

PINS ADVISORY VISITS - BRENT

27 January and 9 February 2009

Inspector: Roy Foster

Stage reached

The CS was withdrawn after an exploratory meeting in March 2008. Subsequently the Council undertook public consultation on a revised text in August/September 2008. Discussions have also taken place with GOL and a PAS peer review team.

It is planned to revise the CS as soon as possible and then publish in about May with a view to submission in September after authorisation from Full Council. The LDS is currently being revised but it is planned to submit the SADPD soon after the CS is adopted.

Relationship between the CS and saved parts of the UDP

It is not clear to me that enough consideration has been given to the requirements of Reg 13(5), requiring a DPD to identify those saved policies within the existing development plan which are to be superseded. This is usually done by placing the information within a cross-referenced table in an appendix to the DPD.

The Proposals Map (PM)

At the exploratory meeting the Inspector raised concern about a lack of specificity or clarity about the changes that would be made to the PM upon adoption of the CS. LBB has tried to address this by a stand-alone PM accompanying the CS. However, it still seems to me unclear how far the notations on the CS PM are intended to retain/amend/replace the same/similar notations on the UDP PM. [One reason for this may be the lack of resolution of the Reg 13(5) issue referred to above.]

The nature of the PM to the “Core Strategy and Site-specific Allocations DPDs” (even when read in conjunction with the text of the CS) makes it very difficult for a reader and potential representor to appreciate what changes would be made to the PM at the adoption of the CS, both in terms of the development plan policies and their geographical coverage. Consequently, the current form of the PM may have resulted in moving from too little specificity to too much, and in too complex form. I think there are two main concerns – 1) the extent of the proposed changes and 2) how to show them clearly.

1) Extent of the changes Whereas your PM seems to show many changes, all that PPS12 says on the subject is (para 4.6) that “core strategies may allocate strategic sites for development”. In effect the CS seems to present growth areas as strategic allocations in the PPS12 sense but without being as clear about this as it could/should be. If the CS is able both to define the boundaries of these areas and to identify what will happen within them (and generally when and how it will happen) the growth areas would probably fit the PPS12 definition of strategic allocations.

Other than these allocations I wonder how far it is necessary to include site-specific coverage of the other items on the legend to the current version of the CS PM. Which of them really changes existing policy? Some of the notations relate to policy which is already clear in the UDP (eg the Strategic and Borough Employment areas). It is possible that the more major changes to SEA/BEAs may be appropriate for inclusion in the CS but in most cases their boundaries seem unchanged. The same is presumably true of many of the environmental designations. The CS is not the place for tidying up odd inconsistencies in the existing PM. Better options for doing so are likely to be an appropriate AAP, SADPD or Development Management Policies DPD.

Referring to the town centre/neighbourhood centre boundaries, I can see that there may be a “core strategic” case for including the eastwards extension of Wembley centre if this can be shown to meet the soundness tests. However, is the CS the appropriate place to identify the lower-tier TC boundaries or would they be better defined through another DPD?

As for the SSADPD designations shown on the PM, these are not appropriate for inclusion in the CS policies or depiction on the PM at this stage. I advise pruning out all references to SSADPD sites and their notations on the PM. Keep the CS and SADPD processes separate. When the CS is adopted there will be a proper context for the SADPD proposals, not before.

2) How to show the changes The wider advice at paras 2.20 to 2.23 in the former version of PPS12 still seems relevant and reflective of the Regs. Essentially this is that when the CS is adopted the PM will need to be republished to show the combined geographical effects of any new site-specific policies in the CS together with those saved policies of the UDP that are not superseded. All that needs to be done during the stages before adoption is for OS-based extracts within the CS to make clear the extent of any boundary changes, so that all readers are clearly aware both that the boundary is to be changed and how. As discussed, I am not comfortable that this objective is achieved at present.

Comments on the Jan 2009 version of the CS

An unfortunate general comment is that the CS is littered with many spelling errors and grammatical inaccuracies. The syntax is sometimes poor, which can disrupt the flow of the text and make it unnecessarily hard to follow. Unless these defects are addressed they will undermine the professional presentation of the CS. Rigorous skilled editing of the strategy would improve its readability and general credibility. I note that PAS made a similar comment.

A further general comment is that thorough editing could also prune out quite a lot of material from the explanatory text, especially where this is (a) merely descriptive rather than essential to the justification of the CS, (b) too short-lived in the context of a long-term plan, or (c) repetitious.

It is good to arrive at the main components of the CS (as described at PPS12 para 4.1) at an early point in the DPD, after some brief preliminary scene-setting concerning (1) national/regional policy and any other local community/corporate strategies and (2)

the main themes emerging from brief SWOT-type analysis along the lines set out in part 5. The CS generally achieves that aim, although it could be more concise in doing so. I agree with PAS that (a) the CS relationships with other Brent Strategies are not as clear as they could be and (b) the section on “challenges” could be sharper and less repetitious of material that comes earlier and pre-emptive of later material. In addition, it is unfortunate to encounter a subheading “Vision for Wembley” so early in the CS before learning of the Borough-wide vision. I also wonder whether the “spatial vision” (part 4.5) should be placed as part of section 6 (Spatial Vision and Objectives).

Part 6 This section goes well beyond general themes and includes some very specific objectives. There is nothing wrong with this in principle and it could be said to make the CS more useful and locally distinctive. However, as we discussed there is a fine line between trying to go beyond generalities and setting objectives that are too specific. A further matter is that it is unclear whether this is a comprehensive list of specific objectives/requirements, or just an illustrative (perhaps somewhat random) selection from the IIF and elsewhere. Can all the individual bullet points stand scrutiny against the tests of justification and effectiveness? Is there a robust and credible evidence base for all of them?

Part 7 Is this not “The” spatial strategy for Brent?

7.1.6 Can this indicate very briefly why other options were rejected (eg as being less sustainable), if necessary by reference to other documents?

Policy 1 Is the last paragraph a key “spatial” issue? The subject matter could be worked in at an appropriate point elsewhere.

Part 7.3 It would be helpful to indicate that in London the quantity of housing is capacity-led.

Policy 2 It would be helpful to include a row for “the rest of the Borough” and to resolve the apparent conflict between “up to” for the population and “at least” for new dwellings.

Affordable housing I attach a separate note on the Blythe Valley judgment. This indicates that consideration must be given to viability, as required in PPS3 para 29. However, you indicated that GOL, GLA and the Boroughs have agreed that the SHMA process should be approached on a London-wide basis, supplemented by later sub-regional studies for groups of Boroughs. These studies are not yet under way. Pending these studies the CS is not intending to alter the London Plan’s policies on AH, which include criteria for considering the achievability of the overall London-wide target in the case of each individual site. This approach could perhaps be more clearly expressed in para 7.3.1 onwards and in the paragraphs in part 8 on affordable housing. As policy is not being altered the reference to 50% could also be removed from policy 2 and confined to an appropriate part of the text.

Part 7.5 “Local area policies” – is this the appropriate heading? Most of the areas covered in 7.5 are described in the CS as “growth areas” and in light of PPS12, para 4.6, they seem to be strategic allocations. So in CS terms an appropriate heading for policies 7-11 could be along the lines of “Strategic Growth Area Allocations.”

Policy 7 The very exact specification of the mix is entirely appropriate to a strategic allocation provided it passes the soundness tests and is backed up by robust readily-available evidence. As we discussed it is helpful to be able to include information about how the development will be progressed – when, how and who by? Can it be made clearer whether the policy is setting a strategic brief which will be worked

out/taken forward in some other document such as an AAP/SPD/Masterplan? [Note also that the housing figure for Wembley sometimes says 10,000, sometimes 11,500.]

Policies 8-11 – the same comments apply as in the case of Wembley

Policies 12-13 – these are slightly different areas from the growth areas. In the case of Park Royal the housing content could be made clearer. In the case of policy 13 can it be made clearer how this will be taken forward - when/how/who by? Is it establishing a brief for some other process/document?

Policy 15 – The policy promises to “set out in an Infrastructure and Investment Framework” the requirements necessary to support new development in the growth areas, and to indicate where and when it will be provided. The test of effectiveness requires a DPD to be shown to be deliverable, so it could be argued that “delegating” the task of demonstrating deliverability to a future non-statutory IIF is not meeting the test. However, the IIF already sets out the necessary infrastructure requirements for the growth areas so it does not have to be referred to as a future exercise. Policy 15 can be more definite about the IIF and its interrelationship with the CS and AMR.

Part 8 As discussed, the function of some of these policies within the LDF as a whole might have been easier to identify (and their text easier to draft) if their Reg 13(5) implications had been addressed. That would make it easier to identify the appropriate strategic level at which they should be pitched, ie what to put in/leave out? What new policy are they introducing and what subject matter are they leaving within the UDP, to be replaced in due course (where necessary) by other DPDs? Some of the policies seem to be high-level development management policies, others perhaps not.

Town centres It is unclear how far the UDP hierarchy is retained or altered. The CS to some extent explains that Wembley has been promoted to the top of the hierarchy, but there are other unexplained changes within the various tiers as compared with the equivalent policy in the UDP – for instance the 3 centres promoted to District Centres. These changes should be more transparently identified and justified.

Part 8.1 The third sentence of para 8.1.1 illustrates a more general point that the CS tends to suggest that the LDF starts from a blank canvas rather than recognising that the saved policies of the UDP still continue. There are already Dev Plan policies on these matters albeit that they may be superseded by a DMDPD at some point.

Part 8.3 The PPS1 supplement states (para 11) the long-held principle that planning, building control & other regulatory regimes should complement, not duplicate each other. Planning control should not, as a matter of course, apply different standards from these other regimes as it is not the lead policy/statutory vehicle. Para 31 states “There will be situations where it could be appropriate for planning authorities to anticipate levels of building sustainability in advance of those set out nationally. When proposing any local requirements...LPAs must be able to demonstrate clearly the local circumstances that (both) warrant (and) allow this.” Do these exist – what are they? Para 32 states “when proposing any local requirement for sustainable buildings planning authorities should focus on development area (see definition) or site-specific opportunities”.

The material in part 8.3 could be reviewed with this approach in mind. Referring to policy 19, the first 3 paras seem to have District-wide application. How does this relate to the advice quoted above? While the 4th paragraph focuses on the particular site-specific major opportunities within the growth areas, the policy wording is incomprehensible. The meaning of the 5th paragraph is also unclear. As we discussed, the Wembley Energy Action Area seems to be redundant as it is wholly within the Wembley Growth Area and therefore seems to be a “double designation” adding nothing to the policy applying generally within the Growth Area.

Part 8.4 I agree that preparation of a joint waste DPD with nearby authorities is a pragmatic way of meeting the national and regional requirements for coverage of this matter and that a specific CS policy for Brent would be unlikely to add value to the content of the London Plan.

Annex relating to the housing trajectory As we discussed it seems to project an unfortunate image of the usefulness of the CS that the trajectory extends backwards in time by 9 years (to 2000) and only extends forwards in time by 8 years (to 2017). Considering the approach of PPS3 one would expect the trajectory to have a better fit with the timeframe of policy 2 (2007-2026) which is presumably what it is trying to illustrate.

Other matters

Infrastructure and Investment Framework See general points above under policy 15. Under Park Royal, there seem to be many items relating to infrastructure normally associated with residential development, whereas policy 12 does not appear to indicate residential development in this area – need for clarification?

Fastbus From what we discussed this is only an aspiration at present, with no clear date or prospect of implementation and no scheme-status outside Brent itself. It would therefore be unwise to present it as something which is an essential element of the soundness of the CS.

Evidence base This needs to be as up to date as practical (PPS12, para 4.47), but proportionate to its purpose, including only what is necessary to underpin the CS in the circumstances of the District (“Keep It Short & Simple”). The Inspector will not undertake detailed examination of the evidence base as an end in itself. Individual parts of the evidence base are likely to be examined in detail only if the Inspector finds reason to consider whether some part(s) of the CS may be unreliable, eg based on absent evidence, or evidence which may be flawed or no longer reliable.

Referring to the content of the evidence base (ie the list of LDF supporting documents that you handed to me) I note that SHLAA and SHMA exercises will be implemented in a unique way in London and are not yet available.