, especially in Central Area South, by (i) identifying an established base for assessing the public car parking capacity of the area within 10 minutes' walking distance of the seafront (to be defined on a map); (ii) requiring adequate replacement for car parking lost to development within this area; and (iii) setting out the car parking requirements to meet the needs of new development;
- Ensure that the proposed regeneration of the **Baxter Avenue Opportunity Site** meets the needs of both existing and future residents in this area;
- Amend the **Seafront Policy Area** by (i) emphasising the importance of car parking to the vitality and viability of the Seafront as part of an integrated approach to new development; (ii) not normally permitting development south of the sea wall where key nature conservation sites or foreshore views would be adversely affected; and (iii) ensuring new lighting is sensitive to the foreshore; and
- Secure **strong environmental protection** by (i) ensuring all future activity and development should give appropriate weight to international, European, national and local nature conservation designations; (ii) protecting SSSIs and locally designated sites which have an important role in meeting overall biodiversity targets and contributing to the public enjoyment of nature conservation; (iii) not permitting development proposals that will result in significant harm to the foreshore designations; and (iv) requiring no unacceptably harmful impact from waterfront development on the nature conservation objectives of Benfleet and Southend Marshes Special Protection Area, Ramsar and SSSI.

Introduction

1. This report contains my assessment of the Southend Central Area Action Plan (SCAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers firstly whether the Plan's preparation has complied with the Duty to Co-operate (DTC), 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, or *the Framework*¹(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 submitted draft plan of November 2016².
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 Council requested that I should recommend any modifications needed to rectify matters that make the Plan unsound/not legally compliant 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 this schedule has been subject to sustainability appraisal and public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that have been undertaken.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Maps 1 to 6, including Map 2, which identifies the SCAAP Boundary and Policy Areas.
6. The policies map is not defined in statute as the development plan document and so I do not have the power to recommend main modifications to it.

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

² Examination Document SD1.

However, one of the published MMs to the Plan's policies requires further corresponding changes to be made to the policies map.

This further change to the policies map (MM7), entitled Key Visitor Car Parks, was published for consultation alongside the MMs.

7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include the change proposed in MM7.

Assessment of Duty to Co-operate

8. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
9. The Council states that it has prepared the Plan in close liaison with its neighbouring local authorities and stakeholders, including service providers and statutory agencies, none of which have objected to the Plan. These are set out in detail in its Duty to Cooperate (DTC) Statement³, in accordance with Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
10. Within this context I agree with the Council that there are no strategic matters included in the Plan which are at variance with the Core Strategy, although it is noted that the Core Strategy predates DTC. However, it is clear from the Council's submissions and broad support from neighbouring local authorities and key providers of infrastructure, that the Core Strategy was prepared in accordance with the principles set out in the DTC. As the Council's DTC statement states, "The principle of joint or cross-boundary working on strategic matters in order to achieve positive outcomes is well established in Southend"⁴. Table 1 of the document also sets out all the strategic/cross-boundary issues which are related to the SCAAP policies.
11. In view of the above considerations, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DTC requirement has therefore been met.

Assessment of Soundness

Background

12. The Borough of Southend-on-Sea (population 179,800⁵) comprises the main town of Southend, together with Leigh-on-Sea and Shoeburyness. All three towns extend to the shoreline of the Thames Estuary where they are conjoined into a continuous urban area. The SCAAP covers the town centre and principal tourism and employment areas of the Borough. The Borough is committed to rejuvenating its economy, including tourism which is primarily geared towards

³ Examination Document SD11.

⁴ Document SD11, paragraph 3.1.

⁵ Source NOMIS (Census statistics) 2016.

day trippers, whilst developing other commercial enterprises, including those based at its small but expanding airport. As the Council stated at the Hearings, it has a good track record on delivery of ambitious development projects and is actively planning further regeneration and growth within the Central Area of Southend.

13. The Borough is set to grow in the period to 2021 and the strategic parameters for this have been set by its Core Strategy⁶, (adopted December 2007). The Council is currently preparing its Borough-wide replacement plan, for the period to 2037 in concert with its neighbouring South Essex authorities.

Main Issues

14. Taking account of all the representations, written evidence and the discussions at the Examination Hearings, I have identified seven main issues upon which the soundness of the Plan depends.

Issue 1 – Does the Plan provide the most appropriate spatial framework for the development of the Central Area over the plan period?

The spatial context, including the adopted Southend Core Strategy

15. The Plan largely reflects the vision, objectives and spatial thrust of the Core Strategy, although two aspects became apparent during the Plan's preparation. Firstly, the Core Strategy provides for 2,474 additional dwellings over the plan period (2001-2021). Taking account of current completions (1,087) and identified sites for new dwellings (2,157 – 68% of which have planning permission), it is already clear that the Core Strategy housing provision for the Borough has been exceeded by some 770 dwellings.
16. The Council's Infrastructure Delivery Plan (IDP) has considered the potential effects of this over-delivery and the Council has concluded that any impacts on the existing and planned infrastructure can be satisfactorily addressed. Secondly, this additional housing provision will make a positive contribution towards meeting future needs in accordance with the findings of the Strategic Housing Market Assessment and the emerging policy thrust of the Government's recent Housing and Planning White Paper⁷. This difference in housing provision does not undermine the thrust of the Core Strategy or the objectives of national housing policy, as expressed in paragraph 47 of *the Framework*, which states that local planning authorities should boost significantly the supply of housing.
17. The second main difference between the Plan and the Core Strategy relates to the jobs target, which is more challenging. The Core Strategy identifies central Southend as the primary focus for regeneration and growth in the Borough, seeking to provide 6,500 new jobs within the Town Centre and Central Area, plus a further 750 new jobs within the Seafront. Over the first five years of the Core Strategy (2007-2012), jobs within the Central Area have broadly remained neutral or have declined, although there has been a year-

⁶ SBC: Southend-on-Sea Core Strategy; December 2007.

⁷ DCLG: Fixing our broken housing market – Housing and Planning White Paper; December 2016.

on-year increase since 2012⁸.

18. Although it now appears unlikely that the Core Strategy employment provision will be met within the plan period (to 2021), the Plan seeks to maximise employment opportunities and act as a catalyst and driver for investment. It does this through identifying suitable sites for the establishment and expansion of businesses; the Policy Areas and defined Opportunity Sites bear testament to this approach.
19. The vision of the Plan, including the 'City by the Sea' concept⁹, builds on the Core Strategy aim to secure a major focus on regeneration and long term sustainability of Southend as a significant urban area. The proposed modification to include an additional strategic objective – to support the viability and vitality of the town centre and encourage investment in the Central Area **[MM1]** – is necessary to complement the existing suite of strategic objectives in the Plan and make it consistent with national policy. Subject to this modification, the Plan's strategic framework is sound and it is consistent with the strategic priorities which are set out in the Core Strategy.

Issue 1 - Conclusion

20. Subject to the proposed modification, I consider that the Plan provides the most appropriate spatial framework for the development of Southend Central Area over the plan period.

Issue 2 – Does the Plan provide a sustainable framework for the development of the local economy, including retailing, business and tourism, in the Central Area over the plan period? Does it provide a framework for a sustainable balance between the provision of housing and jobs?

Retailing

21. The Plan's strategy takes a pragmatic approach towards retail growth through making provision for incremental increases and encouraging the take up of the large amount of existing vacant floorspace in the town centre, rather than through an emphasis on major retail allocations. Concern was expressed that the matter of the large number of vacant properties in the town centre should be addressed in more detail in the Plan through a Vacancy Strategy, and a suggested list of the actions which could form part of such a strategy was submitted¹⁰. I consider that this strategy could be helpful, and there is nothing to stop its adoption by the Council as part of the implementation of the Plan. However, I do not regard the inclusion of this strategy as fundamental to the soundness of the Plan, and it is not therefore necessary for it to be the subject of a proposed modification.

⁸ SBC: SCAAP Topic Paper 3: Employment, Business and Investment; March 2017 – see Table 2 Net change in workplace jobs in Southend (IDBR) [Examination Document SD16].

⁹ SCAAP, paragraph 28, first bullet point [Examination Document SD1].

¹⁰ Additional Document 4a in response to Inspector's Further Questions: Proposed Modification outlining proposed Vacancy Strategy, from Indigo; 3 July 2017 [Examination Document REP-711-1].

22. I have no soundness issues with the Council's approach to setting a framework for development in the town centre. Policy DS1, which aims to deliver a prosperous retail centre, maintains the same town centre shopping area as defined in the 1994 Local Plan Proposals Map, which is focused on the long, linear High Street, anchored by the Victoria Shopping Centre to the north and The Royals Shopping Centre to the south.
23. The proposed modification to the policy, to ensure that the town centre remains the first preference for all forms of retail development and for other town centre uses to support the centre's viability and vitality and encourage investment **[MM2]** is necessary to ensure that the Plan retains the primacy of the centre and is in line with national policy.
24. The Plan, based on the recommendations of a technical report on the management of designated shopping frontages¹¹, redraws the primary and secondary shopping frontages, replacing all the primary designations that are not located on the High Street and ground floor of the Victoria and Royals shopping centres with secondary shopping frontages.
25. The Plan also replaces the existing ground floor primary frontage on the western side of the southern section of High Street (between Heygate Avenue and Pier Hill) with secondary frontage. Although concerns are expressed from some retailers that this change is unnecessary, I agree with the Council's explanation that the majority of this section of High Street is already occupied by non-A1 uses, as conclusively demonstrated on the shopping frontage plan¹² which was submitted by the Council at the Hearings, and that this section has the potential to provide a vibrant and diverse transition between the High Street and the Central Seafront.
26. The rationale for requiring at least 60% retail use within the town centre primary shopping frontage is based on the above technical report. The figure was not challenged by any representations and I consider it to be justified and realistic for Southend town centre, which among other considerations gives the Plan flexibility to address the serious issue of vacant properties in the town centre, particularly within the primary frontage areas.
27. The proposed modification to policy DS1 addresses the twin issues of promoting the evening economy and safeguarding the living conditions of those living or working in the vicinity, for example in relation to undue noise or disturbance **[MM3]**. The modification is necessary for the policy to promote the town centre as a living as well as a working environment.

Tourism

28. The Plan states that: "Southend Central Area will continue to be the primary focus for further enhancement of tourism.....This will build on the town's role

¹¹ SBC Technical Report – The Management of Designated Town centre Shopping Frontages; November 2016.

¹² Additional Document 5 in response to Inspector's Further Questions - Southend Shopping Frontages Plan showing A1 and non-A1 uses by section [Examination Document 035].

as a major destination resort...¹³ 12% of the Borough's employment is directly linked to tourism, whilst there is also a 'knock-on' effect on other employment sectors. The Plan and the Council's Hearing Statement¹⁴ both explain that the Council considers tourism to be an important economic driver which gives the town its identity.

29. Core Strategy policy CS1 promotes a diverse range of tourism facilities, complemented by a regenerated retail/leisure offer in the town centre. The Plan aims to complement the day visitor market by increasing opportunities for overnight and longer stays; this is considered to be a reasonable objective as well as being realistic, given the recent success in attracting high quality hotel accommodation to the town.
30. Some representors on behalf of the tourism industry express concern that the Council's plans to broaden its base into a longer stay emphasis would impact on the vulnerability of the day tripper market, which accounts for 96% of total visitors to Southend¹⁵. The Council's view is that the overnight visitors complement the day visitors, and both contribute to the wider economy. I agree with this view for the reasons I have already expressed.
31. In relation to Seaways (Opportunity Site CS1.2) some representations state that the proposed cinema would be for local residents, rather than for tourists. They argue that local cinema goers would compete for car parking spaces with tourists, very few of whom would visit Southend to go to see a film, an activity which they could easily do in the communities from where they come. The Council states that it is not possible to divide visitors into two neat categories of tourists and leisure orientated visitors, and that the industry definition of day visitors¹⁶ includes many who are local to the area.
32. One representation objects to the inclusion of a cinema at Seaways on the grounds that there is little likelihood of its viability within the plan period. I am satisfied, however, from the written evidence and discussion at the Hearings, that the proposed cinema is realistic and that no significant impediments to its inclusion within the proposals for the Seaways Opportunity Site were raised.
33. Whilst there are differences between the activities that are classed as 'tourism' and those described as 'leisure', there are also significant crossovers. I have no evidence to persuade me that proposals for hotels or cinemas would be harmful to the Southend day tripper economy (I will deal with the associated matter of parking in the next main issue below). For the above reasons, I am not persuaded that there are any adverse soundness issues in the Plan's strategy for the promotion of tourism, or in relation to its framework for leisure facilities.

¹³ SCAAP, paragraph 77, page 27 [Examination Document SD1].

¹⁴ SBC: Hearing Statement – Matter 3: SBC: the local economy, employment, retailing, business and tourism; May 2017 [Examination Document SCAAP-006].

¹⁵ Figure given by Nick Laister (RPS) at the Hearings.

¹⁶ Additional Document 8 in response to Inspector's Further Questions – Definition of Day Visitors [Examination Document 038].

Employment and other economic activity

34. The Plan's jobs targets and the challenges in achieving these targets have been covered in Issue 1 above. In addition to promoting tourism, the Plan's strategy reaches out to a number of other business sectors.
35. In relation to business and financial services, the market for office space within the Central Area is oversupplied with outdated office stock, and a mixed use approach is pursued in the Plan. Southend is identified as the main cultural centre within the South Essex sub-region, and the Plan also sees potential for creative industries. The university is located at Elmer Square, which the Plan promotes as the educational hub for Southend, which could offer additional employment opportunities. The Central Area also accommodates the civic and government administration areas, with some potential for growth. None of the Council's targets for these aspects of the economy raises soundness issues.

Issue 2 - Conclusion

36. Subject to the above modifications, I conclude that the Plan provides a sustainable framework for the development of the local economy and that it provides a sustainable balance between the provision of housing and jobs.

Issue 3 – Are the Plan's transport, access and car parking policies sustainable? Are they sufficient to enable the retention and growth of all sectors of the economy, including the tourism sector?

Transport overview

37. The Plan states that the level of regeneration and growth proposed for the Central Area will affect the strategic transport network in terms of congestion and accessibility. The Plan seeks to address these challenges in a number of ways, based on national policy and the principles set out in the Local Transport Plan (LTP3)¹⁷. The importance of east-west movement, in particular along the A127, is recognised as fundamental to access to the Central Area; major improvements to all the key junctions along this road within the Borough have either been completed, are under construction or are included within the Council's capital programme for implementation in the next few years.
38. In response to the limited capacity of the road network within the Central Area to accommodate the proposed development over the plan period without causing unacceptable congestion and inconvenience to residents, policy DS5 proposes a series of sustainable transport measures. These include enhanced rail and bus interchanges, new and improved pedestrian and cycle facilities, and significant improvements to the public realm.

Car parking

39. The Plan's car parking provision, in terms of the location and capacity of what are regarded as the key public car parks to serve the needs of tourists, the

¹⁷ SBC: Local Transport Plan 3: 2011-2026 (LTP3); Revised January 2015.

number of car parking spaces required in the area, and its proposals for future parking provision, attracted the greatest number of representations, especially from some sections of the tourism industry which sought significant changes to the Plan. These representations, expressing concern over the Plan's parking policies, include an organisation representing the seafront traders, the owners of the largest fun park on the seafront and the Essex Chambers of Commerce, together with a number of individual traders and other individuals, and two Borough Councillors. I refer to them collectively and for ease of reference as the Tourism Group.

40. These representors make broadly similar points, and they raise concerns on behalf of a significant section of the local economic community. Their main arguments are therefore addressed in some detail in my report. I have distilled their comments into four key strands, all of which were debated at the Hearings. The following paragraphs summarise their main arguments and the Council's responses before I conclude on the soundness implications for the Plan. It is also worth pointing out that there are several representations from the public, from some developers and from other businesses in support of the parking and sustainable transport policies in the Plan. There is also one representation which calls into question the emphasis in the Plan on supporting the tourism industry which it considers it does to the detriment of the other sectors of the economy, and the notion of key car parks to the south of the railway.

Strand 1 – Concern is expressed that, whilst the tourism industry in Southend relies heavily on the private car, the Plan does not encourage road-based access to the resort.

41. A key representation draws attention to the tourism industry in Southend being dominated by firstly, day trippers, who form 96% of all visits to the Borough¹⁸, and secondly by the private car, which accounts for 85% of all trips with rail accounting for only 9% of visitors¹⁹. On this basis it is argued that sustainable transport solutions do not work for Southend, where most cars bringing tourists to the resort have high occupancies, bringing in families, thereby making the car a sustainable mode of travel for tourism in Southend. It is therefore suggested that the Plan should embrace the car in the interests of sustaining and growing the tourism economy, rather than trying to place restrictions on car-borne access to the resort.
42. These representations maintain that, rather than stimulate car-borne tourism in Southend, the Plan's policies do the opposite; by supporting the use of transport modes other than the car, it is argued that the Plan has effectively reduced road space within the Central Area, thereby increasing traffic congestion, which adversely impacts on the majority of tourists who are trying to gain access to the resort. Support is expressed (along with virtually all those who made representations to the Plan) for the Council's improvements to the strategic highway network, and especially relating to east-west movement along the A127. The Plan is criticised, however, for 'abandoning'

¹⁸ Figure given by Nick Laister (RPS) at the Hearings (Day 2).

¹⁹ RPS Statement for the Stockvale Group in response to Matter 4, paragraph 5.

the motorist at the edge of the Central Area, where the impact of increased pedestrian priority, dedicated highway space for buses, cycleways and the narrowing of some roads, all 'kick in', to the detriment of tourism in Southend.

43. The Council's proposed park and ride scheme at Leigh-on-Sea (outside the Central Area) is criticised as being unrealistic. The view that spare parking capacity to the northern part of the Central Area could be used as an alternative to the more heavily used car parks in Central Area South is also criticised, based on what is considered to be the excessive walking distance to the seafront from this area, especially for families and older visitors.

Strand 2 – Concern is expressed over the adequacy of provision of new public car parking within the Central Area, especially in the area to the south of the railway

44. Several representations state that the lack of adequate road capacity is compounded by insufficient parking spaces within the Central Area. It is argued that this results in more car journeys as drivers circulate in search of parking spaces, and queue to gain access to car parks, thus causing congestion on the highways and air pollution.
45. The Plan is criticised for not proposing to increase the number of public parking spaces in the Central Area, and in particular in 'Central Area South', which is defined as the area to the south of the railway which runs from London Fenchurch Street to Shoeburyness, via Southend Central Station. It is maintained that sufficient car parking capacity has to be available for the key days in the year when the weather is good enough to encourage large numbers of day trippers to decide to visit Southend. At the Hearings, 40 days per year was considered to be the typical number of good weather days, which subsidise the other, mainly loss-making days when the weather is more inclement. This figure was not challenged at the Hearings.
46. Further support for the argument for increased parking spaces in the Plan flows from the assertion that the Plan's transport strategy should be based on LTP3, which forecasts a 25% increase in demand for parking over the period 2011-2021. It is therefore suggested that the Plan, which 'merely' aims to ensure that there would be no net loss in car parking in Central Area South over the plan period, would be insufficient to cater fully for the needs of tourists.
47. It is also maintained that the loss of public car parking spaces in recent years has had an adverse effect on the local economy. The Adventure Island fun park is cited as an example; this is the largest single provider of entertainment facilities on the seafront, and it is stated that this important attraction is currently holding back on some of its investment programme due to the dearth of public car parking close to the fun park. Concerns were also expressed about the loss of parking during any development period and what alternatives might be provided.
48. Another view expressed at the Examination is that there should be no discrimination between car parks located to the south of the railway, which are referred to in the Plan as 'key visitor spaces' and other car parking spaces which as referred to as 'public'.

Strand 3 – It is alleged that the Plan's policies to ensure no net loss of public car

parking in Central Area South are based on an inaccurate assessment of the existing car parking capacity and that there are no robust measures in the Plan to ensure that further losses of public car parking do not occur.

49. There is disagreement over the capacity of several public car parks in Central Area South, and in one case over the legality of a site for public car parking²⁰. The cumulative difference between the Tourism Group and the Council at the start of the Hearings was about 1,500 spaces (i.e. 4,000 identified as currently available by the Tourism Group as against 2,500 identified by the Council). Both sides, however, agreed at the Hearings that it was important for the Plan to establish an agreed base line of the number of public car parking spaces in Central Area South, and I return to this point later in my report.
50. A Statement of Common Ground (SCG)²¹ was issued shortly after the Hearings, addressing the need to agree a base figure for car parking in Central Area South. The parties agreed much of the disputed car parking information contested at the Hearings, and set out clearly the areas where there is still disagreement.
51. A minority view is expressed that ensuring no net loss of key visitor spaces consequent on any development proposals coming forward is strait-jacketing development and is a recipe for preventing or inhibiting potential economic growth.

Strand 4 – Concern is expressed over the Plan's proposals for the loss of a significant quantum of the existing public car parking capacity at two key, well used car parks, at Seaways and Tylers, for development purposes.

52. Several representations underline the need to safeguard all existing car parking capacity within the Central Area. Seaways in particular, with a capacity of 478 spaces (estimates varied significantly), is highlighted as a particularly important car park, with good access to the highway network, and being located in close proximity to the seafront – it is referred as the first 'port of call' for many day trippers. It is argued that the proposed development at these sites would generate additional demand for car parking where the capacity is already being reduced by these proposals.

Parking – Conclusions

53. In considering these four strands of concern, I have reached a number of conclusions, which have led me to suggest several modifications to the Plan. Regarding strand 1, the Council's view that sustainable transport, access and parking provision should be introduced within the Central Area accords with the three dimensions of national policy on sustainable development which are set out in paragraph 7 of *the Framework* and continue as a theme or 'golden

²⁰ Marine Plaza, which is identified as an Opportunity Site (CS1.3) for comprehensive redevelopment for residential/leisure development.

²¹ SCAAP Additional Statement 9 – Statement of Common Ground (SCG) between SBC and the Stockvale Group as represented by RPS [Examination Document 039]. (In response to the Inspector's Additional Question 9.)

thread' throughout national policy. It also accords with the policy thrust of the Core Strategy.

54. Any additional major road building within the Central Area is likely to be extremely expensive and have adverse environmental, social and even economic consequences. In my view, the Council is right in its attempts to address the existing environmental/social impacts of significant vehicular traffic movements in the Central Area, such as the severance and intrusive visual effects caused by the major highway at Queensway.
55. It is also appropriate, and in line with both national policy and the Core Strategy, that the Council is committed to enhance conditions for pedestrians, cyclists and public transport users. The Plan rightly pursues this objective throughout the Borough and especially in the Central Area where the greatest concentrations of people, activities and many of the existing accidents occur.
56. The recently completed Victoria Gateway scheme at the northern end of High Street is an important case in point, illustrating the Council's track record in pursuing a sustainability agenda. Schemes such as this, including several at a smaller scale, are likely to lead to increases in sustainable mode share, a safer environment for pedestrians, cyclists and users of public transport, and better air quality.
57. It is inevitable that in some instances, increased provision for sustainable modes of movement comes at the expense of existing vehicular road space. I note the criticism of schemes such as Victoria Gateway from some representors, for example as expressed during the accompanied site visits, but my observation on a weekday morning in late May 2017 (and at other times), was that traffic generally moved smoothly, and I note that the Council stated that this was the norm for the location. Getting the emphasis right between providing for the car and promoting sustainable travel can be a fine one, but in my view the Plan has secured an acceptable balance which accords with the strategic direction of the Core Strategy and national policy.
58. The proposed park and ride scheme at Leigh-on-Sea Station, although it is located outside the Central Area, would encourage partial modal shift and it is likely to free up some car-borne traffic from circulating in the seafront area. I note that the railway company is keen to bring about realisation of this project, and I am not persuaded that any insurmountable obstacles stand in the way of delivering a sustainable scheme for the benefit of the local economy, including the tourism industry.
59. Regarding strand 2, the Council's study carried out by independent consultants²², points to the parking network in the Central Area rarely exceeding 85% occupancy. This is considered to be the optimum level, beyond which demand for travel can begin to become suppressed due to issues of circulation, queuing and a perception among users that they may not find a car parking space. The study also points to an imbalance in the Central

²² Steer Davies Gleave: Car Parking Study for the Central Area of Southend, for Southend-on-Sea Borough Council; November 2016.

Area parking network at peak periods, with parking in Central Area South struggling to cope with peak demand (which it defines as summer weekends and public holidays) while Central Area North is stated to have available parking capacity.

60. Policy DS5 and its supporting text, based on the outcomes of the above mentioned parking study, deal with the issue in some detail. A variety of measures are set out, including:
- (i) satisfying the need to maintain the current level of parking capacity (which I return to below);
 - (ii) ensuring maximum usage of car park capacity;
 - (iii) updating the existing VMS²³ scheme, including enabling real-time direction of drivers to their most appropriate car park destination;
 - (iv) seeking to relieve the pressure on the more well-used car parks at peak times by encouraging the use of less well-used car parks through dynamic signage, competitive pricing and pre-journey information; and
 - (v) ensuring pedestrian routes to and from car parks, railway stations and other public transport interchanges are direct, well-lit and signposted, within a high quality public realm.
61. In my view, all these measures are justified and implementable within the plan period.
62. Furthermore, maintaining a significant number of public parking spaces that would be unused for most of the year would not in my view represent the optimum use of these sites or be sustainable. The Plan pursues the strategy of managing the existing parking network in order to optimise its use, which is a sustainable and realistic course to take.
63. In response to the comments that the loss of car parking spaces in recent years has had an adverse effect on the local economy, the Council's data indicates that there has been no significant net loss in public car parking spaces within Central Area South over the period from 2011 to the present time²⁴. (Some temporary loss of parking spaces during times of development/redevelopment is, however, inevitable, and has always been the case.) Neither has there been a fall in the numbers of visitors to the Borough in recent years, based on Visit Britain and Cambridge Econometrics data, which shows the total number of day visitors having risen from 5,746,371 in 2011 to 6,576,000 in 2015, an increase of 14%, or 3.61%pa²⁵.

²³ VMS – Variable Messaging System, which is part of a controlled parking operating system, covering many of the publicly available car parks.

²⁴ Additional Document 3 in response to Inspector's Further Questions – Central Area Car Parking Provision: gains and losses since 2011 [Examination Document 033].

²⁵ Additional Document 6 in response to Inspector's Further Questions – Tourism Visitors [Examination Document 036].

64. I also consider that the strategy of maintaining a 'no net loss' of car parking provision in Central Area South is not strait-jacketing development; rather it is enabling a high degree of flexibility within this area as to where new development could take place, whilst at the same time it ensures that the important supply of public car parking is not diminished over the plan period. I regard this as a balanced and sustainable framework for the future.
65. The data²⁶ shows that there has not been a fall in tourism related employment over this period either (7,648 jobs in 2011, up to 8,711 jobs in 2015, a rise of 13.9%, or 3.47% pa) – in fact there is, unsurprisingly, almost an exact correlation between increased numbers of tourists and job growth over this period. These figures were not robustly challenged at the Examination.
66. LTP3's reference to an expected increase of at least 25% in demand for car parking over the plan period was based on a data baseline of 2007 and the growth targets at that time were significantly higher than those now in the Plan. I therefore agree with the Council that it is no longer appropriate to determine the quantum of public car parking provision in the Central Area in the Plan on this basis.
67. Regarding strand 3, it was agreed by most representors and the Council that any losses from existing tourist car parks to development needed to be compensated for by satisfactory replacement parking within the area bounded by a 10 minute walking distance from the seafront. This is not discriminating against the public car parks to the north of the railway but it is acknowledging, based on the consultant's survey evidence, that the greatest pressure for car parking is linked to the needs of the tourism sector, which in turn is linked to proximity to the shoreline.
68. Several modifications are necessary to ensure that the Plan is justified, in the context of the issues raised whilst doing so within a sustainable transport context, and most of these stem from a rewording of policy DS5 **[MM9]** following joint work between the Tourism Group and the Council, and sections of its supporting text **[MM4,5,6,7,8&22]**. These modifications were largely agreed by the representors speaking on behalf of the tourism industry and the Council. The modifications also refer to a table which lists the car parks and their capacities, and a map which identifies the 10 minute walk isochrone from the seafront, which largely coincides with the route of the railway which runs through Central Station.
69. The modifications also acknowledge the variation in demand for parking in the Central Area and the need to plan accordingly. I endorse the car parking figures which are included in the new Table 5, which identifies a total of 2,562 parking spaces within the key visitor car parks, together with a figure of 3,142 parking spaces, which includes all publicly available paid for parking within Central Area South.

²⁶ Additional Document 6 in response to Inspector's Further Questions – Tourism [Examination Document 036].

70. The modifications are based on a numerical identification of a base line for car parking capacity. Unfortunately, agreement could not be reached on the appropriate start date for the base line; I have used the Council's May 2016 start date, as opposed to the suggested alternative date of June 2017 by the Tourism Group, as it links in with the Council's Study and to other key variables which are fundamental to the Plan. This is not meant to imply criticism of the alternative date, but a base line for the Plan has to be decided and this base line will be critical to determining the implementation of the 'no net loss of parking spaces' element of policy DS5.
71. The modifications also set out the criteria for any development proposals on these existing car parks to properly meet their own parking needs, with reference to the need for a Travel Statement, which would require such development to "consume its own smoke", to use a phrase which was said and repeated several times during the discussions at the Hearings. These modifications are necessary to safeguard the current parking situation, and it is in the interests of proper planning for the continuing vibrancy of the tourism industry in the Borough.
72. Finally, in relation to strand 4, it is accepted that the Seaways and Tylers sites are well used by visitors to the Borough and that Seaways in particular by virtue of its size and proximity to the seafront is especially valued by the local tourist operators and the tourists themselves. The Seaways site, however, is within an area which is clearly in need of regeneration and where there is currently no direct access to the seafront for pedestrians. Both sites will retain an element of public car parking, whilst the proposals for a cinema, restaurant and hotel at Seaways and a mix including ground floor retail uses connecting to the High Street at Tylers, would help transform these unprepossessing sites into potentially distinctive places, bringing about much needed regeneration to these areas and to the Central Area as a whole.

Issue 3 - Conclusion

73. I conclude that, based on the above considerations, the Plan's policies for transport, access and parking, subject to the above modifications, set a framework for sustainable development and are consistent with the national policy; they are positively planned so as to enable the retention and growth of all sectors of the economy, including the tourism sector; they are justified when considered against other options; and they are realistic in relation to their likelihood of implementation within the plan period.

Issue 4 – Are the Policy Areas and Opportunity Sites in the Plan justified and do they contain the appropriate level of detail to enable effective implementation within the plan period?

74. The Plan identifies a number of Policy Areas, some of which include one or more Opportunity Sites. These set the priorities and parameters for development, regeneration and the management of traffic, sustainable movement and open space within these areas.

Policy Area PA1: High Street Policy Area

75. Policy PA1 aims to achieve a vibrant and viable town centre, with a strong

focus on improving the public realm and pedestrian access, including to and from Victoria Circus, programmed for delivery in 2017/18. The policy is justified and is on course for early implementation.

Policy Area PA2: London Road Policy Area

76. Policy PA2 aims to create a vibrant gateway to the town centre, including a pedestrian priority area as well as improvements for cyclists. The policy is justified and it is likely to be deliverable within the plan period.

Policy Area PA3: Elmer Square Policy Area

77. Policy PA3 aims to secure Elmer Square as the heart of the educational hub in Southend. The policy is justified. Local Growth Fund money is allocated for Phase 2 of the project and the new development is programmed to be operational before the end of the plan period.

Policy Area PA4: Queensway

78. Policy PA4 aims to secure the regeneration of the Queensway area, including a major reconfiguration of the underpass and a reduction in traffic impact on the residential communities which are currently severed by the highway. Although concern is expressed that the Plan may reduce some road space, the scheme retains the dual carriageway whilst proposing the redesigning and greening of the area, and I consider that the policy is justified. Alternative funding to the Local Growth Fund continues to be sought, and the Council states that there is a good prospect that a significant proportion of the scheme will be implemented within the plan period. I have no grounds to come to a different conclusion.

Policy Area PA5: Warrior Square Policy Area

79. Policy PA5 focuses on the small-scale character and appearance of the Warrior Square Conservation Area and the distinctiveness of Warrior Square Gardens. I consider the policy to be justified and achievable within the plan period.

Policy Area PA6: Clifftown Policy Area

80. Policy PA6 sets out development principles to conserve and enhance the distinctive character and appearance of the Clifftown Conservation Area, which has a strong cultural identity. The policy includes provision for public realm improvements. It is justified and deliverable within the plan period.

Policy Area PA7: Tylers Policy Area

81. Policy PA7 aims to provide a high quality public realm, shared public spaces, mixed use development and replacement public car parking in the Tylers Policy Area. The modification, to require that displaced parking needs should be met either on this site or in the south of the Central Area **[MM10]** is necessary to accord with modified policy DS5 (MM9) to ensure that any development on this site would not result in a net reduction of car parking in Central Area South. The above mentioned policy DS5 modification would also ensure that the parking requirements of any new development on site would have to be met and also be subject to a Transport Assessment.

82. The Council also proposes a more direct access to the parking from Queensway to make the site more accessible to tourists. On the basis of the above considerations, the policy, subject to the above modification, is justified and stands a reasonable chance of being implemented during the plan period.

Policy PA8.1: Victoria Avenue Office Area Opportunity Site

83. Policy PA8.1 sets the framework for the comprehensive redevelopment of the site for mixed uses, although it could be implemented through incremental development. Several housing schemes have already been completed, and it is likely that the remainder of the Opportunity Site would be developed in the short term. On this basis the policy is justified and effective.

Policy PA8.2 Baxter Avenue Opportunity Site

84. The Council and Genesis Housing Association (GHA) have signed a SCG²⁷ which commits GHA to building at least 250 dwellings in phase 1, i.e. by 2021, to meet existing and identified future housing needs. Concern was expressed at the Hearings from several existing, elderly residents at the possibility of losing their homes and being displaced from their neighbourhood. The scheme developers stated that GHA is working with the Council and consulting with the residents over their future options before detailed design decisions are made, which would be followed by a hybrid planning application for the redevelopment of the site.
85. In a written statement²⁸, GHA's consultants stated that the proposed tenure split is still to be determined, but will be led by the requirements for decanting existing residents living on the Baxter Avenue site; that GHA will seek to offer decant accommodation with rents which are comparable to those charged on existing homes, subject to financial viability; and that proposed arrangements for temporarily rehousing existing residents will be undertaken in phases and that they will work together with the Council and other social housing providers to enable decanting and relocation back to the site when the new homes are completed.
86. The modification to policy PA8.2 ensures that the tenure split reflects the existing levels, and that existing residents, displaced by the proposals, will have the opportunity of moving into the proposed new accommodation at rents that will not preclude them from occupying the proposed new accommodation on a permanent basis **[MM11]**. This modification reflects the above mentioned statement on behalf of GHA and is required on the grounds of setting the framework for the sustainable development of a strong, vibrant and healthy community through securing community cohesion and meeting affordable housing need within a sustainably located part of the Borough. Finance for the implementation of the scheme is available with a high prospect of implementation within the plan period.

²⁷ SCG between Genesis Housing Association (GHA) and SBC - PA8.2 Baxter Avenue; 4 May 2017 [Examination Document SCAAP7, Appendix 1].

²⁸ GL Hearn, on behalf of GHA –Additional Document 18 in response to Inspector's Further Questions - in relation to the Baxter Avenue Site [Examination Document 048].

Policy Area PA9.1: Sutton Road Opportunity Site

87. Policy PA9.1 provides for new housing and community facilities. The policy is justified and the evidence points to a strong likelihood that a significant proportion of the Opportunity Site will be implemented before 2021.

Policy Area PA9.2: Guildford Road Opportunity Site

88. Policy PA9.2 makes provision for new housing together with an enhanced convenience store. A SCG has been signed by the Council and the Cooperative Society²⁹ which programmes completion of the scheme by the end of 2020. The proposed modification to the policy gives the necessary flexibility to enable a larger replacement store than the existing retail outlet **[MM12]** and is therefore justified.

Policy Area CS1: Central Seafront Policy Area

89. Policy CS1, which covers the development principles for the Central Seafront Policy Area, sets a framework for creating a vibrant tourism, leisure, recreational and cultural destination, including rejuvenating the iconic Southend Pier. Policy CS1.1.f restricts development to the south of the sea wall; the modification to emphasise the importance of any development to the south of the sea wall not adversely affecting a European site or causing significant harm to a SSSI or adversely impact on foreshore views **[MM14]** is required for the Plan to be justified on visual impact, impact on nature conservation and flood risk grounds.
90. Linked to this consideration, the modification to policy CS1.3.d is necessary to ensure that any new lighting should avoid direct illumination of the foreshore or excessive glare when viewed from the foreshore **[MM15]** and is therefore justified on visual impact and nature conservation grounds. The modification to the aims of the policy area, to ensure that car parking will be addressed within an integrated approach to development **[MM13]** is also required for the Plan to be effective.

Opportunity Site CS1.1: Southend Pier

91. Opportunity Site CS1.1 seeks major improvements for reshaping the entrance area of the pier in addition to a new pavilion deck. The policy is justified in view of the iconic, scenic and economic importance of the pier, and there is a high prospect of delivery by the end of the plan period.

Opportunity Site CS1.2: Seaways

92. Opportunity Site CS1.2 is for a mixed use development on the Seaways site. This is arguably the most controversial policy in the Plan. The Council views this site as a corporate priority for action, and expresses confidence that the proposals are achievable within the plan period. Several representations consider that the potential loss of car parking on such a critical site would

²⁹ SCG between the Co-operative Group and SBC – PA9.2 Guildford Road; 4 May 2017 [Examination Document SCAAP7, Appendix 2].

harm the prospects of continued growth and investment in tourism at the seafront. The likelihood of delivery during the plan period is also questioned, on the grounds that a complex and time consuming Section 106 Agreement would be necessary to secure a satisfactory development.

93. The Council states that anchor tenants for a multiscreen cinema, hotel and restaurant have already been secured and that a critical path towards scheme implementation has been identified. The site is already in Council ownership.
94. The Seaways site, whilst providing an important supply of public car parking in a convenient location for tourists, is, however, located within – and contributes to – the unprepossessing appearance of an area which is cut off from direct access to and views of the sea by a line of undistinguished properties. Redevelopment in accordance with policy CS1.2 would bring about a much needed transformation of this key area near the seafront and secure the provision of facilities which would contribute to the prosperity of tourism and the local economy.
95. From my understanding of the comments from representors opposed to the loss of car parking on this site, their key concern would be significantly mitigated if sufficient replacement car parking were to be found within ten minutes' walk of the seafront. Policy DS5, as modified (MM5), would achieve this. Moreover, the Council's evidence is that around 525-740 parking spaces would still be available for public use after the completion of the proposed development, whilst a representor on behalf of the Tourism Group stated that some development on the site would be helpful³⁰. On the basis of these considerations, it seems to me that the difference between the parties is potentially less than it was prior to the start of the Hearings.
96. Furthermore if, as some representors maintain, the proposed cinema use will be primarily aimed at local residents rather than day trippers, and given that most cinema use occurs in the evening, it is not unreasonable to assume that to an extent the two main demands on the car parking would be complementary rather than overlapping.
97. Taking into account the above considerations, I am persuaded that, firstly, the implementation of policy CS1.2 would be an important catalyst in the regeneration of the seafront, especially if the scheme could open up direct pedestrian access to the seafront and views of the sea; secondly, that the facilities proposed would be either supportive of or at least complementary to tourism; thirdly that some public parking would remain on the site; whilst the complementary nature of cinema going and day tripping would limit the impact on parking spaces; and finally, policy DS5 as modified would ensure that there would be no net loss in public car parking within 10 minutes' walk to the seafront. On these grounds, and taking into account the relevant modifications in relation to car parking, I consider the policy is justified and the chances of implementation within the plan period are positive.

Opportunity Site CS1.3 Marine Plaza

³⁰ Verbal evidence given by RPS on Day 2 of the Hearing sessions.

98. Opportunity Site CS1.3 is proposed for comprehensive, high quality, iconic residential redevelopment with complementary leisure and supporting uses. Concern has been expressed that around 200 public car parking spaces would be lost, although the Council challenges the assertion that the majority of these spaces are public and they are not a Key Visitor Car Park. Objectors also argue that there has been no progress since planning permission was granted in 2015, indicating a viability issue, which points to a doubt whether the scheme would be completed within the plan period.
99. The Council's Hearing Statement on Marine Plaza states that the proposal has been prepared jointly between the Council and the land owner (the Inner London Group)³¹. The statement indicates that since planning permission was granted in 2015, land assembly has been completed, a contractor and funding have been secured, construction is planned to commence in 2017, and that delivery is expected within the plan period. None of these assertions were robustly challenged at the Hearings, and I have no reason to come to a different view.
100. On the basis of the evidence I consider that the policy is justified and effective.

Opportunity Site CS1.4 New Southend Museum

101. Phase 1 of this scheme has already brought about the stabilisation of the relevant section of cliff which was susceptible to slipping. An allocation is already secured in the Borough's Capital Allocation to progress this scheme, so that the development of the site, including the provision of 200 parking spaces, is deliverable within the plan period.
102. This scheme is justified and has already acquired considerable momentum, and on this basis I consider that policy CS1.4 is justified and effective.

Issue 4 - Conclusion

103. In conclusion, I consider that the Policy Areas and Opportunity Sites, subject to the above modifications, are justified when considered against other options; and contain the appropriate level of detail to enable effective implementation within the plan period.

Issue 5 – Are the environmental policies in the Plan justified and effective, especially in relation to the effect of development and associated activities on the nature conservation value of the Thames estuary?

104. The Plan contains a number of environmental policies, addressing aspects such as nature conservation, key views, landmarks and landmark buildings, as well as flood risk management and sustainable drainage.
105. In relation to the environmental impact on the foreshore of the Thames estuary, the following modifications to policy CS2 were put forward by Natural

³¹ SBC Hearing Statement – Matter 6: Infrastructure, delivery and monitoring; May 2017, paragraph 6.4.23 [Examination Document SCAAP 7].

England:

(i) The policy should ensure that all future development should give appropriate weight to international, European, national and local nature designations **[MM16]**;

(ii) Development which adversely affects SSSIs will not normally be permitted; SSSIs and locally designated sites which have an important role in meeting overall biodiversity targets and contributing to the public enjoyment of nature conservation should be protected **[MM17]**;

(iii) The policy should not permit development proposals that would result in significant harm to the foreshore nature conservation designations that cannot be avoided, adequately mitigated, or as a last resort, compensated for **[MM18]**;

(iv) The policy should not normally permit development proposals that adversely affect SSSIs, unless there are exceptional circumstances, which the modifications sets parameters for **[MM19]**; and

(v) *Policy CS3.2 should state that proposals for waterfront development will need to demonstrate that there will be no unacceptable impact on the conservation objectives or features of Benfleet and Southend Marshes Special Protection Area, Ramsar and SSSI* **[MM20]**.

106. These modifications, which acknowledge the importance of the Thames estuary, and in particular the foreshore, to nature conservation, are necessary for the Plan to be in accordance with national policy.

107. In response to whether the Plan should include policies covering design excellence, the historic environment and green infrastructure, the Council points out that both the Core Strategy and the DMD contain overarching policies for the Borough, including the Central Area, addressing these matters. The DMD reflects the spatial vision and objectives of the Core Strategy and includes detailed local policies for the management of development, design excellence, the historic environment and green infrastructure.

Issue 5 - Conclusion

108. In conclusion, I consider that the environmental policies in the Plan, subject to the above modifications, are justified and effective matters, especially in relation to the effect of development and associated activities on the nature conservation value of the Thames estuary.

Issue 6 – Is the Plan deliverable in terms of the adequacy of the existing and proposed infrastructure and the viability of the key development proposals? How will the monitoring arrangements work?

Infrastructure

109. The Council has issued an Infrastructure Delivery Plan (IDP)³², which identifies a list of infrastructure provision, plus broad timescales for delivery, responsibility and costs. The IDP was put together following discussions between the Council and a variety of infrastructure providers, which has ensured a comprehensive understanding of what is needed. These providers were also asked to prioritise their infrastructure requests and identify critical projects. None of these providers object to the Plan.
110. The Council considers that there are no 'showstoppers' affecting the delivery of the Plan, and that the projects which are critical to the delivery of the Core Strategy, and hence the Plan, have been completed. Two of these critical schemes, which are located inside the Central Area, are the police station refurbishment and cliff slip risk reduction.
111. The IDP also identifies some transport related projects as critical or essential to mitigate the impacts arising from the development proposed and anticipated during the plan period. These include:
- (i) the A127 east-west strategic transport and freight corridor improvements, which are primarily outside the Central Area, and which are currently committed or being implemented or have already been completed;
 - (ii) public realm and public transport improvements, some of which have already taken place, for example the Victoria Gateway Scheme, which enable more effective pedestrian and public transport accessibility within the Central Area; and
 - (iii) local public transport measures, some of which have been implemented.
112. I have already covered the key implementation issues under Issue 3 above.
113. Some representors raise doubts over the continued availability of grants and whether this can be classified as a showstopper in relation to some projects. It is clear, however, that the Council has a good track record in attracting grant funding and that the Plan is based on realistic assumptions, to which the main infrastructure providers are in agreement.
114. The Council considers that there is no one critical path to the exclusion of all others for securing the effectiveness of the Plan. The highest priority measures have been completed or are sufficiently committed to with the necessary funding secured, and will be delivered in the short term.
115. Concerns were raised that the remaining length of the plan period is too short, especially if there are problems with the Council's data base in relation to critical areas such as car parking, and that in view of these considerations, it would make sense to focus on a new version of the Plan. The car parking considerations have already been covered in Issue 3 above. I disagree with

³² Navigus Planning, on behalf of SBC: Southend-on-Sea Borough Council: Infrastructure Delivery Plan (IDP); February 2015.

the recommendation to effectively abandon this Plan and start afresh for several reasons.

116. Firstly, there are several important schemes which the Plan proposes to deliver prior to 2021, which require strategic guidance from an adopted Plan; increased certainty for decision making in relation to new development is needed sooner rather than later. Secondly, a considerable amount of work has already been undertaken by the Council to progress the Plan thus far, much of which would have to be duplicated if the plan-making process were to start again, involving additional expense for the Council, without seeing an end product for some time. Thirdly, the Council has already committed a significant amount of financial resources into the preparation of the Plan, including the expense of this Examination, much of which would be wasted if the Plan were to be abandoned at this late stage. Fourthly, the timing for this representation should have been made at the start of the plan process, not at what is effectively close to the end of the process.
117. The likelihood of implementation of specific policies, Opportunity Sites and schemes has been addressed under Issue 4 above.

Monitoring

118. Monitoring arrangements are outlined in the Implementation and Monitoring Section of the Plan. This identifies a number of monitoring indicators and targets. Although one representation argues for monitoring to be addressed as a policy in the Plan, the Council refers to policy CP9 in the Core Strategy, and I agree that this policy provides adequate guidance for monitoring arrangements with no need for a duplicate policy to be included in the Plan. The modification to commit to keep car parking capacity under review **[MM21]** is required for the Plan to be justified in view of the importance of parking to the local economy and in particular tourism.

Issue 6 - Conclusion

119. In conclusion, I consider that the Plan, subject to the above modification, is deliverable in relation to the existing and proposed infrastructure provision, and that the monitoring system is fit for purpose.

Issue 7 – Is the housing provision in the Plan sustainable?

120. The Plan exceeds the Core Strategy housing provision by a considerable margin, and I address the implications of this in Issue 1 above. No soundness issues stem from this. However, there is clearly no need to further increase the housing provision in the Plan as suggested by a number of representors. This includes one suggestion for an additional allocation of about 600 dwellings at Roots Hall within this Plan, on the existing ground of Southend United Football Club (SUFC), although this could be an issue for subsequent Plans, depending on how likely SUFC are to relocate their ground to Fossett's Farm, which is also located outside the Plan area.
121. In relation to affordable housing (AH), the Council argues that policy DM7 in the Council's DMD sets out the overarching approach to AH in the Borough, including the parameters for dwelling mix, size and type, and that this has recently been augmented by the recently adopted Interim Affordable Housing

Policy as corporate policy to supplement Core Strategy policy CP8 and DMD policy DM7. Explanatory text in paragraph 69 of the Plan makes reference to the above policy framework and I therefore do not consider that there is any justification for further commentary on this matter in the Plan.

122. In terms of specialist housing, I note that the Core Strategy and DMD contain policy guidance for managing new student accommodation, supported by policy PA3 for Elmer Square Policy Area. The Core Strategy and DMD also set a framework for key worker housing, for nurses and other health workers. This includes an indicative tenure mix target in policy DM7 of 40% for intermediate housing, which has been exceeded in recent schemes.

Issue 7 - Conclusion

123. In relation to Issue 7, I conclude that the housing provision in the Plan is sustainable and is consistent with national policy.

Assessment of Legal Compliance

124. My examination of the legal compliance of the Plan is summarised below.

- The SCAAP is identified within the approved LDS (February 2017) which sets out an expected adoption date of December 2017. The Local Plan's content is compliant with the LDS, although its timing for adoption is likely to slip by a few months.
- Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI). The SCI was adopted in 2013 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' (MM) changes.

125. Regarding the **Sustainability Appraisal**, the Plan has been prepared at each stage with iterative input from the Sustainability Appraisal (SA), the latest version of which was submitted along with the submitted Plan. There was some criticism that the SA did not place sufficient emphasis on the economy and in particular, tourism. I consider, however, that the SA is well balanced in its emphasis on the main strands of sustainability, and the value of tourism to the local economy is acknowledged.

126. The Council argues that the Plan responds positively to the main recommendations of the SA, and it has documented the key policies which have been amended in line with the SA's recommendations in response to my questions at the Hearings³³. These amendments cover all the main strands of sustainability, including the need for more detail to protect and enhance the natural environment, which the modified objective 10 does; the need for the Plan to refer to the potential for new schools in the Sutton and Victoria Gateway policy areas is a further example where the SA has addressed the social strand of sustainability, which the Plan has taken on board; and finally,

³³ Additional Document 1 in response to Inspector's Further Questions: Further Detail of where the SA has informed the SCAAP [Examination Document 031].

in relation to the economic strand of sustainability, the SA suggests that there should be clear policy criteria to deliver policy CS3.1 in relation to Marine Plaza in a similar way to the way policy CS1.2 sets a framework for Seaway.

127. There are several other SA recommendations which the Plan has embraced, including the need for more consistent policy wording on urban greening, emphasising the urgent need for redevelopment at Queensway, deleting a site at Warrior Square in view of its unlikely deliverability within the plan period, and the identification of some matters to consider as part of the monitoring of the Plan. All of these illustrate the iterative nature of the Plan in relation to the SA, which I consider to be a dynamic as opposed to a paper exercise.
128. Given that the realistic strategic alternatives for the Central Area of Southend were addressed in the Core Strategy, I consider that the SA has made appropriate and balanced recommendations across the main strands of sustainability, and that no sector, including tourism, has been side-lined. In many aspects the SA supports the Plan, including its attempts to reduce reliance on the private car and encourage modal shift towards walking, cycling and public transport.
129. Other key aspects of the Plan which are supported by the SA include encouraging development at relatively high densities where sites are in close proximity to employment, retail, community and leisure uses within the town centre, as well as its attempts to draw a sensitive balance between the town's growth and the conservation and management of its environment, including the foreshore of the Thames estuary.
130. A key issue of the Plan relates to tourism and whether the sustainable transport approach of the Plan is justified and realistic. This runs through much of the Examination, and I deal with it in more detail when I consider subsequent parts of the Plan, and especially those in relation to Issue 3 above.
131. In summary I consider that the SA has been carried out adequately.
132. The **Habitats Regulations** Appropriate Assessment (AA) Screening Report³⁴ concluded that the Local Plan, in conjunction with the Core Strategy, will not have a significant effect on European sites and that an AA is not required.
133. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
134. The Plan complies with all relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.
135. The Plan complies with national policy except where indicated and modifications are recommended.

³⁴ SBC: Habitat Regulations Assessment – Screening Report (Draft); June 2016 [Examination Document SD9].

Overall Conclusion and Recommendation

136. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

137. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Southend Central Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mike Fox

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	12	29	<i>New strategic objective (6): To support the viability and vitality of the town centre, so that it remains <u>the first reference for all forms of retail development and for other town centre uses attracting large numbers of people and creates an environment that encourages investment in the Central Area.</u></i>
MM2	20	DS1.1	<i>Add after National Planning Policy Framework (NPPF):, so that the town centre remains the first preference for all forms of retail development and for other town centre uses attracting large numbers of people to support the centre's viability and vitality and encourage investment.</i>
MM3	20	DS1.2	<i>Insert new section (3) and renumber subsequent sections: <u>New retail or any other development must not be detrimental to those living or working nearby, for example by causing undue noise or disturbance.</u></i>
MM4	42	Para 135	<i>Change text as follows: The Study identifies around 2,550 <u>There are 3,142</u> publicly available paid for car parking spaces to the south of the Central Area, <u>within</u> approximately 10 minutes' walk from the shoreline (see Appendix 9), serving both the seafront and southern parts of the Southend Central Area. <u>2,562 of these spaces are located in publicly available key visitor car parks (Table 5).</u> As a result of the peak capacity issues, as identified by the Study, and to support the vitality and viability of the central seafront area, it is expected that there will be no net loss of public <u>key visitor</u> car parking to the south of the Central Area. Given</i>
MM5	42	Para 136	<i>Amend first bullet point: Ensure there is no net loss in <u>key visitor</u> car parking to the south of the Central Area (<u>for the purposes of policy DS5.2.b, these are the key visitor car parks (Table 5) located within 10 minutes' walk of the shoreline (see Map 4) ...</u></i>
MM6	43	After para 136	<i>New para after para 136 and renumber subsequent paragraphs: <u>Development proposals that come forward on key visitor car parking areas to the south of the Central Area (as defined by Map 4) will need to ensure that there is no net loss within the key</u></i>

Ref	Page	Policy/ Paragraph	Main Modification																										
			<p>visitor car parks as identified in the SCAAP (policy DS5.2.b) and Table 5. Any planning application would need to be accompanied by a detailed transport assessment that would include an analysis of the impact of the additional parking demand generated by the proposed development on the identified key visitor car parks, having regard to adopted parking standards, linked/combined existing trips, availability of parking in other convenient locations, and opportunities for further mode shift through the travel plan process. Any change in parking provision as a result of major redevelopment must not undermine the resort's ability to accommodate visitor trips, recognising the peaks and troughs of demand for car parking.</p>																										
MM7	43	After MM5	<p>Insert new Map 4 which identifies the 10 minute walking distance isochrone from the foreshore, within which policy DS5.2.b is operational. Update numbering of all subsequent maps.</p> <p>Insert the Map as set out in Appendix A of this Schedule.</p>																										
MM8	43	After MM6	<p>Insert new Table 5, which identifies all the key visitor car parks within the area defined by Map 4, to include both the parking spaces within the individual car parks and the cumulative total.</p> <p><u>Table 5: Key Visitor Car Parks to the south of the Central Area within the area identified by Map 4*</u></p> <table border="1"> <thead> <tr> <th>Key Visitor Car Park</th> <th>Number of Spaces*</th> </tr> </thead> <tbody> <tr> <td>Fairheads</td> <td>211</td> </tr> <tr> <td>Seaway</td> <td>478</td> </tr> <tr> <td>Royals **</td> <td>426</td> </tr> <tr> <td>Shorefield</td> <td>125</td> </tr> <tr> <td>York Road</td> <td>93</td> </tr> <tr> <td>Tylers</td> <td>249</td> </tr> <tr> <td>Alexander Street</td> <td>74</td> </tr> <tr> <td>Clarence</td> <td>126</td> </tr> <tr> <td>Western Esplanade Central</td> <td>585</td> </tr> <tr> <td>Western Esplanade East</td> <td>128</td> </tr> <tr> <td>Eastern Esplanade</td> <td>67</td> </tr> <tr> <td>Total</td> <td>2,562</td> </tr> </tbody> </table> <p>*As per Car Parking Study for the Central Area of Southend (base date May 2016) ** Private Car Park</p>	Key Visitor Car Park	Number of Spaces*	Fairheads	211	Seaway	478	Royals **	426	Shorefield	125	York Road	93	Tylers	249	Alexander Street	74	Clarence	126	Western Esplanade Central	585	Western Esplanade East	128	Eastern Esplanade	67	Total	2,562
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MM9	45	DS5.2.b	<p>Delete existing text and replace with: Require any development proposals that come forward on key visitor car parking areas in the south of the Southend Central Area (as identified in Table 5 and</p>																										

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Map 4) to ensure that there is no loss of key visitor car parking; any planning application in these areas would need to be accompanied by a detailed transport assessment that would include an analysis of the impact of the additional parking demand generated by the proposed development on the identified key visitor car parks, having regard to:</u></p> <ul style="list-style-type: none"> (i) <u>Adopted parking standards</u> (ii) <u>Consideration of the extent to which linked/combined trips and opportunities for further mode shift through the travel plan process will reduce the need for additional publicly available car parking spaces;</u> (iii) <u>Availability of parking to the south of the Central Area within the area shown in Map 4; and</u> (iv) <u>The need for any replacement parking to be provided within the area shown in Map 4, where it should be secured through a planning condition or obligation as part of the overall development scheme or through another means acceptable to the Council.</u>
MM10	71	PA7.3.ii	<p><i>Amend policy PA7.3.ii as follows:</i> Any development of the Opportunity Site should address a need for replacement car parking provision in line with policy DS5: Transport, Access and Public Realm, identifying how any displaced parking needs are to be met on the site or in <u>the south of the Central Area this part of the town centre</u> and explore the potential for relocating the travel centre on the northern extent of the site where applicable to provide for enhanced passenger transport facilities and improved pedestrian connectivity to the town centre and Central Railway Station.</p>
MM11	84	PA8.2	<p><i>Add new second sentence:</i> <u>The tenure split and affordability of the proposed new accommodation will not preclude existing residents displaced by the redevelopment from being permanent occupiers in the new scheme.</u></p>
MM12	86	PA9.2, second line	<p><i>Change to:</i> redevelopment of this site to achieve a replacement <u>or larger</u> convenience store fronting Sutton</p>
MM13	72	Section 5.9 Aims, para 3	<p><i>Insert at end of para 3:</i> <u>Car parking will be addressed within this integrated approach to development, which combines with other objectives for the policy area, and contributes to the vitality and viability of the central seafront area.</u></p>

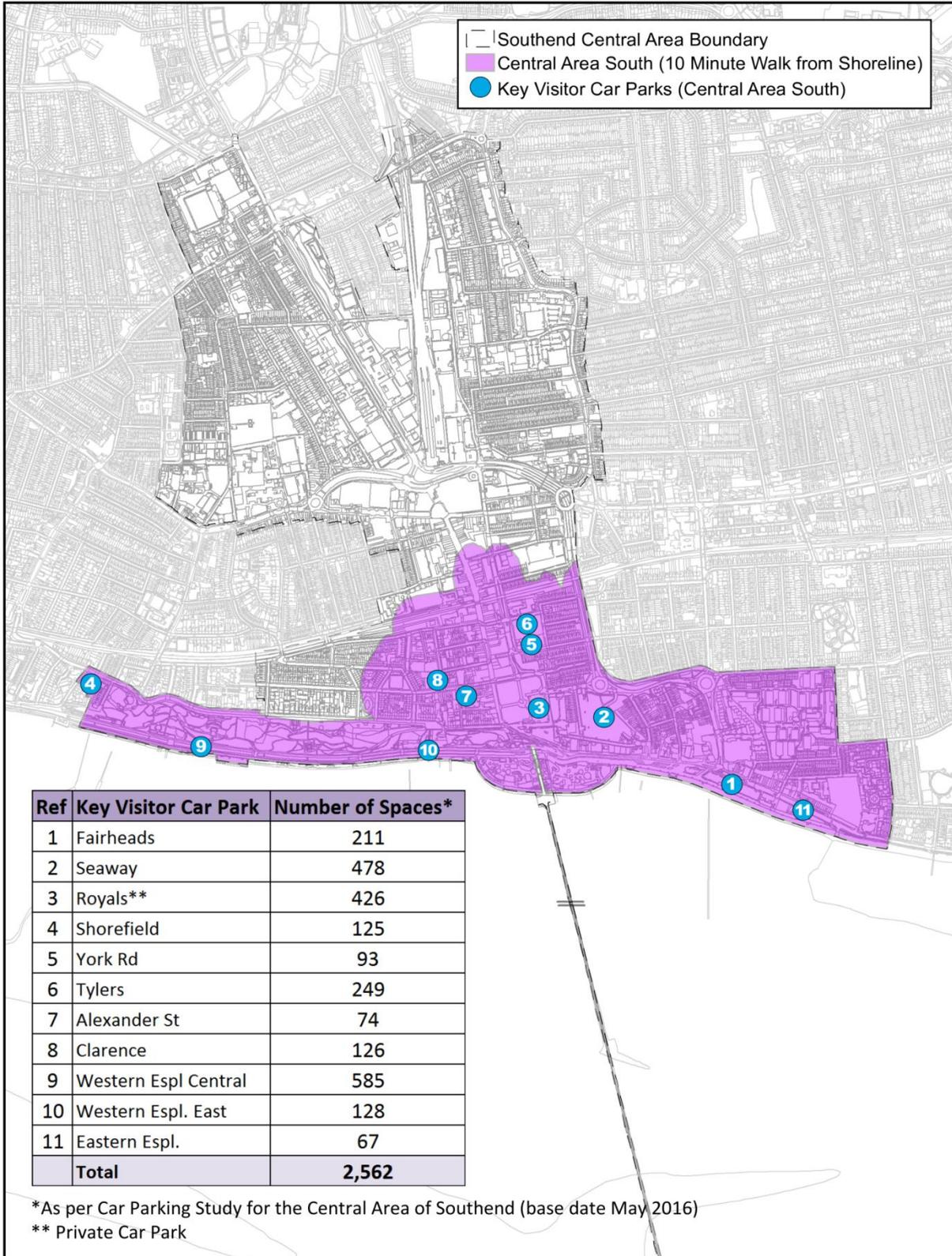
Ref	Page	Policy/ Paragraph	Main Modification
MM14	74	CS1.1.f	<i>Amend policy CS1.1.f as follows: f. seek to maintain foreshore views by restricting <u>not normally permit development south of the sea wall where a proposal has the potential to adversely affect a European site or cause significant harm to a Site of Special Scientific Interest (SSSI) or adversely impact on foreshore views.</u> Any proposed use will also have to be water-compatible as defined in the Planning Practice Guidance;</i>
MM15	75	CS1.3.d	<i>Amend policy CS1.3.d as follows: Use creative lighting and public art to strengthen identity and connectivity. <u>New lighting should be arranged so as to avoid direct illumination of the foreshore or excessive glare when viewed from the foreshore;</u></i>
MM16	77	Para 200	<i>Amend third sentence of para as follows: All future activity and development will need to ensure that they do not adversely affect the interests of the nature conservation designations on the foreshore, <u>giving appropriate weight to their importance as an international, European, national or locally designated sites.</u></i>
MM17	78	After Para 205	<i>Insert new paragraphs after paragraph 205, and renumber subsequent paragraphs as follows: <u>Development which adversely affects a site of national importance (SSSI) will not normally be permitted. In cases where an adverse effect on the special interest of the SSSI is considered to be likely, but the benefits of the development are shown to clearly outweigh both the impacts on the special features of the site and any broader impact on the wider network of SSSIs, an exception may be made. Consultation may be required with Natural England to ensure reasonable steps are taken to further the conservation and enhancement of the special interest features of the SSSI.</u></i> <i><u>Locally designated sites (local nature reserves and local wildlife sites) are non-statutory but have an important role to play in meeting overall biodiversity targets and contributing to the public enjoyment of nature conservation.</u></i>
MM18	78	CS2.1.b	<i>Amend policy CS2.1.b as follows: Not permit development proposals that will <u>result in significant harm to have an adverse impact, either directly or indirectly, on the foreshore designations that cannot be avoided, adequately mitigated, or as a last resort, compensated for.</u></i>
MM19	78	CS2.1.c	<i>Amend policy CS2.1.c as follows: <u>Not normally permit development proposals that adversely affect a site of national importance (SSSI). In cases</u></i>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>where an adverse effect on the special interest of SSSI is considered likely, but the benefits of the development are shown to clearly outweigh both the impacts on the special features of the site and any broader impact on the wider framework of SSSIs, an exception may be made. In cases where development proposals will result in significant harm to a SSSI, in exceptional circumstances the Council may make exceptions for development proposals on a Site of Special Scientific Interest (SSSI), only if it can be demonstrated that:</u></p> <ul style="list-style-type: none"> (i) there are no alternative solutions; and (ii) the reasons for the development clearly outweigh the nature conservation value of the site and is in the public interest;
MM20	80	CS3.2	<p><i>Amend policy CS3.2 as follows:</i> 2. Proposals for waterfront development within the Central Seafront Area and improved facilities will need to demonstrate that there will be no unacceptable impact upon navigation, biodiversity <u>the conservation objectives or features of Benfleet and Southend Marshes Special Protection Area, Ramsar and SSSI</u>, flood risk or the special character and designations of the area.</p>
MM21	94	Implementation and Monitoring Table: Policy DS5	<p><i>Amend third column (Monitoring Indicators and Targets) DS5.1 as follows:</i> DS5.1 Providing the level of publicly available car parking provision to support the vitality and viability of the Central Area:</p> <ul style="list-style-type: none"> - <u>Keep car parking capacity, demand and traffic management provisions under review to ensure that this capacity remains at a level to support the vitality and viability of Southend Central Area.</u> - <u>Monitor the success in achieving no net loss of permanent publicly available key visitor car parking (Table 5, 2,562 spaces) to the south of the railway line Central Area (Map 4).</u> - <u>Monitor any net change in overall paid-for public parking within Central Area South (3,142 spaces) as outlined in Appendix 9.</u> <p>As Core Strategy policy CP3. As Development Management policy DM15.</p>
MM22	113	Following Appendix 8	<p><i>New Appendix 9, as follows:</i> <u>Appendix 9 – Publicly available paid for parking in Central Area South (as defined in Map 4)</u> <i>Please insert table as set out in Appendix B of this schedule.</i></p>

Appendix A – Map 4



Central Area South - Key Visitor Car Parks



Appendix B

Appendix 9: Publically available paid for Parking to the South of the Central Area (area defined by Map 4)*

Publically available paid for Parking	Number of Spaces*	Within a 'Key Visitor Car Park
<u>Fairheads</u>	<u>211</u>	<u>Yes</u>
<u>Seaway</u>	<u>478</u>	<u>Yes</u>
<u>Royals**</u>	<u>426</u>	<u>Yes</u>
<u>Shorefield</u>	<u>125</u>	<u>Yes</u>
<u>York Road</u>	<u>93</u>	<u>Yes</u>
<u>Tylers</u>	<u>249</u>	<u>Yes</u>
<u>Alexander St</u>	<u>74</u>	<u>Yes</u>
<u>Clarence</u>	<u>126</u>	<u>Yes</u>
<u>Western Espl. Central</u>	<u>585</u>	<u>Yes</u>
<u>Western Espl. East On St</u>	<u>128</u>	<u>Yes</u>
<u>Eastern Espl. On St</u>	<u>67</u>	<u>Yes</u>
<u>Southend Central Station NCP**</u>	<u>138</u>	<u>No</u>
<u>Beach Rd**</u>	<u>40</u>	<u>No</u>
<u>Marine Plaza**</u>	<u>67</u>	<u>No</u>
<u>York Road. On St</u>	<u>22</u>	<u>No</u>
<u>Clifftown Rd. On St</u>	<u>11</u>	<u>No</u>
<u>Baltic Av. On St</u>	<u>6</u>	<u>No</u>
<u>Clarence Rd. On St</u>	<u>16</u>	<u>No</u>
<u>Clarence St. On St</u>	<u>12</u>	<u>No</u>
<u>Weston Rd. On St</u>	<u>19</u>	<u>No</u>
<u>Nelson St. On St</u>	<u>18</u>	<u>No</u>
<u>Capel Terrace. On St</u>	<u>6</u>	<u>No</u>
<u>Alexandra St. On St</u>	<u>16</u>	<u>No</u>
<u>Cambridge Rd. On St</u>	<u>24</u>	<u>No</u>
<u>Alexandra Rd. On St</u>	<u>39</u>	<u>No</u>
<u>Cashiobury Terrace. On St</u>	<u>14</u>	<u>No</u>
<u>Runwell Terrace. On St</u>	<u>6</u>	<u>No</u>
<u>Prittlewell Sq. On St</u>	<u>43</u>	<u>No</u>
<u>Royal Terrace. On St</u>	<u>19</u>	<u>No</u>
<u>Clifton Ter/Clifftown Pde. On St</u>	<u>45</u>	<u>No</u>
<u>Devereux Rd. On St</u>	<u>19</u>	<u>No</u>
<u>Total</u>	<u>3,142</u>	<u>N/A</u>

* Base date May 2016

** Private Car Park