



Havering

LONDON BOROUGH

CABINET

Subject Heading:

Adoption of the Havering Local Plan

Cabinet Member:

Councillor Damian White

SLT Lead:

Barry Francis, Director of Neighbourhoods

Report Author and contact details:

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Policy context:

- National Planning Policy Framework 2021
- London Plan 2021
- Havering Local Development Framework 2008
- Havering Community Infrastructure Levy 2019
- Havering Local Plan Submission version (2018)
- Havering Local Plan Main Modifications (2020)
- Havering Local Plan Further Main Modifications (2021)

Financial summary:

There are no financial implications arising from the adoption of the Local Plan.

Is this a Key Decision?

Yes - Significant effect on two or more Wards

When should this matter be reviewed?

October 2023

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

[x]
[x]
[x]
[x]

SUMMARY

The Havering Local Plan sets out a vision, strategic priorities and a spatial planning policy framework for development in the Borough. It positively plans for the future development and infrastructure requirements to meet the needs of Havering's communities and will be used to determine all planning applications submitted to the Council.

The Havering Local Plan has been through an extensive preparation process, including evidence base collection, public consultation and independent examination. In July 2017, full Council approved the publication and subsequent submission of the Local Plan to the Secretary of State for Examination in Public.

Following Examination hearings in 2018 and 2019, at the request of the Inspector consultation on a number of proposed Main Modifications commenced in August 2020. Consultation on Further Main Modifications took place in 2021.

The Inspector's Final Report was received on the 14th October 2021. The report concludes that the Local Plan is sound and legally compliant, subject to the main modifications being made.

It is now necessary to adopt the Havering Local Plan to ensure the Council has a robust and up-to-date spatial planning policy framework. This report seeks Cabinet endorsement for the adoption of the Local Plan and recommends its adoption to full Council.

RECOMMENDATIONS

This report recommends that Cabinet:

1. Note the content of the Inspector's Report into the soundness of the Havering Local Plan (refer to annex 1)
2. Endorse and make the following recommendations to full Council:

That full Council:

- (i) Agree to adopt the Local Plan 2016-2031 including:
 - a. the main modifications to the Submission Local Plan that are set out in the appendix to the Inspector's report (refer to annex 2)
 - b. The minor modifications as set out in annex 3.

- (ii) Agree to revoke the Council's current adopted Core Strategy and Development Control Policies Development Plan Document 2008 and the Romford Area Action Plan 2008 (excluding Site Specific Allocations) from the 29th December 2021 (following the statutory six week legal challenge period from Local Plan adoption).
3. Authorise the Assistant Director of Planning to prepare and publish an Adoption Statement and Sustainability Appraisal Report in accordance with S26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
 4. Authorise the Assistant Director of Planning to make typographical amendments to the plan prior to its publication to improve cross-referencing (e.g. paragraph numbering, page re-numbering) and typographical errors.
 5. Authorise the Assistant Director of Planning to prepare and publish an updated Policies Map, reflecting the proposed changes previously consulted on.
 6. Revoke the following Supplementary Planning Documents:
 - i. Sustainable Design and Construction 2009
 - ii. Shopfront Design 2013
 - iii. Residential Design 2010
 - iv. Protection of Trees During Development 2009
 - v. Protecting and Enhancing the Boroughs Biodiversity 2009
 - vi. Landscaping 2011
 - vii. Designing Safer Places 2010
 7. Approve the publication of an updated Local Development Scheme (as set out in Annex 4)
 8. Approve the publication of an updated Statement of Community Involvement (as set out in Annex 5).

REPORT DETAIL

1. Background

- 1.1 It is a statutory requirement that local planning authorities have an up to date Local Plan. 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.

- 1.2 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.
- 1.3 The Havering Local Plan has been through an extensive preparation process, including evidence base collection, public consultation and independent examination as summarised below.

Consultation

- 1.4 The Local Plan has been the subject of extensive public consultation over the course of its preparation, in line with the legislation and regulations for the preparation of Local Plans. This comprised:
 - statutory consultation in Spring 2015 (regulation 18)
 - non-statutory consultation on a 'Direction of Travel' document in Autumn 2016
 - statutory consultation in summer 2017 (regulation 19)

Submission

- 1.5 In July 2017, full Council approved the publication and subsequent submission of the Local Plan to the Secretary of State for Examination in Public. Following statutory consultation under Regulation 19, Havering submitted its Local Plan for formal Examination by an independent Planning Inspector in March 2018.

Examination

- 1.6 In October 2018, the first part of the Havering Local Plan Examination in Public took place over 6 days of examination hearings. Following this the Inspector requested additional information across a number of topics.
- 1.7 Specific consultation on gypsy and traveller matters took place in Spring 2019 at the request of the Local Plan Inspector following the initial Examination hearings.
- 1.8 A further 2 days of Examination hearings took place in May 2019. These focussed on housing, Gypsy and Travellers and parking.

Consultation on Main Modifications

- 1.9 Following the hearings the Inspector concluded that a number of main modifications were required to enable the Plan to be found sound.

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- 1.10 The main modifications covered a number of topics but the most significant changes related to car parking standards, housing and gypsy and traveller matters. These matters are all discussed in detail in the August 2020 report to Cabinet which sought approval to consult on the main modifications. An all Member briefing took place on the 3rd March 2020.
- 1.11 Consultation on the Main Modifications and updates to evidence base took place in August 2020.
- 1.12 Alongside the main modifications the Council published a schedule of minor modifications (refer to Annex 3). These comprised small corrections, factual updates and 'consequential' adjustments linked to the Proposed Main Modifications.

Consultation on Further Main Modifications

- 1.13 In March 2021 a new London Plan was published. Local Plans are required to be in general conformity with the London Plan. Following submissions from both the Council and the GLA, the Inspector concluded that further main modifications were required to bring the Local Plan into general conformity with the London Plan. These related to housing targets, car parking standards and affordable housing.
- 1.14 The proposed Further Main Modifications were published for consultation in July 2021. An all Member briefing was held in advance of the consultation on 9th June 2021.

2. The Inspector's Final Report

- 2.1 The Inspector issued her final report on 14th October 2021 (refer to Annex 1). The report concludes that the Havering Local Plan provides an appropriate basis for the planning of the borough and is 'sound', provided that a number of main modifications are made to it. The main modifications all relate to matters that were discussed at the examination hearings and have been subject to public consultation as set out above.
- 2.2 In summary, the main modifications set out:
- The need for an immediate update of the Plan and an explanation of the relationship to the London Plan 2021
 - The policies that are superseded by the Local Plan
 - Amendments to the objectives and various policies to include the need to support great use of the River Thames for freight and passenger transport in line with the London Plan and national policy
 - Various amendments to policies to ensure general conformity with the London Plan 2021, including those relating to the housing requirement, affordable housing targets and parking standards;

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- The benchmark figure for older person's housing and identify the need from the most up to date needs report
- Amendments to policy 11 relating to Gypsies, Travellers and Travelling Show people accommodation to reflect updated needs assessment, identify additional sites to meet the need and remove those sites from the Green Belt
- Amendments to Policy 11 relating to Gypsies, Travellers and Travelling Showpeople accommodation to reflect updated needs assessment, identify additional sites to meet the need and remove those sites from the Green Belt.

2.3 The Inspector's report is binding on the Council. The Inspector's main modifications are required to make the plan sound and the Local Plan cannot legally be adopted unless these changes are made.

2.4 This Cabinet report seeks Cabinet approval to recommend to full Council the adoption of the Local Plan including the main modifications to the Submission Local Plan (refer to annex 2) and the additional minor modifications (refer to annex 3).

3. Policies Map

3.1 The Council is required to maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Local Plan. The Council was required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.

3.2 The Council's current adopted map is the Proposals Map 2008 which relates to the Havering Local Development Framework.

3.3 Throughout the preparation of the Local Plan the Council has consulted on the changes that will need to be made to this map. These are set out in:

- i. Proposals Map Changes Booklet July 2017
- ii. Proposals Map Changes Booklet Addendum March 2018
- iii. Proposals Map Changes Booklet Addendum December 2019

3.4 This Cabinet report seeks authorisation for the Assistant Director of Planning to finalise the preparation and publication of the final Policies map.

4. Local Plan Adoption - Next Steps

4.1 Subject to the Council adopting the Local Plan officers will consolidate the main modifications (refer to annex 2) and minor modifications (refer to annex 3) into a final version of the Local Plan.

4.2 The adopted Local Plan will then be published on the Council's web site and made available in the borough's libraries and Town Hall. The Local Plan will carry full weight in the determination of planning applications and will become

part of the borough's development plan alongside the London Plan and Joint East London Waste Plan.

- 4.3 The Council will need to prepare an Adoption Statement to accompany the Local Plan in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:
- a. date which the Local Plan was adopted;
 - b. modifications following the submission version (February 2018);
 - c. notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption.
- 4.4 The Council is also required to finalised and publish the Sustainability Appraisal ("SA"). The SA Adoption Statement is the final step in the SA process, which involves preparing a 'statement' at the time of the plan's adoption. The SA Adoption Statement addresses the requirement to prepare a post-adoption 'statement' under Part 4 of the SEA Regulations.
- 4.5 In conjunction with the SEA Regulations, the SA Adoption Statement should include the following.
- An overview of the process which has been undertaken for the SA to date;
 - How the SA has informed and influenced the development of the Local Plan (including through the consideration of reasonable alternatives);
 - The consultation that has been undertaken as part of the SA process; and
 - Proposed monitoring processes.
- 4.6 This Cabinet reports seeks authorisation for the Assistant Director of Planning to finalise the Adoption Statement and Sustainability Appraisal.
- 4.7 Following adoption of the Local Plan there will be a statutory six week legal challenge period. The six weeks will commence from the date of adoption of the New Local Plan which will be the date of the meeting of full Council at which a resolution to adopt in passed.

Residential Car Parking Standards

- 4.8 Residential car parking standards have been an ongoing topic of discussion throughout the examination and the Council has robustly and continuously challenged the application of London Plan parking standards.
- 4.9 The Inspector's decision to require further restrictions to the residential parking standards, despite the evidence put forward throughout the examination is unsatisfactory and does not reflect the Council's objectives.
- 4.10 Officers have carefully considered whether the Inspectors' conclusions regarding parking are legally challengeable by the Council itself.

4.11 However, for the reasons set out below, it is not recommended that the Council put forward a legal challenge:

- The Planning Inspector exercised planning judgement in coming to her decision and the likelihood of a successful outcome from a legal challenge is very small;
- it would be costly to prepare and progress a legal challenge at a time when the Council's resources need to be carefully prioritised; and
- There is a need to adopt the Havering Local Plan as soon as possible in order that it's wider planning, regeneration objectives can be delivered, and a challenge would delay adoption.

5. Existing Planning Documents

5.1 The Havering Local Plan will replace the Council's Core Strategy and Development Control Policies Development Plan Document ("DPD") as well as the policies in the Romford Area Action Plan. These documents are available to view on the [Council's website](#).

5.2 As the Local Plan does not include Site Specific Allocations, the Inspector has requested that the current Site Specific Allocations Development Plan Document and the Site Allocations within the Romford Area Action Plan are retained.

5.3 The Council has previously prepared a number of Supplementary Planning Documents which support the current Core Strategy and Development Management DPD. These Supplementary Planning Document ("SPDs") provide additional guidance on the implementation of particular policies.

5.4 In order to ensure that the Council has up to date guidance that link to policies within the Local Plan, it is recommended that a number of SPDs are revoked alongside the Core Strategy. These SPDs and the reason for recommending revocation are set out below. They are all available to view on the [Council's website](#).

- Sustainable Design and Construction SPD 2009 – This SPD has been superseded by more up to date National policy and is therefore no longer up to date.
- Shopfront Design SPD 2013 – This guidance is now outdated as a result of the Government's permitted development rights.
- Residential Design SPD 2010 – This SPD has been superseded by updated policy and is therefore no longer up to date
- Protection of Trees During Development SPD 2009 this SPD has been superseded by updated standards and policy and is therefore no longer up to date.

- Protecting and Enhancing the Boroughs Biodiversity SPD 2009 – the guidance in this SPD has been superseded by updated Policy and is therefore no longer up to date. Factual information about the Borough’s biodiversity assets will be retained on the Council’s website but will not form part of an SPD.
- Landscaping SPD 2011 - SPD has been superseded by updated policy and is therefore no longer up to date
- Designing Safer Places SPD 2010 – This SPD is now covered within Local Plan policy and by the Secured by Design standards as detailed on the Secured by Design website. It does not need to be repeated in SPD as it will be achieved through the application of the Local Plan policies.

5.5 As detailed above, the revocation of these Supplementary Planning Documents does not undermine the Council’s position on these matters because the current position is dealt with by more up to date policy and guidance.

5.6 The remaining SPDs will be retained and reviewed, as set out in the proposed Local Development Scheme (refer to annex 4).

6. Local Development Scheme

6.1 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.

6.2 The LDS is the programme for the production of the Council's strategic planning policy documents. The current LDS (2019-21) is now out of date and requires updating. The Local Plan Inspector has also requested an updated LDS be prepared to formalise the Council’s commitment to an immediate update of the Local Plan.

6.3 The updated LDS (2022-2024) sets out:

- The current planning policy documents that the Council has 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.

6.4 This report seeks Cabinet approval to adopt the updated LDS as set out in Annex 4.

7. Statement of Community Involvement

7.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (“SCI”), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications.

7.2 The Council’s current SCI was adopted in 2015. In response to the Covid19 Pandemic the Government issued updated guidance on making temporary changes to SCIs with the aim of maintaining the momentum on plan making. Authorities were strongly encouraged ‘to use on-line engagement methods to their full potential. Cabinet agreed to make temporary changes to the SCI in August 2020 to enable consultation on the Local Plan Main Modifications to progress.

7.3 In preparation for the immediate update of the Local Plan, an update which is specifically sought by Inspector, an updated SCI has been prepared. This reports seeks Cabinet approval to publish the SCI 2021 as set out in Annex 5,

REASONS AND OPTIONS

Reasons for the decision:

Following the preparation, submission and examination of the Havering Local Plan the Council has now received the Inspector’s final report. The report concludes that the Local Plan is sound, subject to the inclusion of a number of main modifications.

To come into force the Local Plan has to be adopted by resolution of Full Council.

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

Having an up to date Plan will also enable the Council to:

- i. bring forward other linked pieces of work such as Masterplans and other supplementary planning documents
- ii. support other planning and regeneration programmes

- iii. assist the Council in the infrastructure planning necessary to support change and growth in Havering

Other options considered:

The option of not adopting the Havering Local Plan was rejected because:

- a) It is a statutory requirement for boroughs to have up to date Local Plans.
- b) 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.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications relating to the adoption of the Havering Local Plan.

The outstanding examination costs and the costs associated with the preparation of the final Policies Map will not exceed £0.030m and this spend has been accounted for within the 2021/22 Local Plan Cost Centre (A26731).

To fund to the immediate update of the Local Plan and preparation of other policy documents as set out in the Local Development Scheme there is an annual base budget of £0.166m within the Local Plan Cost Centre.

There is also £0.434 of earmarked reserves available of which £0.212m will be spent in 2021/22, leaving £0.222m in 2022/23.

Plan making spend should not therefore not exceed £0.388m in 2022/23 and £0.166m in each financial year thereafter.

The monies available will fund the production and commissioning costs associated with plan making. They do not include the officer salary costs which are separately budgeted and funded via the Development Planning Cost Centre (refer to Human Resources Implications and risks).

Legal implications and risks:

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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.

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

The Inspector's final report contains her assessment of the Havering Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

The adoption of a new Local Plan will require a resolution by full Council.

Following adoption of the Local Plan there will be a statutory six week legal challenge period. Under section 113 of the Planning and Compulsory Purchase Act, an application can be made within six weeks of adoption to the High Court to quash a Local Plan (either in whole or part). The six weeks will commence from the date of adoption which will be the full Council meeting on 17th November 2021. During the challenge period the Council can still afford full weight to the policies in the Local Plan.

As a precaution, the existing Development Plan Documents will not be revoked until the 6 week challenge period has passed.

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.

Human Resources implications and risks:

There are no human resource implications associated with the adoption of the Local Plan.

The programme for the immediate update of the Local Plan as set out in the Local Development Scheme will be undertaken using existing staffing within the Council's

planning services. There may be a need to commission external consultants which specialist expertise to prepare some of the supporting evidence base work. Where this is necessary, it will be commissioned in accordance with the Council's procurement rules.

Equalities 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 EQIA 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 for public examination.

Health and Wellbeing implications and Risks

The Submission Local Plan has been subject to a comprehensive Health Impact Assessment in collaboration with the Council's Public Health Team.

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The Health Impact Assessment of the Submission Local Plan resulted in a raft of policies being revised, new guidance being drafted and a proposed new policy that requires developers of all major developments to undertake their own HIA as part of the planning application process to ensure that positive impacts are enhanced and mitigations put in place against any identified negative impact on health and well being of local residents.

The health and wellbeing implications of the proposed Main Modifications have also been assessed through an updated Health Impact Assessment.

Adoption of the local plan therefore ensures that alongside the creation of new homes, jobs and improved infrastructure, which will impact positively on local population, health and well being considerations will be embedded in new development to ensure Havering is a much healthier place to live and work.

BACKGROUND PAPERS

None