



Notice of Non-key Executive Decision

Subject Heading:	Havering Local Plan - response to Inspector's queries at Examination in Public
Cabinet Member:	Councillor Damian White Leader of the Council
SLT Lead:	Andrew Blake- Herbert Chief Executive
Report Author and contact details:	Suzanne Lansley Interim Planning Policy Team Leader Tel: 432931 E-mail: Suzanne.Lansley@havering.gov.uk
Policy context:	National Planning Policy Framework (2012) London Plan (2015 - Consolidated with alterations) Havering Local Development Framework (2008)
Financial summary:	<p>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.</p> <p>The Local Plan is being delivered through funding identified from Directorate budgets.</p> <p>A bid is being prepared to be made to the Business Risk Reserve in 2018/19.</p>

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Relevant OSC:	Towns and Communities.
Is this decision exempt from being called-in?	Yes

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

- ✓ Communities making
Havering
- ✓ Places making
Havering
- ✓ Opportunities making
Havering
- ✓ Connections making
Havering

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

In October 2018 the first part of the Havering Local Plan Examination in Public (EIP) took place.

Following the initial stages of the EIP the Inspector has requested additional information and modifications in relation to housing and a number of other matters (Not including gypsies and travellers which will be subject to another Executive Decision). The Inspector has agreed that this information can be provided by the end of December 2018.

This information needs to be provided to assist the Inspector to consider if she can find the Havering Local Plan sound such that she can recommend it for adoption by the Council.

This report seeks approval to submit the required information and proposed modifications to the Inspector in order to proceed further with the Local Plan examination process.

Recommendation

1. The attached further information response is submitted to the Planning Inspectorate for consideration by the relevant Inspector and that the relevant Local Plan Submission documents are updated.

AUTHORITY UNDER WHICH DECISION IS MADE

On January 24 2018 Cabinet **RESOLVED** to:

- (i) Agree that the material amendments as set out in section 3.1 of the 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.

Part 3 – Responsibility for Functions

3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as

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follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

General powers

(a) To take any steps necessary for proper management and administration of allocated portfolios.

(b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

3.8.1 DIRECTOR OF NEIGHBOURHOODS

Responsible for services that shape the physical nature of the borough:

(a) Travel and building planning

STATEMENT OF THE REASONS FOR THE DECISION

Background

1. The Council has prepared 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 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 engagement with the community and a wide range of stakeholders.
3. The Plan was submitted to the Secretary of State in March 2018.
4. Following the formal submission of the Local Plan (and its supporting suite of documents) to the Secretary of State, the Planning Inspectorate appointed an Inspector in July 2018 to undertake an EIP.

Current Situation

5. The EIP took place during October 2018 where the following topics were explored:
 - Matter 1 : Legal compliance and Duty to Co-operate

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- Matter 2 : Spatial Strategy
- Matter 3 : Housing
- Matter 4 : Gypsy and Traveller
- Matter 5 : Green Belt
- Matter 6 : Economy and employment
- Matter 7 : Town Centres and Communities
- Matter 8: Connections
- Matters 9, 10 and 11 : High quality places, Green places and Minerals
- Matter 12 : Infrastructure, implementation and monitoring

Following on from the EIP the Inspector has requested further information on a number of the matters including clarification on housing numbers and further information on the housing trajectory. A full list of this requested information can be found on the action list in Appendix 1.

6. It has been agreed with the Inspector that this information will be provided by end of December 2018.
7. The Inspector has also requested further information on Matter 4 - Gypsy and Travellers but this information is to be provided by the end of January 2019 and will be subject to a separate Executive Decision.

Next Steps

8. The requested information has been prepared and needs to be submitted by December 31st.
9. The Inspector will then consider the information provided and seek any additional clarification.
10. Once it is agreed by the Inspector as adequately responding to her queries, the information will need to be published on the Local Plan website. There will be a chance for people who originally responded at the Regulation 19 consultation stage to respond to the additional information and submit their own responses.
11. The Inspector will then reconvene the EIP where she will consider the Council's and the third parties' responses.
12. There will be a need for further public consultation on the plan or additional information to be prepared. The Inspector will then conclude if the Plan can be found 'sound' (approved).

OTHER OPTIONS CONSIDERED AND REJECTED

The option of not submitting this additional information and further modifications for the Havering Local Plan was rejected because :

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- It is a statutory requirement for boroughs to have up to date local plans and not providing this additional information would mean the Inspector would not be able to make a decision on whether the Havering Local Plan is sound and should be approved.
- An adopted Local Plan will better enable the Council 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. Having an up to date Local Plan will enable the Council to bring forward other linked pieces of work such as a Site Specific Allocations Development Plan Document and Masterplans for Romford and, in due course Rainham.

PRE-DECISION CONSULTATION

None

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

Name: Suzanne Lansley

Designation: Interim Planning Policy Team Leader

Signature: *S. Lansley*

Date: 20/12/18

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 was 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.

Following submission of the Local Plan to the Secretary of State an Independent Inspector during the assessment of the plan requested further information in order to be able 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 material additional to the draft Local Plan has been reviewed by Counsel and submission of the additional material is recommended.

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 Directorate budgets.

In addition to the 2018/19 £0.050m budget growth, a further bid is being prepared to request funding from the Business Risk Reserve this is expected to cover identified costs to date.

There is a risk that appropriate costs exceed the funding provision available for this plan, and any overspend would therefore need to be contained within the service budget.

**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

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

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.

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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

None

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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:

A Blake-Herbert

Title:

CE

Date:

20/1/19.

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 Committee Administration

This notice was lodged with me on

01/02/2019

Signed

