

Notice of Non-key Executive Decision

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| Subject Heading: | Havering Local Plan – Response to Inspector’s queries from May 2019 Examination in Public |
| Cabinet Member: | Councillor Damian White Leader of the Council |
| SLT Lead: | Sue Harper 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 (2019/2020) Havering Local Plan submission version (2018) Havering Local Plan Submission version with tracked changes (Jan 2019) Havering Local Implementation (Plan 2019) |
| Financial summary: | There are no direct financial implications as a result of the submission of the Local Plan. £0.600m has been identified from the Business Risk Reserve for 2019/20. |

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| | Any costs associated with the work above £0.600m will be met from existing resources. Approval is being sought corporately for the funding of future years. No work beyond this financial year will be commissioned unless and until additional funding has been agreed. |
| 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 Havering has prepared a new Local Plan to update and replace the Havering Local Development Framework (2008) and to set out its planning and regeneration objectives. 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 'paused' the Examination process and requested additional information and modification in relation to a number of matters including housing, parking and Gypsy and Travellers. This is typical of the manner in which Local Plans are considered at their EIPs. The Council submitted substantial and robust responses on these matters to the Inspector in December 2018 and March 2019 which were approved by means of Executive Decisions.

1.3 A further 2 days of hearings took place on 29th and 30th May 2019 and following these sessions the Inspector has requested further information relating to Gypsy and Traveller matters and the preparation by the Council of a schedule of Main Modifications to the Local Plan.

1.4 The Inspector requires the provision of this information so she can 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 As previously, 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

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

AUTHORITY UNDER WHICH DECISION IS MADE

3.1 On 19th July 2017 Council **RESOLVED** to:

(ii) Delegate authority to the Director of Neighbourhoods, following consultation with

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the Cabinet Member for Housing, to finalise and approve the proposed Submission Documents, as set out in 2(i) above for submission to the Secretary of State, including to:

- make non material/minor amendments to the proposed submission 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.

3.2 On 24th January 2018 Full Council **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.

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. The Local Plan will provide a robust framework for determining planning applications and be an important tool for the Council to deliver its own planning and regeneration objectives.

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 commenced in October 2018 where a wide range of topics were explored

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including:

- Legal compliance and Duty to Co-operate,
- Spatial Strategy,
- Housing,
- Gypsy and Travellers,
- Green Belt,
- Town Centres and Communities,
- High Quality Places,
- Parking
- Infrastructure
- Monitoring of the Local Plan policies.

4.5 Following on from these initial EIP sessions, the Inspector requested further information and clarification on a number of the matters including housing supply numbers, parking and Gypsy and Traveller matters which were submitted in December 2018 and March 2019.

4.6 A further 2 days of hearings took place on 29th and 30th May 2019 and following these sessions the Inspector has requested further information relating to Gypsy and Traveller matters and the preparation of a schedule of proposed modifications to the Local Plan.

4.7 The Inspector has requested that the additional information related to Gypsy and Traveller matters be submitted by the end of July 2019.

5.0 Information to be submitted

5.1 Gypsy and Travellers

5.1.1 There are minor changes required to the revised Gypsy and Traveller Accommodation Assessment (GTAA) document and the updated document can be found in Appendix 1 attached to this Executive Decision. The following changes have been made:

- Up to date survey information on individual sites to be included
- GTAA Figures 5 and 6 have been revised
- GTAA Appendix D updated to Dec 2018.
- Clarified that The View, Prospect Place is included in the table at appendix D.
- GTAA sets out current and future need for Travelling Showpeople.
- Policy justification of how monitoring will take place with regard to possible future transit site provision.

5.1.2 The Inspector also requested modifications to the wording of Policy 11 Gypsy and Travelling Showpeople accommodation in order to make it easier to understand the figures and adhere more closely with national planning policy.

5.1.3 The proposed revised Policy 11 can be found in Appendix 2 of this Executive

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Decision as well as the Proposed Modifications document Appendix 4.

5.1.4 In terms of the sites that have been identified for allocation as Gypsy and Traveller sites, the Inspector required further information on the deliverability of these sites to demonstrate that the identified number of pitches can be reasonably accommodated on the identified site areas in the proposed allocations.

5.1.5 Additional work has been undertaken to show :

- Layout information and how pitches/additional accommodation units can be fitted on the current land occupied by the traveller households identified by the red line boundaries presented as part of the Hearing information or where appropriate, land beyond these current site boundaries that the households have access to
- demonstrate how the extra pitches required (not currently allocated) can be accommodated on other sites
- in line with Government policy, show how the accommodation need for gypsy and traveller households for years 6-15 could be accommodated and provide information on broad areas where future expansion may take place

5.1.6 Whilst there are no national standards for the layouts of Gypsy and Traveller sites the indicative site layouts have been undertaken using advice laid out in the 'Designing Gypsy and Traveller Sites Good Practice Guide' and 'Designing Gypsy and Traveller Sites' Welsh Government Guidance. Where there is an approved plan for the site these have been used as the basis of then adding any additional required pitches. The layouts are indicative only and will not be used for any planning purpose.

5.1.7 It is proposed that these sites will be allocated in the Local Plan along with the number of pitches for each site. Landowners/occupiers will still need to satisfy the criteria in Policy 11 and apply for planning permission. If planning permission is granted they will also need to obtain a site licence.

5.1.8 The site investigation work has shown that for the sites that are going to be allocated they can accommodate their 5 year need. The 6-15 year need of those that meet the definition can be met within current site boundaries.

5.1.9 A total of 7 pitches on two sites are not being allocated (Land east of Rosewood Cottage (5 pitches) and Willoughby Drive (2 pitches) These pitches could be accommodated on other sites.

5.1.9 The results of this work can be found in Appendix 3 attached to this report

5.2 Proposed Main Modifications

5.2.1 Following the EIP sessions, in October and May, the Inspector has requested that the Council make a number of 'main' modifications to the Local Plan Submission Version. Main modifications are changes which the inspector deems necessary to make the plan sound.

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5.2.2 The Council had already put forward a number of main modifications both prior to and following the EIP sessions and the inspector has now indicated which ones she would like to be taken forward at this time. These take account of evidence considered at the EIP sessions by the Council and third parties such as developers and their professional advisers. These are set out without prejudice to her ultimate conclusions in relation to the soundness of the Plan.

5.2.3. The proposed modification list can be found in Appendix 4

5.3 Parking

5.3.1 The inspector is still considering what modifications will be required to this policy following the further information and discussion at the May hearing. In order to assist her consideration she has requested that Policy 24 Parking provision and design be redrafted to include the suggested modifications from TfL.

5.3.2 In order to ensure that any such further modification is prepared in a manner which reflects Havering's objectives, the Council has prepared a further modification to Policy 24. This is prepared and tendered without prejudice to the Council's contention that it should not be included in the Local Plan when adopted. This is prepared as a courtesy to the Inspector should she decide if such a modification is necessary. The proposed modification can be found in Appendix 4.

5.4 Policy 3 Housing Supply

5.4.1 Following the EIP in October 2018 the inspector had asked for a number of modifications to be put forward for Policy 3. She has now confirmed which of these modifications she now wishes to consider.

5.4.2 The proposed modifications now reflect the fact that at least 11,701 new homes will be built in Havering over the first 10 years of the Plan period. Due to the nature of the housing supply in the Local Plan, the Council has proposed that a 'stepped' approach be applied to housing delivery over the first 10 years of the plan period. Under this approach, the annual target is lower in the first part of the plan period and gradually increases to reflect historic housing delivery.

5.4.3 The 2018 updated Technical document: "The Housing Position Statement", identifies specific deliverable and developable sites for the first 10 years of the Plan. The Council is committed to ensuring that there is a sufficient supply of housing over the 15 year plan period and beyond and will therefore undertake an early review of the Plan. This review will begin immediately after adoption of the Plan.

5.4.4 The proposed modifications can be found in Appendix 4.

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

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publish the submitted material on the Local Plan page of the Council website.

6.2 No conclusion regarding the 'soundness' of the Plan will be made until information has been submitted and considered. If that information results in the inspector concluding that the Plan can be made sound subject to modifications, she will write formally to the Council setting out the Main Modifications needed.

6.3 The Inspector is likely to propose a number of changes to the plan (known as "main modifications") in the light of the hearings and the information provided to her.

6.3 The Council will need to go out to public consultation for six weeks on any main modifications. Once the consultation has finished, the Inspector will present her findings and recommendations on the examination in a final report. The Inspector's report is 'binding' on the Council and the Council cannot change the contents.

6.4 If the Inspector finds the Local Plan sound and legally compliant, the Council will proceed to formal adoption. It is anticipated that this will be in early 2020 subject to the outcome and timing of the Inspector's further work and Member approval.

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.

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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: 

Date: August 1 2019

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.

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

FINANCIAL IMPLICATIONS AND RISKS

The submission of material to the Inspector following the EIP and the recommendations stated within this report has no direct financial implications.

£0.600m has been identified from the Business Risk Reserve for 2019/20. Any costs associated with the work above £0.600m will be met from existing resources. Approval is being sought corporately for the funding of future years. No work beyond this financial year will be commissioned unless and until additional funding has been agreed.

There is a risk that final costs exceed the current 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

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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.

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

Attachments :

- Appendix 1 : Gypsy and Traveller Accommodation Assessment – Update Report July 2019
- Appendix 2 : Draft revised Policy 11 Gypsy and Traveller Accommodation
- Appendix 3 : Mapping and site work to support Policy 11
- Appendix 4 : Draft Main modifications schedule

Part C – Record of decision

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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: Sue Harper

Title Interim Director of Neighbourhoods:

Date: August 1 2019

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 06/08/2019

Signed 