

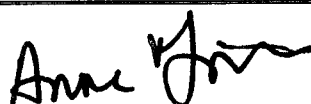
Executive Meeting

On 21 March 2006

<b>Report Title:</b> Unitary Development Plan - Response to the Inspector's Report and Proposed Modifications	
<b>Forward Plan reference number:</b>	
<b>Report of:</b> Anne Fisher, Director of Environmental Services	
<b>Wards(s) affected:</b> All	<b>Report for:</b> Key Decision
<b>1. Purpose</b> 1.1 To consider and agree the Council's responses to the Unitary Development Plan Inquiry Inspector's report and to propose modifications for public consultation in accordance with the Town and Country Planning (Development Plan)(England) Regulations 1999.	
<b>2. Introduction by Executive Member</b> 2.1 This report is brought to the committee in order agree the Council's formal response to the inspector's recommendations for the Unitary Development Plan (UDP), which forms part of the borough's statutory development plan. 2.2 The report highlights the main policy issues as being the provision and target of new housing, and whether open space and social provision to match new and existing housing are being addressed. 2.3 The Council's responses will be published for and subject to public consultation in April / May 2006, the results of which will be reported back to the Council.	
<b>3. Recommendations</b> 3.1 That Members consider and approve the Council's responses to the Inspector's report as set out in the Statement of Decisions and Reasons, attached as Appendix 1. 3.2 That Members approve the Proposed Modifications to the UDP as set out in Appendix 2. 3.3 That Members approve Proposed Modifications to UDP tables, schedules and the Proposals Map, as set out in Appendix 3.	

- 3.4 That Members approve editorial changes to the UDP, as set out in Appendix 4.
- 3.5 That the four documents be placed on deposit for a six week period in accordance with the statutory procedures.
- 3.6 To delegate power to the Executive Member for Enterprise and Regeneration in consultation with the Assistant Director (PEPP) to approve any changes required prior to public consultation and to publish a notice of the Council's intention to modify the Unitary Development Plan and to adopt the Plan as modified.
- 3.7 That the Full Council be recommended to adopt the UDP as modified.

**Report Authorised by:** Anne Fisher



**Contact Officer:** Malcolm Souch, Planning Policy Team Leader (extension 5590)

#### **4. Executive Summary**

- 4.1 Under the Town and Country Planning Act 1990 (as amended) the Council has a legal duty to produce a Unitary Development Plan covering the whole administrative area of the borough and to ensure that it is kept up to date.
- 4.2 The Unitary Development Plan (UDP) public inquiry closed on 13 September 2005. The Council has received the Unitary Development Plan Inspector's Report. The report has been made available for inspection and has been placed on the Council's website. Under the Town and Country Planning (Development Plan)(England) Regulations 1999, the Council must formally consider the Inspector's recommendations and decide whether to make any modifications before proceeding to adopt the Plan.
- 4.3 The Council's responses to the Inspector's report (known as the Statement of Decisions and Reasons) and the modifications will be placed on deposit for public consultation. Duly made representations received during the six week consultation period will be reported back to the Executive. If no new issues are raised during this stage then the Council can proceed to adopt the Plan as modified.
- 4.4 The UDP is one of the Council's key policy documents. Once the new UDP is adopted it will become part of the statutory development plan for the borough and will formally replace the current 1998 Plan.

#### **5. Reasons for any change in policy or for new policy development**

- 5.1 The Council is required to consider the recommendations contained within the Inspector's report. If these recommendations result in modifications to the UDP and are accepted by the Council, it must publish these modifications for public consultation. The reasons for any change in policy are justified in the Statement of Decisions, which is attached as Appendix 1.

## **6. Local Government (Access to Information) Act 1985**

6.1 The following documents were used in the preparation of this report:-

- Haringey Unitary Development Plan, Revised Deposit Consultation Draft (September 2004)
- Haringey Unitary Development Plan, Public Inquiry Inspector's Report
- Town and Country Planning (Development Plan)(England) Regulations 1999

## **7. Background**

7.1 The UDP review commenced in 2002 with the publication of an issues paper. A first deposit draft Plan was published in September 2003 for public consultation. This consultation generated over 1,650 representations from local residents, businesses and organisations. In response to these representations, the newly adopted London Plan, new government guidance and changing local circumstances, the Executive, in July 2004, approved a revised draft UDP for public consultation. The public consultation period ran from 16th September - 27th October 2004. This consultation period generated a further 1,000 representations.

7.2 In June 2004, an Inspector was appointed to hold a public inquiry into unresolved objections received during the two public consultation periods. In September 2004, the Planning and Compulsory Purchase Act came into force. Although the Council is required to progress its Local Development Framework, transitional arrangements apply to the UDP. As the Inspector was appointed prior to the commencement of the Act, the UDP will proceed to adoption under the 'old' regulations.

7.3 The Unitary Development Plan public inquiry ran from 19 April to 13 September 2005. The Inspector was assisted by a Programme Officer who drew up a programme for the inquiry. The inquiry programme was divided into sessions where objectors to the Council's Unitary Development Plan were able to present their objection to the Inspector and examine the Council's response. If objectors chose not to speak at the inquiry they were able to submit written statements to the Inspector. The Council presented and submitted verbal and written representations during the inquiry. 392 objections were heard at the Inquiry.

7.4 On 22 February 2005, the Executive approved initial responses to representations received during the revised deposit consultation period. It also delegated power to the Executive Member Environment in consultation with the Assistant Director (PEPP) to approve any changes required during the public inquiry. 16 delegated authority changes were submitted during the inquiry.

7.5 The Inspector's report is a large document of approximately 800 pages. The Inspector has considered all objections received during the two public consultation stages, the Council's responses to objections and further verbal and written statements submitted during the inquiry. His report responds to each objection and makes recommendations for the Council to consider. A large number of

recommendations endorse changes made by the Council in the revised deposit UDP in 2004. However, the Inspector also recommends further changes to the UDP, known as modifications.

7.6 In most cases, these modifications arise from the Council's suggested wording submitted during the inquiry. Where the Inspector disagrees with the Council and recommends modifications, he provides helpful wording or guidance for the Council to consider.

7.7 The UDP is required to be in general conformity with the London Plan. During the two consultation stages, the Greater London Authority (GLA) submitted objections to the UDP. The Council has successfully negotiated with the GLA to resolve their objections. On 16 September 2005, a letter expressing Mayoral opinion on general conformity was sent to the Inspector. It concluded that with the Council's proposed inquiry changes, the UDP would be in general conformity with the London Plan. These inquiry changes have been considered by the Inspector.

## **8. Description – Key Recommendations**

8.1 The vast majority of objections were directed at detailed wording of policies and reasoned justification. There are two main policy issues – the provision of new housing and inclusion of a housing target and whether the UDP properly addresses open space and social provision to match the new and existing housing.

8.3 The key recommendations in the Inspector's report and the Council's responses are as follows:-

### **8.4 Environment**

#### Inspector's Recommendation

- Add a new policy on noise pollution.

#### Haringey Response

- A new policy is proposed.

### **8.5 Housing**

#### Inspector's Recommendation

- Include a housing target and a list potential housing sites.

#### Haringey Response

- A new housing target for Haringey from the draft alterations to the London Plan is included. A list of potential housing sites derived from Appendix 1 of the UDP is inserted after Policy HSG1 'New Housing Developments'.

#### Inspector's Recommendation

- Justify the housing density figures in policy HSG8 and explain how the figures would be applied in different areas of Haringey.

#### Haringey Response

- A modification to Policy HSG8 is proposed to ensure that the density of new residential development is compatible with the character of the surrounding area, accords with the density ranges in the London Plan and has regard to a number of site-specific factors, including design. The Greater London Authority (GLA) have been consulted on this proposed modification.

#### Inspector's Recommendation

- Add a new criteria-based policy on gypsies and travellers. The Inspector recommends that the travellers' site on former Friern Barnet Sewage Works be deleted, as there is a lack of evidence to support its designation. He considers that its designation is premature in advance of an accommodation needs assessment.

#### Haringey Response

- A new criteria-based policy is proposed which would deal with proposals for sites arising from unexpected demand and will be used to guide the allocation of sites in a future planning document. This modification accords with Government Circular 01/2006. The Greater London Authority (GLA) have been consulted on this proposed modification.

#### Inspector's Recommendation

- Justify policy HSG4 on affordable housing by explaining the 10 unit site size threshold, the 50% borough target and the east/west tenure split.

#### Haringey Response

- Since Autumn 2004, the Secretary of State has directed emerging UDPs in London to adopt a 10 unit threshold. Modifications to the supporting text are proposed to justify the site size threshold and the borough target. The supporting text is also modified to explain that tenure mix is dependent on a number of factors and that further guidance will be provided on targets for different parts of the borough.

#### Inspector's Recommendation

- Delete paragraph 4.30 referring to density on backland sites.

#### Haringey Response

- Agree, the modified policy on density and other policies (UD2 and UD3) would adequately deal with backland proposals.

### **8.6 Employment**

#### Inspector's Recommendation

- Explain the relationship between Strategic Employment Areas and Defined Employment Areas – Regeneration Areas.

#### Haringey Response

- Modifications explain that Tottenham Hale and Wood Green / Haringey Heartlands are also designated as an Opportunity Area and an Area for Intensification respectively, and these designations are consistent with the UDP Defined Employment Area – Regeneration Area designation.

#### Inspector's Recommendation

- Justify the marketing time periods used in policy EMP3R on non-employment generating uses and define "wider regeneration benefits and objectives".

#### Haringey Response

- Modifications justify the marketing time periods and refer to the area regeneration objectives in Part I of the Plan (paragraphs 3.15-3.26)

### **8.7 Movement**

#### Inspector's Recommendation

- Delete the "Improved Access to Haringey Heartlands" designation from the Proposals Map and from policy M1 on transport improvements unless the Council receives firm financial commitment for the scheme. The Inspector does not reject the proposed route on grounds of inadequate consultation and agrees with the planning merits of the proposed north-south route.

#### Haringey Response

- The Council has received financial commitment for the scheme from the ODPM/Department for Transport and funding has been allocated from the Community Infrastructure Fund. Construction of the road will begin by 2008. The precise alignment of the route is not yet known and is subject to a Master Plan Supplementary Planning Document and a planning application. Therefore, the proposal is retained in the UDP and an area is defined on the Proposals Map which will be safeguarded.

#### Inspector's Recommendation

- Delete the transport proposals in policy M1 if there is no evidence of a strong commitment from the relevant delivery agency.

#### Haringey Response

- A modification to Policy M1 is proposed to delete transport improvements where there is no Transport for London commitment or Mayoral support. However, the supporting text to the policy gives Council support for proposals to extend the Victoria Line to Northumberland Park, West Anglia Route Development (formerly known as WARME), improvements to the A10/A1010 and improvements to orbital public transport.

#### Inspector's Recommendation

- Modify policy M6 on car-free developments so that it is a proper land-use policy.

#### Haringey Response

- The policy is proposed for modification.

#### Inspector's Recommendation

- Re-consider Network Rail's proposal for rail freight facilities south of Hornsey Station, via Cranford Way.

#### Haringey Response

- This relates to the future of Ferme Park Sidings and the current appeal by London Concrete Ltd on an adjoining site in Cranford Way. The Inspector concluded in relation to a similar objection from London Concrete Ltd that that it would be inappropriate to safeguard Ferme Park Sidings for rail related purposes without a detailed examination of the proposal. Therefore, without a detailed proposal it cannot be considered as part of the UDP. Transport for London has been consulted.

### **8.8 Open Space**

#### Inspector's Recommendation

- Define local open space standards in order to address a satisfactory level of open space and deficiencies.

Haringey Response

- The standards are being addressed as part of the Haringey Open Space Strategy. Unfortunately, there is insufficient time to include them in the UDP modifications. They will be included in a future planning document.

Inspector's Recommendation

- Modify policy OS1A on Green Belt and OS1B on Metropolitan Open Land so that they reflect Government guidance in PPG2.

Haringey Response

- The policies are proposed for modification.

Inspector's Recommendation

- Explain how Significant Local Open Land (SLOL) is designated.

Haringey Response

- A modification explains that SLOL has been designated according to recreational, biodiversity, amenity and landscape values.

Inspector's Recommendation

- Delete operational railway land from Green/Ecological Corridors.

Haringey Response

- The original objection from Network Rail has been reconsidered and a modification to Policy OS5 is proposed to acknowledge that essential transport development in the Green/Ecological Corridors may be appropriate

## **8.9 Creative, Leisure and Tourism**

Inspector's Recommendation

- Delete criteria relating to concentration of social clubs in policy CCT3 and hotels in policy CCT4.

Haringey Response

- These criteria are deleted as the concerns of over-concentration of these uses are dealt with by other criteria and in other policies.

## **8.10 Community Well-Being**

Inspector's Recommendation

- Delete policy CW2 on planning obligations for community facilities.

Haringey Response

- The policy is deleted as the matter is dealt with by policy UD10 on planning obligations.

## **8.11 Conservation**

Inspector's Recommendation

- Explain how locally important views are to be identified.

Haringey Response

- Locally important views are to be dealt with as part of the review of

conservation areas and will be addressed in a future planning document.

Inspector's Recommendation

- Add criteria to Policy UD11 on Tall Buildings so that it effectively deals with proposals for tall buildings.

Haringey Response

- A modification to Policy UD11 is proposed to add criteria to address high design quality, acceptable relationship to surroundings, appropriate site size and setting, wind turbulence and overshadowing and impact on historic environment, Green Belt and Metropolitan Open Land.

Inspector's Recommendation

- Split policies for alterations and extensions (policy CSV2) and protection from demolition (policy CSV3) into separate policies for conservation areas and listed buildings.

Haringey Response

- Separate modified policies are proposed.

Inspector's Recommendation

- Add a list of the Areas of Archaeological Importance defined on the Proposals Map.

Haringey Response

- A list of areas is included in the Plan.

**8.12 Site specific issues**

The Council has accepted the following Inspector Recommendations:

- Highgate Bowl should not be designated as Significant Local Open Land.
- Land at Hornsey Waterworks should not be designated as Metropolitan Open Land.
- Designate Weir Hall Road open space and Belmont Recreation as Significant Local Open Land.
- Retain the proposal for the Civic Centre (SSP39), if justified. The Plan is modified to state that a planning brief is under preparation and will be adopted in 2006.
- Justify the inclusion of the recycling depot on the Steel Stockyard site in Hampden Road (SSP35). There is currently no need for the site as a recycling and reuse depot and the Site Specific Proposal has been deleted.
- Re-designate the Millmead / Ashley Road Defined Employment Area as a Regeneration Area (DEA 12)
- Retain the Bridisco site in the White Hart Lane Defined Employment Area (DEA19).

8.13 The Inspector recommends that the Council delete policies which are not land use based, for instance policy UD10A on employment initiatives and policy EMP4 on relocation of businesses. There are also recommendations relating to formatting of the UDP so that it is more user-friendly.

8.14 The Statement of Decisions and Reasons sets out the Council's response to each recommendation made by the Inspector. This is attached as Appendix 1 to this



report. Where there are proposed modifications to the UDP, these are set out in full in Appendices 2 and 3. A schedule of editorial changes is provided as Appendix 4, which lists factual and typographical changes to the Plan. Most of these changes occur as a result of modifications to other parts of the Plan.

#### Next stages

- 8.15 If approved, the Council's responses to the Inspector's report and proposed modifications will be published for consultation in April / May 2006. Representations must relate only to the Council's responses and modifications and not to the first or revised draft versions of the UDP. The Council must prepare a further statement of responses to representations received during this consultation period.
- 8.16 It is likely that by accepting the Inspector's recommendations, no new issues will be raised during this consultation period. If this is the case, then the Council may proceed to adopt the Plan as modified.
- 8.17 The Strategic Environmental Assessment (SEA) European Directive will apply to the UDP if it is not adopted by 21 July 2006. As a consequence, the UDP process would have been aborted.
- 8.18 It is intended that a Full Council meeting in June 2006 be recommended to approve the Council's responses to the consultation period and to adopt the UDP. The Council is required to give notice of its intention to adopt the plan by publishing a notice for two successive weeks at least 28 days before the intended date of adoption.
- 8.19 Once the UDP is adopted there is a six-week period in which any person aggrieved by the Plan and who challenges its validity can apply to the High Court under Section 287 of the Town and Country Planning Act 1990. The grounds are limited to the Council's failure to comply with statutory procedures. After the six-week period is complete, the validity of the plan cannot be challenged in any legal proceedings.

### **9. Consultation**

- 9.1 The Council's responses to the Inspector's Report and proposed modifications to the UDP are subject to public consultation. The results of the consultation will be reported back to the Council.

### **10. Summary and Conclusion**

- 10.1 Following the receipt of the Inspector's report, the Council has considered each of his recommendations. The Inspector has recommended modifications to the UDP. The Council's responses to the Inspector's report and proposed modifications will be placed on deposit for a six week period. After this period, the Council may proceed to adopt the UDP as modified.

### **11. Recommendations**

- 11.1 That Members consider and approve the Council's responses to the Inspector's

report as set out in the Statement of Decisions and Reasons, attached as Appendix 1.

- 11.2 That Members approve the Proposed Modifications to the UDP as set out in Appendix 2.
- 11.3 That Members approve Proposed Modifications to UDP tables, schedules and the Proposals Map, as set out in Appendix 3.
- 11.4 That Members approve editorial changes to the UDP, as set out in Appendix 4.
- 11.5 That the four documents be placed on deposit for a six week period in accordance with the statutory procedures.
- 11.6 To delegate power to the Executive Member for Enterprise and Regeneration in consultation with the Assistant Director (PEPP) to approve any changes required prior to public consultation and to publish a notice of the Council's intention to modify the Unitary Development Plan and to adopt the Plan as modified.
- 11.7 That the Full Council be recommended to adopt the UDP as modified.

## **12. Comments of the Director of Finance**

- 12.1 The recommendations of this report do not give rise to any additional financial implications. Environmental Services budget for 2005/06 contains provision of £252k to meet the general costs associated with consultation, inquiry and adoption of the UDP. It is estimated that costs will be within the budget provision.

## **13. Comments of the Head of Legal Services**

- 13.1 The Head of Legal Services has been consulted wishes to emphasise that the financial consequences of the Unitary Development Plan not being adopted by July will be very substantial. After that date a Strategic Environmental Assessment will be required. This will apply to future UDP reviews but if the adoption of the current UDP is not achieved before the cut off date an expensive duplication of work would be required immediately. It is important that this unnecessary and avoidable expense is not incurred by adoption by the full Council any later than June 2006.

## **14. Equalities Implications**

- 14.1 The UDP contains policies which address equalities and diversity. In future the Council's planning policies will be subject to Equality Impact Assessment.

## **15. Use of Appendices / Tables / Photographs**

- 15.1 Appendix 1: The Statement of Decisions and Reasons to the Inspector's Recommendations
- 15.2 Appendix 2: Proposed Modifications to the UDP
- 15.3 Appendix 3: Proposed Modifications to UDP tables, schedules and the Proposals Map

15.4 Appendix 4: Editorial changes to the UDP

