

**Southend Borough Council**

**Southend Central Area Action Plan (SCAAP)  
Hearing Statement - Matter 1: Legal  
Compliance**

May 2017

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## References

LDS	<a href="http://www.southend.gov.uk/download/downloads/id/4555/local_development_scheme_update_february_2017.pdf">http://www.southend.gov.uk/download/downloads/id/4555/local_development_scheme_update_february_2017.pdf</a>
SCI	<a href="http://www.southend.gov.uk/downloads/file/1533/statement_of_community_involvement_2013pdf">http://www.southend.gov.uk/downloads/file/1533/statement_of_community_involvement_2013pdf</a>
Legal Compliance Checklist	<a href="http://www.southend.gov.uk/downloads/file/4721/sd13_scaap_legal_compliance_checklist">http://www.southend.gov.uk/downloads/file/4721/sd13_scaap_legal_compliance_checklist</a>
Core Strategy	<a href="http://www.southend.gov.uk/downloads/download/276/core_strategy">http://www.southend.gov.uk/downloads/download/276/core_strategy</a>
Duty to Cooperate	<a href="http://www.southend.gov.uk/downloads/file/4719/sd11_statement_of_compliance_with_the_duty_to_cooperate_march_2016">http://www.southend.gov.uk/downloads/file/4719/sd11_statement_of_compliance_with_the_duty_to_cooperate_march_2016</a>
Development Management Document	<a href="http://www.southend.gov.uk/info/200420/planning_policy_documents/389/development_management_dpd_2">http://www.southend.gov.uk/info/200420/planning_policy_documents/389/development_management_dpd_2</a>
CIL	<a href="http://www.southend.gov.uk/info/200160/local_planning_framework/483/community_infrastructure_levy_cil">http://www.southend.gov.uk/info/200160/local_planning_framework/483/community_infrastructure_levy_cil</a>
HRA	<a href="http://www.southend.gov.uk/downloads/file/4547/scaap_habitats_assessment">http://www.southend.gov.uk/downloads/file/4547/scaap_habitats_assessment</a>
Sustainability Appraisal	<a href="http://www.southend.gov.uk/downloads/file/4545/scaap_revised_proposed_submission_sustainability_appraisal">http://www.southend.gov.uk/downloads/file/4545/scaap_revised_proposed_submission_sustainability_appraisal</a>
SHMA (2016)	<a href="http://www.tgessex.co.uk/downloads/South_Essex_Strategic_Housing_Market_Assessment_No_Appendices.pdf">http://www.tgessex.co.uk/downloads/South_Essex_Strategic_Housing_Market_Assessment_No_Appendices.pdf</a>
Southend AMR	<a href="http://www.southend.gov.uk/downloads/download/267/annual_monitoring_report">http://www.southend.gov.uk/downloads/download/267/annual_monitoring_report</a>
Self-Assessment Checklist	<a href="http://www.southend.gov.uk/downloads/file/4720/sd12_scaap_soundness_self_assessment_2017">http://www.southend.gov.uk/downloads/file/4720/sd12_scaap_soundness_self_assessment_2017</a>

## **Matter 1: Legal Compliance**

### **1.1 Does the SCAAP meet all its legal requirements, especially in such matters as the Local Development Scheme (LDS); the Habitats Regulations; the Duty to Co-operate (DTC); the Statement of Community Involvement (SCI) and the Local Development Regulations 2004, as amended in 2008?**

- 1.1.1 The Southend on Sea Central Area Action Plan (SCAAP) has been prepared in accordance with the LDS and the SCI as set out in the Legal Compliance Checklist (2017) (SD13) in accordance with the checklist published by the Planning Advisory Service. A Consultation Statement setting out how the Borough Council has responded to representations on the Plan has been published at each of the four iterative stages of the Plan’s preparation.
- 1.1.2 With the provision of sustainable development at its heart, the SCAAP has been prepared in accordance with the Local Development Regulations and its legal obligations are set out in detail in the Legal Compliance Checklist.
- 1.1.3 The SCAAP reflects the vision, strategic objectives and spatial strategy of the adopted Southend Core Strategy (2007). All other planning policies for the Borough stem from the Core Strategy. In particular Policy KP3 of the Core Strategy sets out the need to deliver the SCAAP to ensure the good planning of areas of opportunity and change. The SCAAP is consistent with the adopted development plan – the Core Strategy – in accordance with regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.1.4 The SCAAP has been prepared in close liaison with adjoining local authorities and key stakeholders through established consultation procedures and practices as set out in detail in the Duty to Cooperate Statement (2017) in accordance with regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.1.5 The SCAAP has also been prepared having regard to corporate strategies including the Southend Community Plan (2010-2020). Part A of the SCAAP sets out the policy context for the Plan and the SCAAP’s relationship to other adopted Council plans and strategies particularly the Development Management Document (DMD 2015) and Community Infrastructure Levy (CIL 2015).
- 1.1.6 In terms of the Habitat Regulations, a Habitat Regulations Assessment (HRA) has been undertaken as part of the preparation of the SCAAP, in consultation with Natural England (Habitat Regulations Assessment (Screening Report) 2010, HRA Addendum 2011, 2015 and 2016). The HRA 2016 concluded that the SCAAP, in conjunction with the Southend on Sea Core Strategy and related documents, will not have a significant

effect on European sites. The Policies will ensure that European sites are protected and enhanced.

**1.2 How does the SCAAP relate to the main recommendations of the Sustainability Appraisal?**

1.2.1 The Sustainability Appraisal (SA) highlights that each stage of the SCAAP has been subject to SA before being finalised, allowing the opportunity for the appraisal to inform the revised proposed submission version of the SCAAP. The SCAAP therefore embraces the main recommendations of the Sustainability Appraisal.

1.2.2 The SA makes a number of recommendations which the SCAAP addresses. Section 3.4 of the SA sets out the stages of the SCAAP preparation and SA, identifying how the SA provided iterative feedback between each stage, with Appendix D of the SA identifying the changes that were made between the draft and final versions of the Revised Proposed Submission version of the SCAAP based on recommendations from the SA (as set out in paragraph 3.9.1 of the SA).

**1.3 How does the SCAAP relate to the Localism Act, the Government's Planning and Housing White Paper, the national Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG)?**

1.3.1 A key aspect of the Localism Act is the Duty to Cooperate. Southend Borough Council has had a strong level of continuous cooperation and engagement with other authorities and public bodies. This cross-boundary and collaborative working is reflected within the SCAAP, which builds upon the spatial strategy established by Southend's adopted Core Strategy. Feedback received during the consultation stages has been considered and amendments made where appropriate, with every effort having been taken to reach an agreed outcome on those key issues raised as part of the engagement/consultation process. Further details are set out in the Duty to Cooperate Statement (2017).

1.3.2 The Government's Housing White Paper "Fixing our broken housing market" was published in February 2017. The Borough Council is currently working with its local authority partners in providing a positive response to the recommendations of the White Paper. It is also working with its South Essex local authority partners to identify an up to date objectively assessed housing need (OAN) for the sub-region to 2037 in accordance with the requirements of the National Planning Policy Framework and the technical advice provided by the National Planning Practice Guidance (PPG). Consultants were appointed by the partners to prepare a Strategic Housing Market Assessment (SHMA) for South Essex. This was completed in May 2016. An Addendum to update the findings to take account of more recent ONS population forecasts (2014) and the findings of the emerging South Essex Economic Development Needs Assessment (EDNA), also commissioned by the partners, is currently being undertaken to establish

a new OAN for the sub-region. These findings will be used by partners to prepare their respective local plans. Initial work on the new Southend Local Plan has recently commenced with a 'call for sites'.

- 1.3.3 Although the SCAAP has been formulated prior to the publication of the White Paper, the Borough Council has recognised the need to actively pursue positive policies to promote housing development to meet local needs. The SCAAP positively promotes the sustainable regeneration of the Central Area and the reuse of previously developed land and high density development where appropriate. As an integral part of this the Plan encourages new housing development to provide a mix of housing types and sizes, including affordable housing, in accordance with Core Strategy Policy CP8 (Dwelling Provision) and Development Management Policies DM7 (Dwelling mix, size and type), DM8 (Residential standards), and DM9 (Specialist residential accommodation). SCAAP Policies PA1 to PA9, covering the various policy areas, all promote residential development. The Council has a demonstrable 5 year housing land supply as set out in the Council's Annual Monitoring Report and in more detail in the SHLAA 2016 update.
- 1.3.4 The provision of sustainable development lies at the heart of the SCAAP's policies and proposals. The SCAAP has been prepared in accordance with the National Planning Policy Framework and Planning Policy Guidance as detailed in the completed Planning Advisory Service Legal Compliance Checklist (2017) and Self-Assessment Checklist (2017).