

Council, 24 January 2018, Agenda Item 9, Questions on report submitted by Residents' Group

Given that all council members are being asked to approve the Local Plan, would the Leader of the Council confirm the following;-

- 1. Why ALL members did not have sight of all the responses from the public consultation exercise.**
- 2. Why ALL members have not seen officers views on all the responses and the Cabinet's consideration of these and**
- 3. Why ALL members did not have the opportunity to hear and raise any issues with counsel on his advice about material and non-material issues and the submission of our Local Plan.**

Answer by Councillor Damian White

Full Council agreed the Proposed Submission version Local Plan and its suite of supporting documents in July 2017. The decision tonight is not to agree the Local Plan That has already happened. Members are being asked to agree that the Director of Neighbourhoods in consultation with me, make some changes to the previously agreed Proposed Submission Local Plan. The areas of change recommended are as set out in the report. These changes DO NOT alter the fundamental strategy and approach of the Proposed Submission Local Plan as agreed by this Council in July.

The Proposed Submission Local Plan presented to members in July was drafted after public consultation in spring 2015 in accordance with Statutory Requirements and included consultation with Members, residents and other interested parties. The report to Members in July included the responses to the Regulation 18 public consultation and key issues arising so that Members could see how those views had been taken into account and reflected in the drafting of the Proposed Submission Local Plan. The Proposed Submission Local Plan was agreed by Council Members on the basis of that information.

It was explained to all Members in July that the next step required was for that Proposed Submission Local Plan to be consulted on FOR THE PURPOSE of testing whether the plan was both sound and lawful as required by the planning regulations. This second consultation, under Regulation 19, is essentially a 'verification' process to check that there are no evidential gaps, or potential legal weaknesses, before the Proposed Submission Local Plan is submitted to the Secretary of State for approval. This is a process which includes a public enquiry by a Planning Inspector and recommendations to the Secretary of State. The Regulation 19 consultation feedback was considered by senior officers and by Leading Barrister, who has been advising throughout the process, to identify any areas of the previously agreed Proposed Submission Local Plan, which, in their

professional judgement, required alteration in order to ensure that it is sound and robust. Those matters were also discussed with me as Lead Member.

Officers advise that some minor changes be made – in the form of text and format and other ‘non material’ amendments, for which Full Council in July gave authority to the Director of Neighbourhoods, in consultation with myself, without the need to report them back to Full Council. The barrister has advised on those changes which should be regarded as ‘non material’ and which can be made under delegated authority. All Members can be assured by the report before them that anything of substance has been highlighted.

During the process of considering the feedback to the Regulation 19 consultation, it became apparent that some changes, which may not be regarded as falling within the category of ‘non material’ or ‘minor’, are needed in order to strengthen the Council’s position as we move forward to the examination in public. The areas of proposed changes are explained in the report before members of the Council this evening. They include for example

- i) the inclusion of areas already used as Gypsy and Traveller sites as formal designated sites,
- ii) that further evidence be submitted to support various policies such as housing delivery and the green belt, and
- iii) alterations be made to policies, for example inclusion of support for use of the River Thames, in order that the Proposed Submission Local Plan and its supporting documents are consistent with the Statutory Framework and the requirements of the National Planning Policy framework so as to place the Council in the best position possible to have its Proposed Submission Local Plan approved.

These proposed changes DO NOT alter the fundamental strategy and approach of the Proposed Submission Havering Local Plan as agreed by this Council in July. The feedback did not give rise to the need for any other material changes to be made to the previously agreed Proposed Submission Havering Local Plan in order that it is sound. The feedback has therefore been considered and is advised upon in the report to Members. Members are asked to agree that the final detail and wording be delegated to the Director of Neighbourhoods, following consultation with me as Lead Member. The Proposed Submission Local Plan will be amended and published, and the consultation feedback from both Regulation 18 and 19 consultations together with the Council’s responses will form part of the Council’s Submission to the Secretary of State and be made publically available.

Members do not require the intricate detail of the Regulation 19 consultation responses to make the decision before them tonight, or the details of the officers’ consideration. A summary of the areas of change needed in order to make the Proposed Submission Local Plan robust and sound, which flow from that consultation, has been provided in the Report to Members.

I have instructed officers to arrange an all Member information session ahead of the submission of the Proposed Submission Local Plan to the Secretary of State, the date of which will be confirmed.