

Notice of Non-key Executive Decision

Subject Heading:	Council's response to Local Plan Further Main Modification Consultation Representations
Cabinet Member:	Councillor Damian White
SLT Lead:	Barry Francis Director of Neighbourhoods
Report Author and contact details:	Lauren Miller Lauren.miller@havering.gov.uk
Policy context:	National Planning Policy Framework London Plan 2021 Havering Corporate Plan (2019/2020) Havering Local Development Framework 2008 Havering Community Infrastructure Levy 2019 Havering Local Plan Submission version (2018) Havering Local Plan Main Modifications (2020)
Financial summary:	There are no financial implications or risks arising from sending the Further Main Modifications public consultation responses to the Planning Inspector.
Relevant OSC:	Towns and Communities Overview and Scrutiny
Is this decision exempt from being called-in?	Yes

Non-key Executive Decision

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

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 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.

Further Main Modifications

- 1.4 In March 2021 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. 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.
- 1.6 Having considered both the GLA and Council's submissions the Inspector has concluded that the Local Plan was 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
- 1.7 The Inspector determined that Further Main Modifications were needed to address the three non-conformity issues.
- 1.8 Consultation on the Further Main Modifications took place between Thursday 8th July and Thursday 26th August 2021. The Consultation was carried out in accordance with the Council's Statement of Community Involvement (SCI). 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.
- 1.9 In line with the temporary changes to the SCI the Main Modifications consultation included:

Non-key Executive Decision

- 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 the Romford Recorder newspaper; and
- iv. Hard copies of documents provided on request

1.10 The consultation period was extended from six weeks (the statutory minimum) to seven weeks to take account of the school summer holidays which overlapped with the consultation.

1.11 A total of 23 responses were received from members of the public, third party representatives and key stakeholders (Refer to Annex 1). The representations received and the Council's response to them are set out in Annex 2.

Next steps

1.12 The Planning Inspector will receive both the public consultation comments and the Council's responses to these comments. Subsequently, the Inspector will present her findings and recommendations on the examination in a final report.

1.13 The Inspector's report is 'binding' on the Council and the Council cannot change the contents.

1.14 If the Inspector finds the Local Plan 'sound' and legally compliant, the Council will be able to proceed to formal adoption by means of Cabinet and Council approval(s). It is anticipated that this will be by the end of 2021.

Recommendation

1.15 This report recommends that the consultation comments received and the Council's response to those comments set out in Annex 2 are agreed and can be submitted to the Planning Inspector.

AUTHORITY UNDER WHICH DECISION IS MADE

The Cabinet report (August 2020) on the Local Plan Main Modifications consultation delegated responsibility to the Director of Neighbourhoods in consultation with the Leader of the Council, for the Council's formal response to the Local Plan Inspector following the consultation (including the agreement of any further changes to the Main Modifications and supporting documents considered necessary).

STATEMENT OF THE REASONS FOR THE DECISION

Non-key Executive Decision

The decision is necessary to 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

No other options were considered

PRE-DECISION CONSULTATION

None

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

Name: Lauren Miller

Designation: Development Planning Team Leader

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Havering Local Plan 2016-2031 was submitted to the Secretary of State in March 2018. The Havering Local Plan is now at a late stage of the examination process and public consultation on the Further Main Modifications ended in August 2021. Any changes to legislation, national planning policy or regulations will be given full weight in planning decisions and full consideration in any future update of the Havering Local Plan.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications and risks arising from this decision. Adoption of the Local plan and its associated costs with the preparation of the Policies Map and the outstanding examination costs, will not exceed £0.030m and has is accounted for within the 2021/22 Local Plan Cost Centre (A26731).

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

There are no Human Resource implications or risks arising from sending the Further Main Modifications consultation comments and the Council's response to the Planning Inspector.

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.

Non-key Executive Decision

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

Non-key Executive Decision

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.

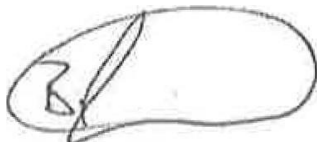
Decision

Proposal agreed

Delete as applicable

Details of decision maker

Signed



Name: Barry Francis

Cabinet Portfolio held:

CMT Member title:

Head of Service title: Director of Neighbourhoods

Other manager title:

Date: 07/09/2021

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 _____

Non-key Executive Decision

--