

Executive Meeting**On 13 June 2006****Report Title:** Adoption of Haringey Unitary Development Plan**Forward Plan reference number:****Report of:** Andrew Travers, Interim Director of Environmental Services**Wards(s) affected:** All**Report for:** Key Decision**1. Purpose**

- 1.1 To consider the results of the public consultation into the Council's responses to the Inspector's report and proposed modifications, to approve a Statement of Decisions and Reasons in response to public consultation, and to recommend the adoption of the Haringey Unitary Development Plan.

2. Introduction by Executive Member

- 2.1 As obliged, the Council has produced the Unitary Development Plan for Haringey and has undertaken the relevant consultation processes, receiving the Inspector's recommendations and allowing the relevant time for public consultation.
- 2.2 The UDP is brought to this board for members to considering the objections made during public consultation and recommend further modifications or agree that the plan be adopted by the Council

3. Recommendations

- 3.1 That Members consider and approve the Statement of Decisions and Reasons attached as Appendix 1 which take account of and respond to the representations received during the UDP modifications public consultation period.
- 3.2 That Members agree that no further modifications materially affecting the content of the plan need to be made and no further consultation, inquiry or other hearing held.
- 3.3 To delegate power to the Executive Member for Enterprise and Regeneration in consultation with the Assistant Director (PEPP) to approve appropriate non-material changes required to written text or diagrams or other illustrative matter prior to adoption.

3.4 That the Full Council be recommended to adopt the UDP.

Report Authorised by: Andrew Travers, Interim Director of Environmental Services

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 keep under review the matters which may be expected to affect the development of their area or the planning of its development.
- 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 and has responded to its recommendations. The responses and proposed modifications to the UDP were placed on deposit for public consultation for six weeks between 3 April and 15 May 2006.
- 4.3 The Council has received 116 representations during the public consultation period, of which 71 were objections. Objections focus on two policy areas - housing density and open space deficiency. Representations to Policy HSG 8 'Density Standards' object that the modified policy does not reflect the London Plan and that the borough's character areas should be clearly defined and identified on a map. Objections seek clarification and explanation of how open space deficiency is defined and applied.
- 4.4 Under the Town and Country Planning (Development Plan)(England) Regulations 1999, it must consider all the objections made and, in taking these into account before proceeding to adopt the modified UDP, decide whether it is necessary to make further modifications or to hold a further inquiry.
- 4.5 If the Executive decide that no further modifications that materially affect the content of the UDP need to be made, then it can recommend to the Council that the plan is adopted.
- 4.6 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.
- 4.7 The Strategic Environmental Assessment (SEA) European Directive will apply to the UDP if is not adopted by 21 July 2006. As a consequence, the UDP process would have be aborted.

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

- 5.1 The Council is required to consider the objections received during the public

consultation stage into the Council's responses to the Inspector's report and proposed modifications. The reasons for any change in policy are justified in the Statement of Reasons and 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, Proposed Modifications April 2006
- 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. 392 objections were heard at the Inquiry. In January 2006, the Council received the Inspector's report. The report considered all objections received during the two public consultation stages and made recommendations for the Council to consider.

7.4 The Executive on 21 March 2006 approved responses to the Inspector's report and proposed modifications to the UDP. These responses and modifications were deposited for public consultation for a six week period between 3 April and 15 May 2005. Officers have responded to representations received on the consultation form within the consultation period which relate to modified parts of the plan and an Inspector's recommendation.

7.5 Following the consultation period, the Council must decide whether to make any further changes to the UDP. Further modifications that materially affect the content of the UDP would result in a further period of public consultation. However, if the changes are non material, the Council can proceed to adopt the Plan. It is for the Council to consider what is material, but minor amendments, clarification and

factual corrections are considered to be non-material.

- 7.6 The UDP process is at an advanced stage. The UDP policies and proposals have been closely examined at a public inquiry and the Council has agreed with the recommendations of the inquiry Inspector and proposed modifications accordingly. As no new issues are raised, then the UDP process can proceed towards adoption. It is worth noting that, under the new arrangements for Local Development Frameworks, the Inspector's report and recommendations are binding on the local authority. Therefore, in future there will be no opportunity for public consultation following a public inquiry.

8. Description – Representation and Council Responses

- 8.1 In total, 116 representations were received during the deposit period, of which 71 were objections and 45 were representations of support. Copies of all the representations received have been made available and a copy has been placed in the Members Room.
- 8.2 Officers have considered all the representations received and developed responses. These responses are set out in Appendix 1 in a Statement of Decisions and Reasons. The Executive is recommended to approve this Statement.
- 8.3 The Council has received representations from statutory consultees, including the Government Office for London and the Mayor of London / Greater London Authority, as well as amenity groups and resident associations. The objections relate to issues already addressed at previous consultation stages, at the public inquiry and by the Inspector's recommendations.
- 8.4 It is considered that none of the objections received give rise to the need to make further modifications. Some further changes are made, but none of these changes materially affect the content of the Plan. Members are informed that in preparing the Statement of Decisions and Reasons, legal advice has been sought and received.
- 8.5 The objections focus on two policy areas - housing density and open space. Representations to Policy HSG 8 'Density Standards' object that the modified policy does not reflect the London Plan and that the borough's character areas should be clearly defined and identified on a map.
- 8.6 The Greater London Authority have confirmed that the London Plan does not specify site-setting or 'character' in the borough and no map is available. As a result, the proposed response clarifies how housing density ranges are applied and reaffirms that density is also determined by public transport accessibility, housing mix and car parking provision, not just site-setting. No changes to the density range are proposed.
- 8.7 The Council has received representations objecting to the methodology used to define open space deficiency and to the lack of open space standards. These issues were raised at the public inquiry and addressed by the Inspector in his

recommendations. In response, the Council has already clarified, through modifications, how open space deficiency was defined and that local open space standards will be prepared as part of the Local Development Framework. No further changes are necessary.

- 8.8 The Government Office for London have responded to the modifications by withdrawing most of their outstanding objections. However, they have maintained their objection that the current London Plan housing target of 19,370 additional homes for Haringey should be included in Policy G2 'Housing Supply'.
- 8.9 Following negotiations, the Government Office have agreed to withdraw their objection and accept that the new housing target of 6,800 homes remains in the policy. This is subject to the supporting text reflecting the history of the current and new target and stating the legal basis for including the new target.
- 8.10 Section 15 (2A) of the Town and Country Planning Act 1990 requires the UDP to be in 'general conformity' with the London Plan. The Council must consider whether, in its opinion, the UDP does generally conform to the London Plan. 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 taken forward as modifications and will be incorporated into the adopted plan.
- 8.11 In response, the GLA have responded by stating that there are no modifications proposed by the Council that conflict with the Mayor's previously stated opinion regarding general conformity. There are, however, a small number of further objections which the Council is asked to address either in the UDP or when preparing its Local Development Framework.
- 8.12 The GLA object to the modified policy on tall buildings (Policy UD11) where, although broadly consistent with the London Plan, the wording on assessing the impact of tall buildings on the historic environment, Green Belt and Metropolitan Open Land would create an overly onerous presumption against tall buildings. They suggest some wording to reflect national guidance in PPG2. In response, it is proposed that this wording be introduced into the supporting text to Policy UD11. Similarly, the GLA object to wording recommended by the Inspector regarding works by utility companies on Green Belt and Metropolitan Open Land. Again appropriate wording is introduced into the supporting text to reflect national guidance in PPG2.
- 8.13 The GLA request that all references to the Victoria Line extension are removed from the plan. The proposed response does not accept this and retains a reference to the scheme in the supporting text to Policy M1.
- 8.14 A number of other issues have been raised. In a few cases, minor changes are proposed for clarification. These relate to the definition of intermediate housing in relation to affordability and minor changes to the supporting text to the noise pollution policy to reflect Government guidance and the Mayor of London's Ambient Noise Strategy.

Next stages

- 8.15 Once the Statement of Decisions and Reasons is approved and Members agree that no further modifications materially affecting the content of the plan need to be made, then the Council may adopt the plan.
- 8.16 Individuals and organisations who submitted representations on the UDP modifications will be notified of the Council's responses and decisions. A copy of the Statement of Decisions and Reasons will also be sent to the Government Office for London.
- 8.17 It is recommended that the Full Council adopt the UDP, in accordance with the Statement of Decisions and Reasons. A draft copy of the final version of the UDP, incorporating the modifications and further changes will be placed in the Members Room.
- 8.18 The Council is required to publish a notice stating on which date the plan was adopted and became operative. 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.
- 8.19 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.

9. Consultation

- 9.1 The Statement of Decisions and Reasons responds to representations received during the public consultation stage into the Council's responses to the Inspector's report and proposed modifications. Further modifications that materially affect the content of the UDP would result in a further period of public consultation.

10. Summary and Conclusion

- 10.1 The UDP process has reached an advanced stage. The Statement of Decisions and Reasons responds to representations received during the public consultation stage into the Council's responses to the Inspector's report and proposed modifications.
- 10.2 It is considered that none of the objections received give rise to the need to make further modifications. Some further changes are made, but none of these changes materially affect the content of the Plan.
- 10.3 Therefore, the Executive is recommended to approve the Statement of Decisions and Reasons and to recommend to the Full Council that the UDP is adopted.

11. Recommendations

- 11.1 That Members consider and approve the Statement of Decisions and Reasons attached as Appendix 1 which take account of and respond to the representations received during the UDP modifications public consultation period.
- 11.2 That Members agree that no further modifications materially affecting the content of the plan need to be made and no further consultation, inquiry or other hearing held.
- 11.3 To delegate power to the Executive Member for Enterprise and Regeneration in consultation with the Assistant Director (PEPP) to approve appropriate non-material changes required to written text or diagrams or other illustrative matter prior to adoption.
- 11.4 That the Full Council be recommended to adopt the UDP.

12. Comments of the Director of Finance

- 12.1 The UDP review process has been on-going for a number of years and will conclude with it's adoption by the full Council. The costs associated with the review process have been met from provisions contained in the approved budgets for PEPPs business unit including specific approvals for the UDP review. A further provision of £75k was approved as part of the 2006/07 budget process and this will be used to meet any residual UDP costs in 2006/07 and also to implement the new arrangements coming in under the Local Development Frameworks.

13. Comments of the Head of Legal Services

- 13.1 The Head of Legal Services has been consulted and has contributed to the report and to the Statement of Decisions and Reasons, attached as Appendix 1 and has nothing to add.

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: Statement of Decisions and Reasons on representations to the Council's UDP proposed modifications