



## CABINET

10 December 2014

**Subject Heading:**

**Havering Local Plan – Initial Consultation**

**Cabinet Member:**

**Councillor Osman Dervish**

**CMT Lead:**

**Andrew Blake-Herbert**

**Report Author and contact details:**

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**Policy context:**

National Planning Policy Framework 2012, London Plan 2011, Revised Early Minor Alterations 2013 and Draft Further Alterations to the London Plan 2014, Havering Local Development Framework 2008

**Financial summary:**

The initial public consultation on the Local Plan has limited financial implications. All of the modest costs associated with the consultation can be met within existing Development Planning Budgets.

The Local Plan must be underpinned by a robust evidence base which is currently being progressed. Additional funding in the region of £100,000 will be required to fund a number of these evidence base studies. It is expected that some funding for these studies will be met from residual funds from Planning Delivery Grant together with corporate funding identified as appropriate.

**Is this a Key Decision?**

No

**When should this matter be reviewed?**

December 2016

**Reviewing OSC:**

Towns and Communities

**The subject matter of this report deals with the following Council Objectives**

<i>Ensuring a clean, safe and green borough</i>	<i>[x]</i>
<i>Championing education and learning for all</i>	<i>[x]</i>
<i>Providing economic, social and cultural activity in thriving towns and villages</i>	<i>[x]</i>

*Valuing and enhancing the lives of our residents* [x]  
*Delivering high customer satisfaction and a stable council tax* []

## **SUMMARY**

The Council is required to prepare a Local Plan for the Borough. A Local Plan is the statutory Development Plan for an area which sets out the long- term strategic planning priorities and objectives, opportunities for development and clear policies on what will or will not be permitted and where. Local Plans were introduced by the Town and Country Planning (Local Planning) (England) regulations 2012 and replaced the previous system of Local Development Frameworks (LDF).

This report seeks Cabinet approval for the first statutory stage of public consultation which is required in order to start the process of progressing a new Local Plan for the Borough.

The report sets out further detail on the reasons for preparing a Local Plan, the statutory process that must be followed and the individual elements of work that are needed to feed into the Plan.

The report also seeks Cabinet Approval to publish the Local Development Scheme (LDS) which is a statutory document setting out the plans and policy documents that will be prepared and a timetable for their delivery. The LDS is not subject to consultation.

The report notes that the preparation of the new Havering Local Plan will be closely linked to the preparation of the Havering Community Infrastructure Levy.

## **RECOMMENDATIONS**

That Cabinet approve:

- (1) The preparation of a new Local Plan for Havering which will replace key documents within the Local Development Framework.
- (2) The Local Plan Consultation Questionnaire (attached as Annex 1) for public consultation.
- (3) The Local Development Scheme for publication (attached as Annex 2)

**REPORT DETAIL**

**Background**

1. Havering's Local Development Framework was adopted in 2008. Since then the Government has published its National Planning Policy Framework (NPPF) and the Mayor of London has published a new London Plan and subsequent Alterations.
2. The Council has also adopted a more business focussed approach and is bringing forward other work to enhance the borough as a place for people to live and where businesses can prosper which should be reflected in up to date planning policies such as a development framework for Romford and a Housing Zone bid for London Riverside.
3. It is considered timely to review the LDF and produce a new Local Plan for the Borough.
4. This work is also necessary to support and complement Havering's emerging Community Infrastructure Levy (CIL) which will assist the Council in generating funding towards the cost of infrastructure to support Havering's development. There are important linkages and dependencies between the respective programmes which require them to be progressed in parallel. Additionally, Government guidance highlights the importance and advantages of CIL work being linked to work on a local plan. Statutory guidance includes that the Levy be worked up and tested alongside the local plan.
5. For this reason, this agenda includes a specific item on the Havering Community Infrastructure Levy. If Members approve both items, public consultation would be started on them concurrently in the new year.

**What is a Local Plan?**

6. A Local Plan is the statutory Development Plan for an area which sets out the long- term strategic planning priorities and objectives, opportunities for development and clear policies on what will or will not be permitted and where.
7. Local Plans were introduced by the Local Planning Regulations 2012 and replaced the previous system of Local Development Frameworks and their

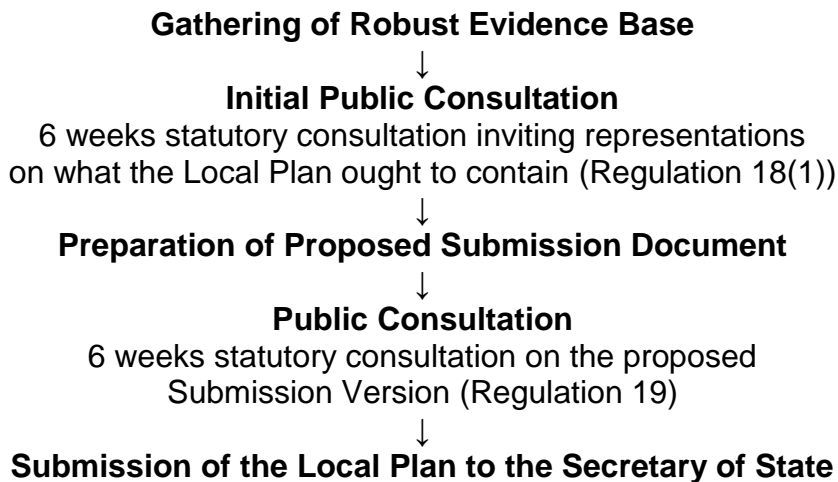
suite of documents including Core Strategies, Development Control Policies and Area Action Plans.

**Why are we preparing a Local Plan?**

8. Havering should progress a new Local Plan because it will:
- Meet statutory responsibilities for Local Planning Authorities to prepare a Local Plan for their area (Statutory Plan)
  - aid decision making and further improve the quality and appropriateness of development in the Borough
  - provide control over local decision making to protect Havering’s largely suburban, green character
  - provide clarity for the business sector and stimulate investment
  - reflect and add weight to other Council led initiatives such as economic development, regeneration and effective asset use and rationalisation
  - support progress on Havering’s CIL and assist in securing funding towards infrastructure
  - increase/enhance other funding opportunities when resources for the public sector are very constrained
  - respond to recent planning legislation changes
  - ensure consistency with the Government and Mayoral planning policy

**What is the process for preparing a Local Plan?**

9. The new Havering Local Plan will be prepared in accordance with the statutory process set out in Local Planning Regulations 2012.
10. Local Plans are subject to two stages of public consultation and an examination in public before an independent planning inspector.
11. The key stages of the Local Plan process are set out below:



↓  
**Independent Examination in Public**  
↓  
**Adoption of the Local Plan**

12. Under previous regulations, Development Plans (including the key LDF documents) were subject to three rounds of public consultation. This offered the advantage of consulting on a 'draft' version of the Plan.
13. However, the progression of the Local Plan through only two consultation stages is advantageous as far as assisting progress towards the early adoption of the Havering CIL (see below). For this reason, a two stage consultation process is recommended.
14. It should be noted that a three stage approach, including preparation and consultation on a Draft Local Plan, would be recommended if there were no time pressures on the Local Plan from the need to adopt a Havering CIL as soon as possible.

**The initial public consultation**

15. In line with the Local Planning Regulations 2012 the first stage of consultation must invite representations on what the local Plan ought to contain (Regulation 18(1)).
16. The NPPF places great importance on engagement with our stakeholders (including residents) and states that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area. To ensure compliancy with the NPPF it is important that consultation on the emerging Local Plan provides consultees an opportunity to put forward their views at an early stage so that they can be taken account of in the drafting of the plan.
17. In line with the above, it is proposed that the consultation questionnaire set out in Annex 1 is published for consultation for a six week statutory period commencing in January 2015.
18. The consultation questionnaire suggests the strategic priorities for the Local Plan and provides an overview of the Council's aspirations in relation to a range of topic areas such as business growth and economic activity, housing and culture and leisure. The questionnaire includes questions relating to each of the topics and focuses on how respondents feel that the Local Plan could help to deliver the priorities.

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19. Whilst the consultation questionnaire is primarily aimed at Havering's residents and businesses it has also been written to provide sufficient information for statutory consultees such as the GLA, the Environment Agency, English Heritage and Natural England and therefore capture a wide range of stakeholder responses.
20. The questionnaire provides an appropriate level of detail and clarity on what the Local Plan will address, however it does not predetermine what specific proposals or policies will be included in the proposed submission version.
21. The initial public consultation will include publication of the questionnaire on the Council's Website, as well as being circulated to all consultees registered on the Council's Development Planning Consultation Database and all statutory consultees such as the GLA, Environment Agency, English Heritage and Natural England.
22. The consultation questionnaire will also be made available in 'hard' copy format at all of the Council's Libraries and at the Romford Public Advice & Service Centre (PASC).

### **Duty to Cooperate**

23. The duty to cooperate was established in the Localism Act 2011 and places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
24. This may require and / or result in:
  - Working together with local authorities to develop common views on policy topics
  - Setting out joint approaches to plan making
  - Engage actively and on an on-going basis
25. The way in which the Council meets its Duty to Cooperate will vary and will depend on the type of strategic issues and cross boundary implications.

### **Evidence base**

26. Essential evidence base work which will be needed to justify policies within the Plan is well under-way. The Local Plan must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area in order to ensure that the policies are robust enough to withstand challenges and scrutiny during the Local Plan process, to support effective development control decision making and any subsequent planning appeals.

27. The evidence base encompasses:

- Retail and Commercial Leisure Needs Assessment –in progress
- Employment Land Review - in progress
- Strategic Flood Risk Assessment (SFRA) Level 1
- a GLA London-wide Strategic Housing Land Availability Assessment (SHLAA) – completed 2013 to inform the revised housing targets for each borough which are set out in the draft Further Alterations to the London Plan.
- GLA London-wide Strategic Housing Market Assessment (SHMA) – completed 2013
- East London SHMA – LB Redbridge have contacted other local authorities with a view to jointly preparing an update to the 2010 document
- an Open Space, Sport and Recreation Needs Assessment – to be taken forward with Property Services, Culture and Leisure and Economic Development
- A Green Belt Review – to be undertaken following the initial consultation
- Infrastructure Delivery Plan – commissioned and in progress
- Viability Appraisal – to be completed. The viability appraisal will ensure that the sites and the scale of development identified in the plan are not subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.
- Local Development Framework Policy Audit – Completed 2013. Officers assessed LDF policies against the policies contained within the NPPF and London Plan to determine whether there are any disparities or any repetition. This assessment will be used in addition to the emerging evidence base to help inform future decisions on what policies will be taken forward and/or revised in line with the Council's aspirations.

28. Several of these documents such as the Open Space, Sport and Recreation Needs Assessment and Green Belt Review will have direct benefits for the work of colleague services within the Council such as Culture and Leisure and Economic Development.

29. Havering's existing policies have also been reviewed against those of the Government and the London Mayor to avoid the new Plan repeating these and to identify any disparities. The new Plan must avoid repeating policies which are already set out in higher level statutory documents and strategies. It is intended to prepare a new Havering Local Plan which is a concise and focussed document.

**Local Development Scheme**

- 30. Annex 2 is the Havering Local Development Scheme. This is, in effect, the project plan for how the Council intends to take local planning and linked work forward over the next few years.
- 31. Members are asked to note the contents and approve it for publication.

**Other matters**

- 32. Work on the local plan has to be supported by a sustainability appraisal and a document setting the Council's approach to public consultation (the Statement of Community Involvement). These have to be in place before the consultation on the local plan can start. Both matters will have been progressed by means of Lead Member approval by the time of the Cabinet meeting so as not to jeopardise the start of the local plan consultation in the early New Year.

**Next Steps**

- 33. In parallel and further to the first stage of consultation officers will continue to develop the remaining pieces of evidence base that are needed to support the new Local Plan.
- 34. The Submission Version of the Plan will be prepared and will be informed by the emerging evidence base and the responses to the public consultation. The Plan will then be subject to a further six week public consultation before it is submitted to the Secretary of State. The Plan will then be subject to an examination in public by an independent planning inspector.
- 35. Subject to Cabinet approval consultation on the Local Plan Consultation Questionnaire will commence in January 2015. It is anticipated that consultation on the Submission version of the Plan will take place in Winter 2015/16 and submission to the Secretary of State in Spring 2016. Subject to being found sound at examination this could lead to adoption of the new Havering Local Plan in Autumn 2016.

**REASONS AND OPTIONS**

**Reasons for the decision:**

The decision to prepare a new Local Plan for Havering has been taken for the following reasons:



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- The Local Development Framework (LDF) was published in 2008 and is now due for review
- There have been significant changes to the planning system and national and regional policy since adoption of the Havering Local Plan 2008. This includes publication of the NPPF 2012 and London Plan 2011.
- To aid decision making and further improve the quality and appropriateness of development in the Borough
- To retain control over local decision making
- To support progression of the Community Infrastructure Levy (CIL)
- To provide clarity for the business sector and stimulate investment
- To increase/ enhance funding opportunities
- To respond to any pressure that arises for a neighbourhood plan(s)
- To respond to recent planning legislation changes

### **Other options considered**

The option of not taking forward a new Local Plan and continuing to rely on the Local Development Framework has been considered and rejected for the following reasons:

- It is a statutory requirement for every local planning authority to have a Local Plan
- Over-time the Local Development Framework will become increasingly out of date and eventually will not provide sufficient policy support for refusing inappropriate development within the Borough.
- Progression of the Havering CIL Community Infrastructure Levy is dependent on progression of the Local Plan.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

There are two main areas of cost in relation to the Local Plan. The first relates to the consultation process and the second relates to the evidence base studies that are needed to underpin the Local Plan.

1. The initial public consultation on the Local Plan has limited financial implications and all of the modest costs associated with the consultation can be met within existing Development Planning budgets.
2. External consultants have been and will need to be commissioned to produce some of the evidence base documents that are needed to support the Local Plan. The use of external consultants reflects the need for expertise which is

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not held in house in addition to the small size of the Development Planning team and existing and on-going work commitments.

An Employment Land Review (circa £40,000) and a Retail and Commercial Leisure Needs Assessment (circa £30,000) are being paid from existing Development Planning budgets, which include monies secured from Planning Delivery Grant and held for the purposes of supporting necessary work on the Havering Local Plan.

There is also a Council and Service need for an Open Space, Allotments, Sport and Recreation Needs Assessment and a Strategic Housing Market Assessment to be prepared to inform the Local Plan and wider Council programmes. These studies would jointly cost in the region of £100,000, and would be commissioned early in the New Year. The need for this spend will be assessed and it is expected that some funding for these studies will be met from residual funds from Planning Delivery Grant together with corporate funding identified as appropriate.

*Cleared by Conway Mulcahy, Finance Business Partner 17/11/14*

### **Legal implications and risks:**

The proposed consultation will be carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

The statutory provisions under which a Local Plan is made are within the Planning and Compulsory Purchase Act 2004 (as amended) and regulations made under the Town and Country Planning (Local Planning) (England) Regulation 2012 and the Environment Assessment of Plans and Programme Regulations 2004. This is the initial consultation stage in an iterative process which will be revisited to take account of representations before the local plan is finalised, examined for soundness and adopted.

*Cleared by Vincent Healey, Legal Manager 17/11/2014*

### **Human Resources implications and risks:**

Officers consider that the consultation on the Local Plan can be delivered within existing staff resources.

*Cleared by Geraldine Minchin, Strategic HR Partner 11/11/14*

### **Equalities implications and risks:**

There are no equalities implications relating to the publication of the consultation leaflet for consultation. The Council offers reasonable adjustments for disabled residents within the consultation document.

The Local Plan will be accompanied by an Equality Impact Assessment which will examine the effect of the Plan on any person or groups of people with different protected characteristics. This will make sure the Council is meeting the Public Sector Equality Duty under the Equality Act 2010.

Work on the Equality Impact Assessment is underway as it is important that the possible equalities implications begin to be considered at the earliest opportunity to

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ensure that any possible effects on individuals or groups of people are considered as the proposals and policies are being developed.

The final Equality Impact Assessment will be published alongside the Submission Version of the Local Plan.

*Cleared by Paul Green, Corporate Policy & Diversity Advisor 11/11/14*

**BACKGROUND PAPERS**

None