



Notice of Non-key Executive Decision

Subject Heading:	Havering Local Plan – further response to the Inspector’s queries at Examination in Public (EIP) – Gypsy and Traveller and Parking matters.
Cabinet Member:	Councillor Damian White Leader of the Council
SLT Lead:	Caroline Bruce Interim Director of Neighbourhoods
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) Havering Corporate Plan (2019) Havering Local Plan submission version (2018)
Financial summary:	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 Directorate budgets. And the successful bid against the Business Risk Reserve 2018/19.

Non-key Executive Decision

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

1.0 Background

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

1.2 Following the initial stages of the EIP, the Inspector has requested additional information and modification in relation to a number of matters including housing, parking and Gypsy and Travellers.

1.3 Housing and other matters have already been submitted to the Inspector and were subject to a previous Executive Decision in January 2019. This Executive Decision relates solely to parking and Gypsy and Traveller responses. The Inspector requires this information to be submitted by 22nd March 2019.

1.4 The Inspector has requested provision of the information to consider whether or not she can find the Havering Local Plan 'sound' such that she can recommend it for adoption by the Council with such modifications as she recommends to the Secretary of State.

1.5 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.

2.0 Recommendation

The attached further information response and supporting documents are submitted to the Planning Inspectorate for consideration by the relevant Inspector and that the relevant Local Plan Submission documents, as published on the Council website are updated.

3.0 AUTHORITY UNDER WHICH DECISION IS MADE

3.1 On 26th July 2017 Council **RESOLVED** to:

(iii) Delegate authority to the Director of Neighbourhoods, following consultation with the Cabinet Member for Housing, to finalise and approve the proposed Submission Documents, as set out in (i) above for submission to the Secretary of State, including to:

- make non material/minor amendments to the proposed submission

Non-key Executive Decision

documents;

- undertake any further consultation required arising as a result of the Regulation 19 consultation;
- make modifications to the Submission Documentation during and as a result of the Examination process; and
- make submissions to the Planning Inspectorate in support of the Submission Local Plan during the Examination process.

STATEMENT OF THE REASONS FOR THE DECISION

4.0 Background

4.1 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.

4.2 The Council is required to ensure that the preparation of the Proposed Submission Version of the Local Plan accords with the necessary statutory requirements including engagement with the community and a wide range of stakeholders.

4.3 The Plan was submitted to the Secretary of State in March 2018.

4.4 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 Examination in Public (EIP)

4.4 The EIP took place during October 2018 where a wide range of topics were explored including: Legal compliance and Duty to Co-operate, Spatial Strategy, Housing, Gypsy and Travellers, Green Belt, Town Centres and Communities, High Quality Places, Parking and Infrastructure and Monitoring of the Local Plan policies.

4.5 The Inquiry is to reconvene in May for 2 days.

4.5 Following on from the EIP, the Inspector has requested further information and clarification on a number of the matters including housing supply numbers, parking and Gypsy and Traveller matters which still needs to be sent to the Inspector.

4.6 The response to the Inspector on housing supply numbers was provided to the Inspector on 21st January 2018.

4.7 The response to the Inspector relating to parking and Gypsy and Traveller policy is required to be provided to the Inspector by 22nd March 2019.

5.0 Information to be submitted

Non-key Executive Decision

5.1 Parking

5.1.1 The action arising out of the Examination in Public in October 2018 in relation to parking was;

- If the inspector finds that that the plan is not sound in relation to this issue, is there any middle ground which can be met that will satisfy the requirements of both TfL and LBH? ,
- How would Council modify the policy to make it sound?

5.1.2 Officers have been in discussions with TfL to reach a compromise position as requested by the Inspector. Full details of these discussions can be found in Appendix 1 and the proposed changes to Policy 24 can be found in a Appendix [2 as well as on the Proposed Modifications document Appendix 3. (This is an updated proposed Modifications Document from that sent to the Inspector in January 2019 to reflect the additional modifications in relation to parking and Gypsy and Traveller policies.)

5.1.3 Consequently officers propose that no change is made to the submitted Local Plan in relation to the minimum parking standard of 0.5 spaces per unit within Romford and those parts of the borough with good public transport accessibility. (PTAL 5-6)

5.1.4 Officers will draft a Main Modification in accordance with the outcome of discussions with Members following the discussions outlined above with TfL. The Main Modification is to be submitted to the Inspector at the Examination to:

1. Enable the Local Plan to include updated parking standards for the extensive areas of Havering (approximately 93%), being those with lower levels of public transport accessibility (PTAL 0-2).
2. No amendment to the current standard in respect of the standard for PTALs 3-6

5.1.5 Whilst agreement has been reached with Transport for London in relation to the standard for PTAL 0-1, and a full compromise on the outstanding issues with TfL has been close, agreement has not been reached at this stage in connection with standards for PTAL 2.

5.1.6 Havering is proposing to agree to compromise by ensuring the minimum standards set for PTAL's 0-2 do not exceed the Maximum standards that are set out in the London Plan, TfL are unable to accept minimum standards in Havering for some parts of PTAL 2 whilst the Local Plan has a minimum parking standard for the most accessible parts of the borough such as Romford.

5.2 Gypsy and Travellers

5.2.1 A revised Gypsy and Traveller Accommodation Assessment (GTAA) document is proposed to be submitted, Appendix 4 of this Executive Decision. The GTAA concludes as follows:

- The revised GTTA identified need for the first 5 years of the Plan; (2016-2021)

Non-key Executive Decision

can be met on existing sites with the exception of 7 pitches.

- It is likely that all but 2 of these 7 can be accommodated during the first 5 years of the Plan. (2016-2021)
- The identified need for the years 2021-2026 and 2026-2031 cannot currently be met within the existing site boundaries.
- There is not an allocation for this need as a site deliverability assessment cannot accurately determine when and on what sites the pitches will be needed.
- However, it is possible to conclude that it is unlikely that there will be a need to identify a further 52 pitches in Havering between years 6-15 of the plan as remaining space on existing sites may become available in the latter years of the plan period through death, dissolution, out-migration or movement to bricks and mortar.

5.2.2 There has been a particular focus on the 'deliverability' of the policy approach advocated in the first 5 years which relies on existing sites accommodating the identified need. A comprehensive Site Deliverability Assessment has been prepared to complement the GTAA and to inform the policy approach and copies of these matrixes will be available to the inspector on request.

5.2.3 Sites will be inset from the greenbelt with a policy to ensure that the inset sites are specifically allocated in the Local Plan as a Gypsy and Traveller and Travelling Show Persons sites. A robust revised policy reflecting the updated GTAA, the Site Deliverability Assessment and the 'insetting' (removal) of the sites from the Green Belt is proposed and to be submitted to the Inspector. The policy is considered to include safeguards to ensure that the inset sites are the subject of clear and strong measures to maintain their Green Belt setting notwithstanding that they are proposed to be removed from the Green Belt.

5.2.4 The proposed revised Policy 11 can be found in Appendix 5 of the Executive Decision as well as Proposed Modifications document Appendix 3.

5.2.5 A full response to the inspector's queries in relation to Gypsy and Traveller matters can be found in Appendix 6

5.3 Other information to be provided

5.3.1 The inspector will also be provided with an updated Action List (which has previously been sent in January 2019) which states in which document she can find the requested information as well as cover letter summarising what has been submitted. (Appendices 7 and 8)

6.0 Next Steps

6.1 Officers expect that the Inspector will consider the information provided and if required seek any additional clarification. The Inspector will require the Council to publish on the Local Plan page of the Council website. The consultation enables interested parties a chance for people who originally responded at the Regulation 19 consultation stage to respond to the additional information and submit their own responses.

Non-key Executive Decision

6.2 The Inquiry will reconvene in on 29th and 30th May 2019 May when the Inspector will consider the Council's and the third parties' responses.

7.0 OTHER OPTIONS CONSIDERED AND REJECTED

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

- It is a statutory requirement for boroughs to have up to date local plans and not providing this additional information would mean the Inspector may 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 strategies 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

The Leader and Cabinet Members. Relevant Senior Officers.

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

Name: Suzanne Lansley

Designation: Interim Planning Policy Team Leader

Signature:

S. Lansley

Date:

25/3/19

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 the Local Plan is relevant and up to date. 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 on behalf of the Council.

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 documents as set out in the appendices have been through legal review and submission to the Inspector is recommended.

FINANCIAL IMPLICATIONS AND RISKS

As with the initial submission of material to the Inspector following the EIP being 'paused', the recommendations stated within this report have no direct financial implications.

The Local Plan is being delivered through funding identified from Neighbourhood Directorate budgets.

In addition to the 2018/19 £0.050m budget growth. Bids totalling £0.171m were approved in 2018/19 from the Business Risk Reserve and this is expected to cover identified costs to date.

There is a risk that final costs exceed the current funding provision available for this

Non-key Executive Decision

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

Non-key Executive Decision

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

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

Non-key Executive Decision

Signed:



Name:

Caroline Bruce

Title

Interim Director of Neighbourhoods:

Date:

25/3/19.

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 _____

26/3/19

Signed _____

A-N-CM

