

Notice of Non-key Executive Decision

Subject Heading:	Havering Local Plan – submission to the Secretary of State
Cabinet Member:	Steve Moore Director of Neighbourhoods
SLT Lead:	Steve Moore Director of Neighbourhoods
Report Author and contact details:	Martyn Thomas Development and Transport Planning Manager Tel: 01708 432845 E-mail : martyn.thomas@havering.gov.uk
Policy context:	National Planning Policy Framework (2012) London Plan 2015 (Consolidated with alterations) 'A City for all Londoners' : London Mayor (2016) Havering 'Vision – Havering Making a Greater London' (2017) Havering Local Development Framework (2008)
Financial summary:	As identified in the Cabinet report in January 2018, there are no direct financial implications as a result of the submission of the Local Plan. The Local Plan is being delivered through funding identified from Planning Delivery Grant, external funding and Directorate budgets. In 2017/18 the Local Plan is utilising

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	£0.099m from the Business Risk Reserve. There is potential to use £0.050m of the Business Risk Reserve in 2018/19.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes

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

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

AUTHORITY UNDER WHICH DECISION IS MADE

Authority for this matter arises from the Council meeting on January 24 2018.

The Minutes to that meeting state that Council at its meeting on January 24 2018 **RESOLVED** to:

- (i) Agree that the material amendments as set out in section 3.1 of this report, be made to the proposed submission documents and to the proposed Submission Havering Local Plan
- (ii) Delegate authority to the Director of Neighbourhoods, following consultation with the Cabinet Member for Housing, to make and approve the final wording of the material amendments to the proposed Submission Havering Local Plan, and to the proposed submission documents for submission to the Secretary of State.

STATEMENT OF THE REASONS FOR THE DECISION

The purpose of this report

The purpose of this report is to secure approval from the Director of Neighbourhoods to submit the Havering Local Plan for Examination following consultation with the Lead Member for Housing.

Background

1. The Council is preparing a new Local Plan to replace its current Local Development Framework (2008). Havering must have an up to date Local Plan for the borough.
2. The new Havering Local Plan reflects the Council's 'Vision – Havering Making a Greater London' (2017). It will better enable the Council to shape and influence the future development of Havering to help ensure that it is a place where people want to live and work and businesses can prosper and invest. It will set out the long term strategic planning objectives, opportunities for development and clear planning policies on what will or will not be permitted and where.
3. The Council is required to ensure that the preparation of the Proposed Submission Version of the Local Plan has accorded with the necessary statutory requirements including

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engagement with the community and a wide range of stakeholders.

4. Most recently, and following Cabinet and Council approval in July 2017, this encompassed engagement with the public and other stakeholders to satisfy the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 .

5. In summary, this involved the publication of the Proposed Submission Version of the Local Plan and supporting evidence base. Comments were invited on the technical 'soundness' and legal compliance of the Local Plan in August and September 2017. In total 129 respondents raised 466 comments.

6. In approving the Local Plan for Regulation 19 consultation in July 2017, Members delegated authority to the Director of Neighbourhoods, following consultation with the Cabinet Member for Housing, to finalise and approve the proposed Submission Documents which includes the proposed Submission Havering Local Plan for submission to the Secretary of State.

7. The recommendation also encompassed authority to make non-material / amendments to the proposed submission documents.

8. Subsequently, as a result of the Regulation 19 stage consultation, it became apparent in the view of Counsel advising the Council on the preparation of the Local Plan, that some modifications that were necessary to the documents proposed for submission and / or additional work to strengthen the Local Plan, fell outside the scope of non-material / amendments. These were itemised in the report to Cabinet in January 2018.

9. Cabinet and Council in January 2018, delegated authority to the Director of Neighbourhoods, following consultation with the Cabinet Member for Housing to make and approve the final wording of the material amendments to the proposed Submission Havering Local Plan and to the proposed submission documents to the Secretary of State.

11. It is important that the Council presses on with the preparation of its new Local Plan as it is currently without an up to date development plan for the borough. The Government is pressing local authorities to bring forward their local plans as soon as possible and has indicated it will intervene if necessary.

Current position

12. The full suite of Local Plan documents to be submitted to the Secretary of State so that the Havering Local Plan can be progressed has now been prepared.

13. These comprise the Local Plan document itself and an extensive portfolio of supporting and evidence base documents (including some additional items prepared following advice from Counsel at the conclusion of the Regulation 19 consultation stage). The portfolio of documents will also include items detailing each individual response to the various consultation stages and the Council's responses to these. The Planning Inspectorate has advised that the Council must submit the Local Plan as it was the subject of Regulation 19 consultation together with a schedule of proposed changes.

15. A full list of all the documents linked to the Submission Havering Local Plan for formal submission to the Secretary of State is attached as Appendix 1.

16. Following consultation with the Cabinet Member for Housing, the Director of Neighbourhoods is now asked to approve these for submission. The consultation with the Cabinet Member for Housing took place on March 22 2018. Various amendments to the

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Proposed Submission Version of the Local Plan were discussed with the Member and he approved these by e-mail on March 23 2018 (see Appendix 2).

17. Subject to this approval, the Council's website will be updated and revised to reflect this important stage in the preparation of the Havering Local Plan. Copies of the Submission Local Plan and the supporting documents will be included on the relevant Local Plan pages of the website. Copies of the documents will be placed 'on deposit' for the information of Members in the Members' Resource Room. All other statutory requirements about submission will be progressed.

18. As agreed at the January Council meeting, an all Member information briefing took place on the Local Plan on March 13 2018.

Next steps

19. Following the formal submission of the Local Plan (and its supporting suite of documents) to the Secretary of State, the Council will be advised further by the Planning Inspectorate. It is expected that the Planning Inspectorate will comment on the submission documents and will confirm if it proposes to appoint an Inspector to hold an Examination into the Havering Local Plan.

20. At this stage, it is not possible to reliably comment on the likely timing of the Examination nor its duration. However, at the instruction of Members, officers have informally indicated to the Planning Inspectorate that the Examination should be in early summer 2018 onwards.

OTHER OPTIONS CONSIDERED AND REJECTED

The option of not submitting the Havering Local Plan was rejected because :

- it is a statutory requirement for boroughs to have up to date local plans
- an adopted Local Plan will better enable Havering to ensure that development is in the best interests of Havering because in the absence of an up to date and adopted Havering Local Plan, planning decisions would be taken with reference to the Government's National Planning Policy Framework and the London Plan. These do not reflect local circumstances as well as a Local Plan prepared specifically for Havering

PRE-DECISION CONSULTATION

In accordance with the previous recommendations from Cabinet (2017), the Director of Neighbourhoods and officers met with the Lead Member for Housing to discuss the proposed submission of the Havering Local Plan on March 22 2018. The Lead Member suggested some changes to the Local Plan documents and these are itemised in Appendix 2 to this report.

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NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Martyn Thomas

Designation: Development and Transport Planning Manager

Signature: 

Date: March 26 2018

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

It is a statutory requirement for the Council to have a Local Plan in place and ensure it is relevant. 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) Regulations 2012 and the Environment Assessment of Plans and Programme Regulations 2004. To not prepare a Local Plan runs the risk that the Secretary of State will 'step in' and prepare a Local Plan for the borough.

The Submission version of the Local Plan has been the subject of an assessment of the legal implications and risks in the original report to Cabinet dated 19 July 2017 and those legal comments do not alter as a result of this request to the Executive Director and Cabinet Member for Housing.

The Local Plan should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. The Council has recently completed the Regulation 19 consultation process, and as a result of consideration of the consultation responses, the amendments outlined in this report are requested.

The Local Plan will be submitted to the Secretary of State for examination, along with the Sustainability Appraisal, evidence base and a statement of representations and main issues in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Whilst the National Planning Policy Framework does not compile a prescriptive list; the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan.

It is important that the Council submit as sound a Local Plan as is possible, which includes taking into account the consultation responses. Following submission of the Local Plan to the Secretary of State an Independent Inspector will assess the plan to determine whether it has been prepared in line with section 20 of the Planning and Compulsory Purchase Act 2004 and Regulations 23 – 24 of the Local Plan Regulations 2012. If the Inspector considers that the Local Plan has not been prepared in accordance with the Regulations then the Inspector may direct the Council to repeat part of the pre-submission process or start the process again. Exceptionally, under Section 21(9)(a) of the Planning and Compulsory Purchase Act 2004 the Secretary of State has the power to direct a local planning authority to withdraw its submitted plan.

The risk of legal challenge will be avoided if Havering's Local Plan meets the objectively assessed needs of the Borough and the evidence is consistent with and has regard to the statutory framework and the requirements of the National Planning Policy Framework.

The draft Local Plan and process undertaken to date, has been reviewed by Counsel and is considered to meet the statutory requirements as set out in these tests for consultation.

FINANCIAL IMPLICATIONS AND RISKS

The recommendations stated within this report have no direct financial implications.

The Local Plan is being delivered through funding identified from the Planning Delivery Grant, external funding and Directorate budgets. In 2017/18 the Local Plan is utilising £0.099m from the Business Risk Reserve. As agreed in July 2017 Cabinet there is potential to use up to £0.050m of the Business Risk Reserve in 2018/19.

There is a risk that appropriate costs exceed the funding provision available for this plan, and any overspend would therefore need to be funded by the Council.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

A full Human Resources Assessment was undertaken of the Local Plan as set out in the Cabinet and Council reports for the Proposed Submission Havering Local Plan in July 2017. There are no further human resources implications arising from this Cabinet report and decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

A full Equalities Impact Assessment was undertaken of the Local Plan as set out in the Cabinet and Council reports for the Proposed Submission Havering Local Plan in July 2017.

The Submission Local Plan will provide the Council with a strategic framework to help deliver a range of outcomes including new homes, jobs,, local economic growth and improved social infrastructure for all residents across Havering including those who share the characteristics protected by the Equality Act 2010.

As such ensuring that the Local Plan has addressed these has been a priority in its preparation throughout the process since 2015. As the Local Plan has a key role in influencing the built environment and how people use it, a key aspect of the EIA is to ensure that access issues for people with disabilities is considered.

The Equality Impact Assessment that supports the Submission Local Plan will be formally submitted with the Local Plan and the suite of supporting documents to the Secretary of State.

As work progresses on forthcoming documents that will support and complement the Local Plan, further assessments of the Local Plan and its documents from an equalities impact assessment will be undertaken.

BACKGROUND PAPERS

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None.

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed : 

Name: Steve Moore

Cabinet Portfolio held:

CMT Member title: Director of Neighbourhoods

Head of Service title : Assistant Director Planning

Other manager title: Development and Transport Planning Manager

Date: March 26 2018

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Democratic Services

This notice was lodged with me on 27/11/18

Signed A-H-G

Full list of documents to be submitted to the Secretary of State for the Havering Local Plan

Submission documents for the Havering Local Plan
Proposed Submission Havering Local Plan (Regulation 19 2017) and Schedule of proposed modifications for Submission March 2018
Proposals Map Changes Booklet (2018) and Proposals Map Booklet Addendum (2018)
Sustainability Appraisal (2017) comprising: <ul style="list-style-type: none">• Sustainability Appraisal for the Havering Local Plan 2017• Non -Technical Summary
Sustainability Appraisal Scoping Report (2015)
Sustainability Note for the Inspector (March 2018)
Draft Sustainability Appraisal Scoping Report – public consultation responses (2018)
Habitats Regulation Assessment (2017)
Regulation 22 Statement (2018) Comprising of: <ul style="list-style-type: none">• Regulation 22 Statement and annexes
Consultation Responses Received under Regulation 20 (2018)
Notice of Submission (2018)
Duty to Co-operate Statement (2018) comprising of: <ul style="list-style-type: none">• Duty to cooperate statement:• Annex D• Annex E

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Health Impact Assessment (2018)
Equalities Impact Assessment (2018)
Outer North East London Strategic Housing Market Assessment (2016)
SHMA update for Havering (2016)
Housing Position Statement (2018)
Retail and Commercial Leisure Needs Assessment (2015) comprising of: <ul style="list-style-type: none">• Executive Summary• Volume 1 Main Report• Volume 2• Volume 3
Retail and Commercial Leisure Needs Assessment Addendum (2018)
Employment Land Review (2015)
Employment Land Review Addendum (2018)
Open Space, Allotments and Sport and Recreation Needs Assessment (2016) comprising of: <ul style="list-style-type: none">• Open Space Assessment Report• Open Space Standards Paper• Indoor Sport and Leisure Facilities Assessment Report 2016• Indoor Sport and Leisure Facility Strategy 2016• Playing Pitch Strategy Assessment Report 2016• Playing Pitch Strategy and Action Plan 2016
Infrastructure Delivery Plan (2018)
Residential Car Parking Standards (2017)
Gypsy and Traveller Accommodation Assessment (2018)
Gypsy and Traveller Position Statement (2018)

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Town Centre Position Statement (2018)
Wind Resource Evidence Base (2016)
Green Belt Study (2016)
Site Green Belt Assessment and Sustainability Assessment: Final Report (2018)
Viability Assessment (2017)
Strategic Flood Risk Assessment (2016)
Transport Position Statement (2018)
Havering Strategic Modelling Technical Note (2016)
Havering Sites of Importance for Nature conservation Review (2017)
Local Development Scheme (2018)
Conservation Area Appraisals and Management Plans (various dates): <ol style="list-style-type: none">1. Corbets Tey Conservation Area2. Cranham Conservation Area3. Gidea Park Conservation Area4. Havering-Atte-Bower Conservation Area5. Langtons Conservation Area6. North Ockendon Conservation Area7. RAF Hornchurch Conservation Area8. Rainham Conservation Area9. Romford Conservation Area10. St Andrews Conservation area11. St Leonards Conservation Area
Statement of Community Involvement (2015)
PINS Soundness Self Assessment (2018)
Legal Compliance (2018)

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Latest Authority Monitoring Report (AMR) (2016-17)
Romford Development Framework (Part of Housing Evidence) (2015)
Rainham and Beam Park Masterplan (Part of Housing Evidence) (2016)
GLA Strategic Housing Market Assessment (2013)
GLA Strategic Housing Market Assessment (2017)
GLA Strategic Housing Land Availability Assessment (2013)
GLA Strategic Housing Land Availability Assessment 2017

London Borough of Havering

March 26 2018

Proposed Local Plan Amendments for Councilor White to agree

1	<p>Objective xiv.</p> <p>Proactively conserve, enhance, and ensure greater understanding of Havering's designated and non-designated heritage assets, their settings and wider historic environment subject to viability</p>
2	<p>New clause xxiv. Have regard to the adopted Romford Conservation Area Character Appraisal and Management Proposals</p>
3	<p>A.3.5 (add to the end of the paragraph)</p> <p>New libraries have been opened in recent years in Harold Hill and Rainham. Havering residents benefit from 10 libraries across the borough.</p>
4	<p>Policy 28 Heritage Assets:</p> <p>The borough's Conservation Areas each have their own special character and architectural and historic interest that contributes to their significance, which needs to be respected by new development within them, and within their setting. For example, the special interests and significance of the Gidea Park Conservation Area, with its individually architect designed 'Arts and Crafts' style Competition and Exhibition houses, are very different to that of Romford Conservation Area, which are based on its historic significance rather than a defined architectural character. Havering's Conservation Areas all have Conservation Area Appraisals and Management Proposals which identify the special interest of each area and provide a clear basis for assessing how planning proposals preserve or enhance their character or appearance. Proposals for new and replacement buildings and features within a Conservation Area or its setting, will be expected to be of a high quality design that responds to the important characteristics of the Conservation Area, and which will preserve, enhance or reveal its character and appearance, and significance</p>
5	<p>Policy 26</p> <p>The Council will promote high quality design that contributes to the creation of successful places in Havering by supporting development proposals that: Are informed by, respect and complement the distinctive qualities, identity and character of the site and, local area and significance of heritage assets and their settings;</p>

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6	<p>Paragraph 12.2.5</p> <p>The Council is committed to seek opportunities to expand the number of sites designated as Local Nature Reserves in Havering.</p>
7	<p>Affordable workspace</p> <p>The Council maintain a record of affordable workspace available to small businesses as part of its commitment to growing the havering economy</p>
8	<p>Policy 26 Urban Design</p> <p>The Council will expect require development proposals of a strategic nature to will be subject to an Urban Design Review Panel.</p>
9	<p>Paragraph 11.1.16</p> <p>The Council will establish a Design Review Panel comprising of independent specialists and Council representatives</p>
10	<p>Paragraph 11.3.7</p> <p>The proposed Local List Criteria will be subject to Public Consultation in line with Historic England Advice Note 7 - Local Heritage Listing.</p>
11	<p>Policy 3</p> <p>The delivery of new homes will also be achieved by:</p> <p>Supporting residential development proposals around stations where it is compatible with the design and character of the local area. Major development proposals around stations will be subject to design review.</p>
12	<p>Paragraph 8.5.6</p> <p>The Council will, however, not permit proposals which would result in a loss of social infrastructure in an area of defined need for that type of social infrastructure without a convincing demonstration by the developer that an equivalent replacement provision re-provision (in terms of size, usefulness, attractiveness, safety and quality) has been made. If the disposal of assets is part of an agreed programme of social infrastructure re-provision <u>consolidation</u> to ensure continued delivery of social infrastructure and related services, the loss of social infrastructure in areas of defined need may be acceptable. <u>The Council will also give consideration to the viability of retaining existing social infrastructure provision.</u></p>

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