



CABINET

Subject Heading:

Approval and publication of Havering
Local Development Scheme 2019-2021

Cabinet Member:

Councillor Damian White

SLT Lead:

Sue Harper

Report Author and contact details:

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Policy context:

National Planning Policy Framework (2018)
London Plan (2016)
Havering Corporate Plan 2019 / 2020
Havering Local Plan Draft Submission version
2019

Financial summary:

£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.

Is this a Key Decision?

Yes- Significant effect on two or more Wards

When should this matter be reviewed?

June 2021

Reviewing OSC:

Towns and Communities

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

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

SUMMARY

1.1 Local planning authorities are required to prepare and maintain a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and the Housing and Planning Act 2016.

1.2 This report seeks approval for the updated LDS for 2019-21.

RECOMMENDATIONS

That Cabinet:

1. **APPROVE** the adoption of the Local Development Scheme which is to have effect from 1st Sept 2019.
2. **DELEGATE** authority to the Assistant Director Planning following consultation with the Leader of the Council to make and approve any final changes to the wording and content of the Local Development Scheme, and to publish the Local Development Scheme on the Councils website.
3. **DELEGATE** authority to the Assistant Director of Planning following consultation with the Leader of the Council to approve any minor changes to the timelines of the production of documents in Local Development Scheme as required by the process during the period 2019-2021.

REPORT DETAIL

3.1 Local planning authorities are required to prepare and maintain a Local Development Scheme under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the section 111 of the Localism Act 2011 and the Housing and Planning Act 2016.

3.2. The Planning and Compulsory Purchase Act 2004, together with related regulations and Government guidance, introduced a revised planning system based around the Local Development Framework. This has been subsequently amended by the Localism Act, revised Regulations and the National Planning Policy Framework which, amongst other things, refer to Local Plans rather than Local Development Frameworks.

Cabinet, 09 July 2019

3.3 This LDS (2019- 2021) reflects the timeframe for the production of a new Local Plan and supersedes the previous LDS (2018) which had been prepared to ensure that the Council had an up to date LDS for the Local Plan Examination.

3.4 Havering's LDS (2019-21) provides a formal work programme of the planning documents set to be produced during the timeframe including where necessary, reviews of adopted documents. For completeness, though not part of the Local Plan suite of documents, the LDS also details the development of any Supplementary Planning Documents (SPD's) that will support the Local Plan.

3.5 The LDS needs adjusting as the current version (2018) is out of date and does not reflect the latest time table for the preparation of the Local Plan.

3.6 The LDS provides opportunities for the local community and stakeholders to be involved in preparing planning policies by setting out an indicative timetable for the preparation of each document.

3.7 All planning policy documents which the Council produces must be:

- Consistent with national planning policies.

Additionally,

- They should be in general conformity with the London Plan (2016); and
- All planning policy documents and subsequent SPD's must conform to the Local Plan Spatial Strategy.

3.8 The LDS (2019-21) sets out:

- The planning policy documents that Havering have already prepared;
- The planning policy documents that Havering intend to produce;
- The subject matter and geographical area of each of the proposed documents;
- The timetable for the preparation of the documents over the next three years.

3.9 Development Plan Documents contain the policies which all planning applications are considered against, unless a material consideration indicates otherwise.

3.10 Preparing the LDS also enables the Council to make financial provision for its plan-making role and the work that needs to be undertaken in order to deliver its statutory obligations.

3.11 A recommended revised LDS, taking account of these matters, is set out in Annex 1 for Cabinet Approval.

REASONS AND OPTIONS

4.0 Reasons for the decision:

4.1 Local planning authorities are required to prepare and maintain a Local Development Scheme under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and the Housing and Planning Act 2016.

4.2 The current LDS approved in 2018 does not include some documents which are now to be developed.

Other options considered:

4.3 The option of not publishing an up to date LDS has been rejected as the current version is out of date and does not reflect the latest time table for the preparation of the Local Plan and the legal requirement to have an up to date LDS.

IMPLICATIONS AND RISKS

5.0 Financial implications and risks:

5.1 Currently there is no budget allocation for work on the policy planning work programme. £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.

6.1 Legal implications and risks:

6.1 The Local Planning Authority is required pursuant to section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare, revise and make a Local Development Scheme available to the public. This Duty by necessity also requires the Council to ensure that the Local Development Scheme is maintained as an up to date document, pursuant to section 15 subsection 9A of the Planning and Compulsory Purchase Act 2004 (as amended).

6.2 A Local Development Scheme must specify (amongst other matters) the development plan documents which when prepared, will comprise the Development Plan for the area. A Local Development Scheme, as officers correctly state above at paragraph 2.4 comprises the combination of strategic policies and non-strategic policies and consequently include the Local Plan and supplementary planning documents. The draft Local Development Scheme the appendix to this Cabinet report, correctly includes and identifies the relevant

documents.

6.3 There is a risk that by not ensuring an up to date Local Development Scheme is published and available to the public that the Council will be found to be in breach of its statutory duties. Approval of the Local Development Scheme is recommended.

7.0 Human Resources implications and risks:

7.1 Whilst some of the work will be able to be undertaken within the constraints of current staff resources and due to the nature of the work that is required to be undertaken there will be a requirement for some of the work to be undertaken by external consultants who will be engaged via an appropriate procurement route using the Councils existing procedures.

Equalities implications and risks:

8.1 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.

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

8.3 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.

8.4 A full Equalities Impact Assessment was undertaken of the Local Plan as set out in the Cabinet and Council reports for the Submission Havering Local Plan in March 2018. This concluded that there were no known negative equalities implications on protected persons listed in the Equality Act 2010.

8.5 The Submission Local Plan provides 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.

8.6 As work progresses on forthcoming documents listed in the LDS further review and updating as necessary of the equalities impact assessment will take place.

BACKGROUND PAPERS

None