

# **Southend-on-Sea Local Plan**

## **Issues and Options**



**April 2019**



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# 1 INTRODUCTION

## 1.1 Introduction

1.1.1 These representations are submitted by Gladman in response to the current consultation on the Southend-on-Sea Local Plan Issues and Options (SLP). Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure.

1.1.2 Gladman has considerable experience in the development industry across a number of sectors, including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure that residents have access to a decent home and employment opportunities.

1.1.3 Gladman also has a wealth of experience in contributing to the Development Plan preparation process, having made representations on numerous local planning documents throughout the UK and having participated in many Local Plan public examinations. It is on the basis of that experience that the comments are made in this representation.

1.1.4 Through this submission, Gladman have sought to highlight a number of issues with the SLP. Gladman submit that the Council will need to carefully consider some of its policy choices and ensure that its evidence base is up-to-date and robust in light of changing circumstances and the changes brought about by the Revised National Planning Policy Framework (2019).

## 1.2 Context

1.2.1 The Revised Framework (2019) sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order for it to be sound it is fundamental that the Southend Local Plan is:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

## 2 NATIONAL PLANNING POLICY

### 2.1 National Planning Policy Framework

2.1.1 On 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019. These publications form the first revisions of the Framework since 2012 and implement changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft Revised Framework consultation.

2.1.2 The Revised Framework (2019) introduces a number of major changes to national policy and provides further clarification to national planning policy as well as new measures on a range of matters. Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 16 of the Revised Framework (2019) states that Plans should:

- a) *Be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *Be prepared positively, in a way that is aspirational but deliverable;*
- c) *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) *Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) *Be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*

2.1.3 To support the Government's continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay<sup>1</sup>.

2.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method as set out in the PPG unless

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<sup>1</sup> Revised NPPF – Paragraph 60

exceptional circumstances justify an alternative approach. It is imperative that the emerging Local Plan is formulated on the basis of meeting this requirement as a minimum.

- 2.1.5 Once the minimum number of homes that is required is identified, the planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing need. It states:

*“Strategic policy-making authorities should have a clear understanding of the land available in their areas through the preparation of a strategic housing land availability assessment. From this planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Strategic plans should identify a supply of:*

- a) specific, deliverable sites for years one to five of the plan<sup>2</sup>, and*
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*

- 2.1.6 Once a local planning authority has identified its housing needs, these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so<sup>3</sup>. Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, resulting in net gains across all three. Adverse impacts on any of these dimensions should be avoided, where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed or, where this is not possible, compensatory measures should be considered.<sup>4</sup>

- 2.1.7 To be considered sound at Examination the emerging Local Plan will need to meet all four of the soundness tests set out in paragraph 35 of the Revised Framework (2019).

## **2.2 Planning Practice Guidance**

- 2.2.1 The Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018. The updated PPG provides further clarity on how specific elements of the Revised Framework should be interpreted when preparing Local Plans. In particular, the updated Housing Needs Assessment chapter of the PPG confirms that the Revised Framework expects local planning authorities to follow the standard method for assessing local housing needs, and that the standard method identifies the minimum housing need figure and not a final housing requirement<sup>5</sup>.

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<sup>2</sup> Footnote 26 – With an appropriate buffer, as set out in paragraph 74

<sup>3</sup> Revised NPPF - Paragraph 11

<sup>4</sup> Revised NPPF - Paragraph 32

<sup>5</sup> PPG Paragraph: 002 Reference ID: 2a-002-20180913

- 2.2.2 The calculation of objectively assessed needs (OAN) for housing has been a subject of much debate as part of Local Plan Examinations and s.78 appeals since its initial introduction through the Framework in 2012 with interested parties grappling with the issue of OAN with varying outcomes depending on local circumstances. To simplify the assessment the Government, through the Revised Framework has introduced the standardised method which should be undertaken through the 3-stage process outlined at paragraph 005 of the PPG<sup>6</sup>.
- 2.2.3 Notwithstanding the above, it is important to note that whilst the standard methodology to assessing housing needs has been introduced, it is likely that this will be subject to further change. In this regard, it is currently anticipated that the standard method will be adjusted to ensure that the starting point in the plan-making process is consistent with the Government's proposals in Planning for the Right Homes in the Right Places consultation, to ensure that 300,000 homes are built per annum by the mid-2020s. This follows the release of the 2016 based household projections in September 2018, which forecast a lower level of household growth than previously envisaged.
- 2.2.4 It is therefore important that future iterations of the Local Plan take account of any changes to the standard method for calculating housing needs during the course of their preparation.
- 2.2.5 Whilst the PPG advises that the standard method is not mandatory, there is a possibility that other methods can be used in exceptional circumstances based on robust evidence in order to deviate from the standard method. Indeed, the PPG is clear that the standard method only identifies the minimum number of homes required to meet population needs and does not take into account the variety of factors which may influence the housing required in local areas such as changing economic circumstances or other factors which may change demographic behaviour. Where additional growth above historic trends are likely to occur, then local planning authorities should include an appropriate uplift to the housing numbers to meet the need in full. It is important that this uplift is undertaken prior to and separate from the consideration of the demographic baseline assessment of need and how much of this need can be accommodated in a housing requirement figure. Circumstances where the need to apply an uplift may be appropriate include, but are not limited to:
- *Where growth strategies are in place, particularly where those growth strategies identify that additional housing above historic trends is needed to support growth or funding is in place to promote and facilitate growth (e.g. housing deals);*
  - *Where strategic infrastructure improvements are planned that would support new homes;*
  - *Where an authority has agreed to take on unmet need, calculated using the standard method from neighbouring authorities, as set out in a statement of common ground;*

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<sup>6</sup> Reference ID: 2a-005-20180913.

- *Historic delivery levels where previous delivery has exceeded the minimum need identified it should be considered whether the level of delivery is indicative of greater housing need; and*
- *Where recent assessments such as Strategic Housing Market Assessments suggest higher levels of need than those proposed by a strategic policy making authority, an assessment of lower need should be justified.*<sup>7</sup>

2.2.6 In addition, it is important for local planning authorities to consider the implications of the standard method on delivering affordable housing need in full. The PPG is clear that the total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by open market housing development. If it becomes clear that affordable housing need will not be delivered in full, then an increase to the total housing figures included in the plan should be considered where it could help to deliver the required number of the affordable homes.<sup>8</sup>

2.2.7 In the event that an alternative approach results in lower housing need figure than the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that this figure is based on realistic assumptions of demographic growth and that there are exceptional circumstances that justify deviating from the standard method. This will be tested at the Examination.

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<sup>7</sup> PPG Reference ID: 2a-010-20180913

<sup>8</sup> PPG Reference ID: 3a-027-20180913



## **3 LEGAL REQUIREMENTS**

### **3.1 Duty to Cooperate**

- 3.1.1 The Duty to Cooperate (DtC) is a legal requirement established through section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DtC requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of ongoing engagement and collaboration.<sup>9</sup>
- 3.1.2 The Revised Framework (2019) has introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SOCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. The Revised Framework (2019) sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SOCG), throughout the plan making process<sup>10</sup>. The SOCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.
- 3.1.3 As demonstrated through the outcome of the Coventry, Mid Sussex, Castle Point and St Albans examinations, if a Council fails to satisfactorily discharge its DtC a Planning Inspector must recommend non-adoption of the Plan. This cannot be rectified through modifications.
- 3.1.4 Gladman welcome the South Essex Authorities' commitment to the preparation of a Joint Strategic Plan (JSP) covering Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock. All of these authorities have significant strategic issues to contend with not least, the delivery of substantial housing and economic growth and the need to review Green Belt boundaries at a strategic scale.
- 3.1.5 It is however disappointing, that the JSP will not allocate specific sites which will be left for the individual Local Plans to take forward. The level of housing need in South Essex is significant and delivery has fallen substantially behind need for a long period of time. There is therefore an immediate need to address this situation; and for Local Plans to have to await the adoption of the JSP before sites are taken through the Local Plan process and finally released from the Green Belt, is simply going to result in inevitable further delay.

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<sup>9</sup> PPG Reference ID: 61-021-20180913

<sup>10</sup> PPG Reference ID: 61-001-20180913

- 3.1.6 The JSP could release the strategic sites for development in partnership with the constituent authorities leaving a certain proportion of housing need to be addressed by the Local Plans on non-strategic sites. This would allow the release of Green Belt for development as early in the process as possible, thus meeting urgent need in an expedient manner.
- 3.1.7 The JSP also needs to follow a statutory plan preparation process with requisite consultation and examination to ensure that it has full weight in the planning process and to guide the preparation of the Local Plans on a formal basis. If the JSP is simply a non-statutory document, then there is the potential for changes over time in the other authorities to cause significant issues.

## **3.2 Sustainability Appraisal**

- 3.2.1 In accordance with Section 19 of the Planning and Compulsory Purchase Act 2004, policies set out in Local Plans must be subject to a Sustainability Appraisal (SA), and also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA regulations).
- 3.2.2 The SA/SEA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the emerging Local Plan Review proposals on sustainable development when judged against all reasonable alternatives. The Council should ensure that the future results of the SA clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of this assessment why some policy options have progressed, and others have been rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for both chosen and rejected alternatives. The Council's decision-making and scoring should be robust, justified and transparent.

## 4 VISION FOR CHANGE

### 4.1 Spatial Strategy

- 4.1.1 Southend has identified, through the Issues and Options Plan, that it has suffered from significant issues associated with housing provision recently.
- 4.1.2 As correctly identified, Council's must seek to meet their housing needs in full within their own district where possible, and where not, within the wider Housing Market Area. Council's must first assess their starting point for housing need using the Government's standard method. It must be recognised that the standard method only identifies the minimum number of homes required to meet population needs and does not take into account the variety of factors which may influence the housing required in a local area such as changing economic circumstances or other factors which may change demographic behaviour. Where additional growth above historic trends is likely to occur, then local planning authorities should include an appropriate uplift to the housing numbers to meet the need in full. It is important that this uplift is undertaken prior to and separate from the consideration of how much of this need can be accommodated in the housing requirement.
- 4.1.3 The Council has identified that average house prices in the borough are in excess of 11x the annual salary and that it has witnessed the 2<sup>nd</sup> lowest housing stock growth of all UK cities. The borough also suffers from high rates of overcrowding, enforced house sharing and homelessness all of which have, in part, been caused by not building enough homes.
- 4.1.4 The current standard method calculation would mean a considerable increase in the housing need figure for Southend, well in excess of current delivery rates, and because of Southend's tightly drawn borough boundaries, they will not be able to deliver this target without the cooperation of their neighbours. Southend will therefore have to place considerable emphasis on the preparation of Statements of Common Ground with their neighbours, as required under the Framework 2019, and on the timely delivery of the wider JSP. Strategic growth locations on the edge of Southend's settlements, within Rochford, will have to be identified to help deliver Southend's growth.
- 4.1.5 Given that it is early days for the preparation of the SLP and the fact that the Government's standard method is still under review, it is difficult to say with any accuracy, which is the best option for accommodating the growth. However, it is likely to be a balance between Options 2 and 3 whereby growth within the boundaries of Southend is maximised, without causing unacceptable harm, whilst the Council continue to work with its neighbours, through the JSP and SOCGs, to develop strategic scale development options across borough boundaries.

## 5 PLANNING FOR GROWTH AND CHANGE

### 5.1 Housing

- 5.1.1 The Council has set out that much of its recent housing development has been small scale units situated on urban sites and built to high density standards. Whilst there is a need to use land efficiently, this should not be at the detriment of providing a wide range of accommodation suitable for the needs of all of the local population. Therefore, the Council will need to provide a wide range of sites, in a variety of locations and of a mix of sizes to ensure as much choice as possible for both housebuilders and house buyers.
- 5.1.2 Densities, particularly close to town centres and public transport nodes, should be expected to be higher, whilst sites for lower density schemes more suited to the provision of family housing should be found, where possible within the borough or outside in the neighbouring authorities' areas.
- 5.1.3 The Council should also seek to investigate poorer quality employment sites as a potential source for new residential developments, bearing in mind the need to retain employment opportunities within the borough. Any loss should be balanced against the need to provide a wide range of employment sites suitable for a variety of uses including, small scale manufacturing and so-called bad neighbour uses.
- 5.1.4 In terms for the provision of affordable housing, the Council should be seeking to provide a level which meets locally identified need without impacting on development viability. This will have to be assessed through the local housing needs study and the local plan viability assessment, recognising the change in emphasis brought about by the Framework 2019 where viability is tested at the Local Plan stage. The Council should seek to ensure that they set all of their development requirements in the Local Plan at a level that is deliverable and viable and would remain so, across the Plan period.
- 5.1.5 The provision of affordable housing could also be augmented through an increase in the overall housing requirement above the need identified in the standard method. This would assist in meeting the needs of younger people and first-time buyers, whilst ensuring that development remains viable. In terms of older people, criteria-based policies should be included within the Plan to encourage the provision of specialist accommodation. Similarly, policies should encourage the provision of custom / self-build plots to address identified needs, but this should not be a blanket approach applied to all large-scale sites.
- 5.1.6 If the Council wishes to adopt the discretionary accessible and adaptable homes standards as a policy requirement, then this should only be done in accordance with the Framework footnote 46 i.e. where this would address an identified need for such properties and where the standards can be justified. The Written Ministerial Statement (WMS) dated 25th March 2015 stated that "the optional new national technical standards should only be required through any new Local Plan

policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”.

- 5.1.7 All new homes are built to Building Regulations Part M Category 1 Standards which include such adaptations as level approach routes, accessible front doors and wider internal doors and corridors. If the Government had intended that evidence of an aging population alone justified the adoption of the higher Part M Category 2 or 3 optional standard, then these would have been incorporated as mandatory into the Building Regulations.

## **6 CREATING GOOD QUALITY AND HEALTHY PLACES**

### **6.1 Planning for Climate Change**

6.1.1 Policy HP06 requires all residential development to have to comply with the Nationally Described Space Standards (NDDS).

6.1.2 There are a number of potential policy requirements being considered by the Council through the Issues and Options document which developers would have to provide as part of any proposal. These include such issues as renewable and low carbon energy provision, electric vehicle charging points, the provision of SANG, education provision, open space and green infrastructure etc. The levels of contribution required by the Local Plan on development must leave development viable and must not put at risk the deliverability of the plan as a whole. Therefore, the Council will need to test the cumulative impacts of all its policies on the viability of development at the Local Plan stage and set its policy requirements at a level that is viable now and is likely to remain viable throughout the Plan period.

## **7 CONCLUSION**

### **7.1 Overall Conclusion**

- 7.1.1 Critical to the success of the South Essex area will be the timely production of the JSP which will define the major growth areas to meet the housing and employment needs across the area and will inform the preparation of the individual Local Plans.
- 7.1.2 It is essential that through this process, the full needs for housing and employment are met in the areas that people want to live. It is also imperative that the major policy constraint of Green Belt is reviewed in a strategic manner which allows full need to be met and ensures that the new boundaries endure beyond the JSP plan period.
- 7.1.3 The impact of London will have a heavy influence on the future developments needs of the area and this must also be taken fully into account through the preparation of the JSP.
- 7.1.4 It is also considered that in order to give the JSP the weight it needs to ensure that the constituent Local Plans deliver its outcomes, the JSP should be a statutory plan which follows the requisite plan preparation process of consultation and subsequent examination.