



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	Local Plan – Consultation on Further Main Modifications
Cabinet Member:	Councillor Damian White
SLT Lead:	Barry Francis, Director of Neighbourhoods
Report Author and contact details:	Lauren Miller, Development Planning Team Leader lauren.miller@havering.gov.uk 01708 433051
Policy context:	<ul style="list-style-type: none">- National Planning Policy Framework 2019- London Plan 2021- Havering Corporate Plan- Havering Local Development Framework 2008- Havering Community Infrastructure Levy 2019- Havering Local Plan Submission version (2018)- Havering Local Plan Main Modifications (2020)
Financial summary:	The costs associated with the public consultation will be met within existing budgets
Relevant OSC:	Towns and Communities Overview and Scrutiny
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

1. Background

- 1.1 The new Havering Local Plan will assist the Council in the delivery of its planning and regeneration objectives and programmes and help ensure that Havering remains a place where people wish to live, visit and work and where businesses can prosper. It will also set a framework for the timely and effective delivery of infrastructure needed to support Havering's communities.
- 1.2 Havering submitted its new Local Plan for formal Examination by an independent Inspector in March 2018 following statutory and non-statutory public consultation in 2015 - 2017.
- 1.3 Following Examination hearings in 2018 and 2019, consultation on a number of proposed Main Modifications commenced in August 2020. These Main Modifications related primarily to parking, housing and gypsy and traveller matters and were considered necessary by the Inspector to find the Plan sound.
- 1.4 In January 2021 and then again in March following the publication of the London Plan, the Inspector asked both the Council and the GLA for their views on whether the Havering Local Plan was in general conformity with the new London Plan 2021.
- 1.5 The GLA submitted a response stating that the Local Plan was not in general conformity with the London Plan 2021 and they raised a number of issues that they would expect the Council to address.
- 1.6 The Council's response set out the strongest possible legal and policy arguments to enable the Inspector to find the Local Plan to be in general conformity with the London Plan.
- 1.7 Having considered both the GLA and Council's submissions the Inspector has concluded that the Local Plan is not in general conformity with the London Plan in relation to the following:
- i. Housing numbers;
 - ii. Residential car parking standards; and
 - iii. Affordable Housing.
- 1.8 The Council has been successful in arguing that the following issues raised by the GLA are not matters of general conformity:
- Local Plan Policy 4 - Affordable Housing (in relation to the Mayor of London's strategic affordable housing target)
 - Local Plan Policies 19 and 20 - Industrial Land Supply

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- Local Plan Policy 21 - Affordable Workspace
- Local Plan Policy 33 - Air Quality
- Addressing waste apportionments through an update of the joint East London Waste Plan, rather than through the Local Plan.

2 Further Main Modifications

2.1 The Inspector has determined that further Main Modifications are needed to address the three non-conformity issues (as set out in paragraph 1.7). These modifications must be published for consultation. The Main Modifications required are summarised below. The detailed wording of the Main Modifications is set out in Annex 1.

Housing

2.2 Despite the GLA not finding the Local Plan housing policies to be out of general conformity with the London Plan, the Inspector has come to a different conclusion. The Inspector's main concern is that the Local Plan currently refers to the previous London Plan target of 1,170 per annum. She requires the policy to be modified to reflect the new London Plan target of 1,285 homes per annum and show how this will be met.

2.3 The evidence base for the Local Plan already identifies that 13,003 new homes will be delivered in the first 10 years of the Plan. This is sufficient to meet the new London Plan targets.

2.4 This modification does not alter the housing sites or unit numbers that the Council has already identified in its Housing Trajectory and which have previously been consulted on. There are no additional sites or units being identified over and above those that had previously been identified

2.5 The Inspector has requested that a Housing Supply Statement is prepared and consulted on. The statement (refer to Annex 2) sets out the housing supply position based on an adoption date of 2021. It also takes account of the housing targets in the London Plan 2021.

Residential car parking standards

2.6 The Inspector has concluded that the Local Plan car parking standards must be brought into line with the standards in the new London Plan. The changes required are:

- i. The removal of minimum car parking standards in opportunity areas (Romford and London Riverside)
- ii. The removal of minimum car parking standards in limited parts of PTAL 2 (we can now only apply minimum standards in areas with PTAL 0-1)
- iii. The lowering of the minimum standard for 4+ bedrooms in PTAL 0-1 from 2 spaces per unit to 1.5

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2.7 Throughout the Local Plan Examination the Council has challenged the London Plan parking standards in the strongest way possible. Had the Havering Local Plan been adopted before the new London Plan came into effect, the standards in the new London Plan would have superseded the Local Plan and these standards would have applied in any event.

2.8 The table below shows the parking standards that will apply in the borough as a result of the main modifications

Location	Number of Bed	Minimum Parking Provision	Maximum Parking Provision
Metropolitan Centres (i.e. Romford)	All	N/A	Car free
Outer London Opportunity Areas	All	N/A	Up to 0.5 spaces per dwelling
All areas of PTAL 5-6	All	N/A	Car free
Outer London PTAL 4	1-2 and 3+	N/A	Up to 0.5-0.75 spaces per dwelling
Outer London PTAL 2-3	1-2	N/A	Up to .75 spaces per dwelling
Outer London PTAL 2-3	3+	N/A	Up to 1 space per dwelling
Outer London PTAL 0-1	1	0.5 spaces per unit	Up to 1.5 spaces per dwelling
Outer London PTAL 0-1	2	1 space per unit	Up to 1.5 spaces per dwelling
Outer London PTAL 0-1	3+	1.5 spaces per unit	Up to 1.5 spaces per dwelling

Affordable Housing

2.9 The Havering Local Plan requires developments to provide 35% affordable housing. Applicants that provide 35% and meet other relevant policy requirements are not required to submit a viability assessment. Applicants that do not provide 35% affordable housing will be required to submit viability evidence to justify the level provided. This is referred to as the threshold approach.

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- 2.10 In addition to the 35% threshold, the new London Plan sets a 50% affordable housing threshold for developments on public land or industrial sites where there will be a net loss of industrial land. The Inspector requires the Local Plan to be modified to include the 50% affordable housing threshold for public land and industrial sites.
- 2.11 The aim of the London Plan policy is to try to increase the level of affordable housing provision by making it easier for developers who meet the required threshold. The affordable housing delivered on each site will continue to be determined by viability.
- 2.12 Had the Havering Local Plan been adopted before the new London Plan came into effect, the threshold in the new London Plan would have superseded the Local Plan and this policy would have applied in any event.

Supporting Documents

- 2.13 In addition to the Further Main Modifications, the Inspector has requested updates to the Habitats Regulations Assessment and the Sustainability Appraisal which are technical supporting documents (refer to annexes 3 and 4). The updates to these documents reflect the further proposed main modifications.

3. Consultation and next steps

- 3.1 Consultation on the Main Modifications, Housing Supply Statement and supporting documentation will be carried out in accordance with the Council's Statement of Community Involvement. The SCI was temporarily updated in August 2020 to reflect Government Guidance on Local Plan consultations during the Covid19 Pandemic. All Local Authorities are strongly encouraged to use on-line engagement methods to their full potential.
- 3.2 In line with the Temporary changes to the SCI the Main Modifications consultation will include:
- i. direct notification of all consultees on the Havering planning policy database by email/letter
 - ii. advertising on the Council's website as well as marketing and profile raising via currently used social media platforms
 - iii. Statutory Notice placed in 'Romford Recorder' newspaper
 - iv. 'hard' copies of documents provided on request
- 3.3 The consultation period will be extended from six weeks (the statutory minimum) to seven weeks to take account of the school summer holidays which will overlap with the consultation.

4. Recommendation

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- 4.1 It is recommended that the Further Main Modifications (as set out in Annex 1), supporting documents (Annexes 2-4) are approved for public consultation

AUTHORITY UNDER WHICH DECISION IS MADE

The Cabinet Report (19th July 2017) on the publication and submission of the Havering Local Plan delegated authority to the Director of Neighbourhoods, following consultation with the Cabinet Member for Housing, to finalise and approve the proposed Submission Documents, for submission to the Secretary of State, including to:

- 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

The decision is necessary to provide approval for consultation on further Main Modifications. This will enable the Local Plan examination to progress and for the Inspector to be able to issue her final report and recommendation on the soundness of the Havering Local Plan.

OTHER OPTIONS CONSIDERED AND REJECTED

The option of not progressing the consultation on the Main Modifications as directed by the Inspector was rejected because:

- It is a statutory requirement for boroughs to have up to date Local Plans. Without consulting on the further main modifications the Inspector would not be able to find the Local Plan sound. Ultimately, the Council would be unable to adopt the Local Plan.
- An adopted Local Plan will better enable the Council to maintain effective local control over planning in Havering to ensure that development is in the best interests of Havering. 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:

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- enable the Council to bring forward other linked pieces of work such as a Masterplan for Romford and other supplementary planning documents
- support other planning and regeneration programmes
- assist the Council in its infrastructure planning necessary to support change and growth in Havering

PRE-DECISION CONSULTATION

Cabinet Members via Theme Board

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

Name: Lauren Miller

Designation: Development Planning Team Leader

Signature:



Date: 08/07/2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

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 could intervene 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 report.

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.

FINANCIAL IMPLICATIONS AND RISKS

The costs associated with the public consultation on the Further Main Modifications will not exceed £1,000. The costs will be met within existing budgets from the Local Plan Cost Centre (A26731).

Following the consultation on the Further Main Modifications the outstanding Local Plan costs will be associated with the preparation of the Policies Map and the outstanding examination costs, this will not exceed £30,000 and has already been forecast within existing budgets from the Local Plan Cost Centre.

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

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There are no human resource implications. Consultation on the Local Plan Main Modifications will be undertaken by existing staff within the Planning Service.

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, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, sexual orientation.

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 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 was formally submitted with the Local Plan and the suite of supporting documents to the Secretary of State.

BACKGROUND PAPERS

None

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Part C – Record of decision

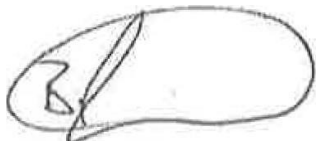
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

A handwritten signature in black ink, appearing to be 'B. Francis', enclosed within a hand-drawn oval border.

Name: Barry Francis

CMT Member title: Director of Neighbourhoods

Date: 8th July 2021

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 _____

Signed _____