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London Borough of Havering  
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Our Ref: PINS/B5480/429/9

Date: 13 May 2021

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Dear Ms Oakerbee

## **EXAMINATION INTO THE SOUNDNESS OF LONDON BOROUGH OF HAVERING LOCAL PLAN**

### **LONDON PLAN 2021 GENERAL CONFORMITY ISSUES**

1. Thank you for your letters dated 6 April and 26 April 2021 responding to the issues raised by the Mayor of London regarding non-conformity with the London Plan 2021 (LP2021).
2. Having carefully considered the matters raised by the Greater London Authority (GLA) and Havering's responses I would advise you that I do not consider the Plan to be in general conformity with the LP2021. Accordingly, I am currently unable to conclude that the Plan satisfies the requirements of section 24(1) of the Planning and Compulsory Purchase Act 2004.
3. In order to enable me to conclude that the Plan is legally compliant in this respect I would request that the Council put forward a number of further main modifications to the Plan for my consideration. These further main modifications will need to be consulted upon and I will take into account the consultation responses before finally concluding whether or not changes along the lines set out below are required to make the Plan legally compliant.

Areas of non-conformity with the London Plan and main modifications necessary:

### **Havering Local Plan Policy 3 – Housing**

4. The GLA have stated that the differences between Policy 3 and the LP2021 housing policies is not a matter of non-conformity. However, I am not convinced by that view. Section 38(5) of the above Act states that where there is a conflict between two development plan policies for an area the conflict must be resolved in favour of the policy which is contained in the last document to be adopted. The Havering Plan will now be the later of the two Plans to be adopted.
5. Policy 3 of the Havering Plan (as proposed to be modified by the main modifications previously consulted upon) refers to the London Plan 2016 targets of 11,701 new homes over the first 10 years of the Plan period and 17,551 new homes over the whole Plan period, albeit that these are expressed as minima. This is not in general conformity with the higher target set out in the LP2021 of 12,850 homes over the period 2019 to 2029. As 11,701 is materially different to the 12,850 LP2021 target, this could affect the outcome of planning decisions.
6. Based on the figures before me, the supply situation over the first 10 years of the Plan period would seem to meet and exceed the LP2021 target. Nevertheless, I consider that a main modification will be required to Policy 3 in order to align it with the LP2021 targets set out in Table 4.1 of the LP2021. I attach an Appendix to this letter which highlights the parts of Policy 3 which the Council may need to reconsider in order to bring it into general conformity with the LP2021. The Council may also identify further aspects of the policy which you consider require updating. I will be happy to work with the Council through the Programme Officer to agree the wording of the new main modification.
7. The GLA have also requested that Policy 3 is amended to reflect the small sites target set out in Table 4.2 of the LP2021. I am of the view that omission of this target from the policy would not of itself be a non-conformity issue as Policy 3 would not prevent the application of the small sites target in the LP2021 in decision-making.

### **Havering Local Plan Policy 4 – Affordable housing**

8. Policy 4 does not reflect the 50% threshold on publicly owned land and on industrial land set out in LP2021 Policies H4 and H5. In particular, Havering Plan Policy 4 states that proposals that meet or exceed the 35% threshold without public subsidy are not required to submit viability information. This is not in general conformity with Policy H5 of the LP2021 which sets this threshold at 50%.

9. I note the Council's suggestion, in your 6<sup>th</sup> April letter, that this matter could be dealt with by 'minor modification'. However, I consider this to be a matter of general conformity which will require a further main modification to align Policy 4 with the approach to affordable housing in LP2021.
10. I do not consider it necessary for Policy 4 to repeat the strategic target of 50% of all new homes to be genuinely affordable as the Havering policy does not prevent the application of the LP2021 approach to development proposals.

### **Havering Local Plan Policy 24 – Parking**

11. I accept that the previous main modifications to Policy 24 were extensively negotiated between Transport for London and Havering Council and were considered during the Examination hearings. However, the LP2021 parking standards are different to those in the London Plan 2016. In particular, the 2016 Plan allowed more flexibility for Outer London boroughs to take account of residents' car dependency and to apply a flexible approach to some areas of PTAL 2 depending on the orientation and level of public transport accessibility.
12. The proposed parking standards in Policy 24 have some significant divergences from the LP2021 standards as follows:
  - LP2021 requires minimum residential standards to only apply to Outer London areas within PTAL 0-1 and only within the maximum standards set out in LP2021. Policy 24 proposes to apply minimum standards to limited areas of PTAL 2, in addition to areas of PTAL 0-1. In addition, the minimum standards for 4+ bedroom units exceed the maximum standards in LP2021;
  - there is no clear evidence that such higher standards would support additional family housing in accordance with LP2021;
  - the minimum standards in Policy 24 for the Romford and Rainham and Beam Park Strategic Development Areas (SDAs) are higher than the maximum standards set out in LP2021 of up to 0.5 spaces per dwelling in the Opportunity Areas. I accept that only a very limited number of housing sites within the SDAs would be subject to these proposed minimum standards. However, there remains a significant difference in the parking standards which would apply even in these limited areas.
13. I have had regard to the matters put forward by the Council in relation to the parking standards within the SDAs. However, these circumstances are not sufficient for me to set aside the differences between the respective policies. Taken together, the above issues lead me to conclude that the parking standards in Policy 24 are not in general conformity with the LP2021. A further main modification is therefore required to bring it in line with the LP2021 approach.

## **Other matters**

14. I consider that the following matters raised by the GLA do not raise issues of general non-conformity:

### **Havering Local Plan Policies 19 and 20 - Industrial Land**

15. Whilst the policies do not include the LP2021 approach of intensification of industrial uses and the co-location of industrial with non-industrial uses, I consider the approach of Policies 19 and 20 to be in general conformity. Any differences between the policies can be considered through the immediate update to the Plan.

### **Havering Local Plan Policy 21 – Affordable workspace**

16. Policy 21 would not prevent LP2021 Policy E2 being applied to development proposals and there are some policy criteria which are similar between the two policies. Policy 21 does not specifically cover the social and cultural sectors but it would not prevent the application of LP2021 Policy E3 to development proposals. Havering Policy 21 is therefore in general conformity with the LP2021.

### **Havering Local Plan Policy 33 – Air Quality**

17. There is nothing in Policy 33 which prevents the application of LP2021 Policy SI 1 to development proposals. It is not necessary for Policy 33 to specifically refer to masterplans and development briefs as this is set out in LP2021 SI 1. Havering Policy 33 is therefore in general conformity with the LP2021.

### **Havering Local Plan paragraph 12.7.2 – Waste**

18. This is a matter identified as being a general non-conformity issue by the GLA. However, as submitted, waste is not part of the role of the Havering Plan. The Plan makes it clear at paragraph 1.1.3 and 12.7.2 that waste issues are dealt with through the separate joint East London Waste Plan (ELWP). Whilst the ELWP is in need of updating, I do not consider this to be an issue of general non-conformity for the current Havering Plan.
19. It would not be reasonable or pragmatic for the Council to be requested to introduce an entirely new aspect to this Local Plan at such a late stage in the Examination. I am of the view that this matter can and should be dealt with through the immediate update of the Havering Plan or through an update to the ELWP. I understand from the Council that an update to the ELWP is progressing.
20. I turn now to the GLA's request that all references to the London Plan and SHMA be updated. The Council's letter of 6 April proposes further 'minor modifications' to the text of paragraph 5.1.5 and 7.4.5, but this

would leave numerous references to the previous London Plan and SHMA in the Plan. It seems to me that it would be inconsistent to alter some references and not others. Nevertheless, I can confirm that this is not an issue of general non-conformity nor is it a soundness issue. I do not therefore require the Council to put forward main modifications to update all individual references. Such updates are for the Council to consider as additional modifications under S23 of the above Act.

21. Nevertheless, I do consider that new paragraph 1.1.6, along the lines set out in your 6 April letter, is required. This will ensure that the Plan is clear and therefore effective despite the references to the previous London Plan and SHMA.
22. In terms of the detailed wording of proposed new paragraph 1.1.6, this should include the changes to the Use Classes Order discussed earlier in the Examination (as the Council indicated at that time that these would be considered in the immediate update) and the need to update the Plan in line with the 2019 National Planning Policy Framework. In addition, I consider that the Council must now give a firmer commitment to timescales for submission of the update to the Plan. This is because the Havering Plan will be the later of the two Plans to be adopted (which was not the position when this was discussed during the hearings) and due to the number of matters now deferred to the immediate update. In addition, the LDS needs to be updated to reflect the agreed timetable and I will need to see the revised LDS. I will work with you to finalise the wording of new paragraph 1.1.6 through the Programme Officer.
23. The Council should also consider whether there is a need for further Sustainability Appraisal and an update to the Habitats Regulations Assessment as a result of the new main modifications. Consultation should take place on any updates to these documents.
24. I would be grateful if the Council would respond within 3 weeks of the date of this letter setting out:
  - timescales for submission of the wording of the above main modifications for my agreement;
  - timescales for the production of the immediate update to the Plan up to the point of submission for Examination;
  - timescales for updating the LDS;
  - timescales for a further consultation on the proposed new main modifications.
25. Please place a copy of this letter on the Examination website promptly.

Yours sincerely

*Susan Heywood*

INSPECTOR

Appendix attached