

LONDON BOROUGH OF BRENT

PLANNING COMMITTEE
7th July 2004

REPORT NO : /04 FROM THE DIRECTOR OF PLANNING

FOR INFORMATION

NAME OF WARD ALL

ARRANGEMENTS FOR PREPARING BRENT'S LOCAL DEVELOPMENT FRAMEWORK

1.0 SUMMARY

- 1.1 The report proposes a process for preparing Brent's Local Development Framework (LDF), which will eventually replace the recently adopted UDP as the development plan for the Borough. It also presents a draft Local Development Scheme (LDS). The LDS is a detailed project plan showing the various documents which will comprise the LDF, and the timetable and procedures to be followed in producing them. The Executive on July 12th will be asked to agree the draft LDS as a basis for preparing Brent's LDS. The Government Office for London will be consulted on the draft and then it will be brought back to the Executive in October for final approval.

2.0 RECOMMENDATION

- 2.1 That Planning Committee notes the proposed arrangements for preparing the Local Development Framework and the draft Local Development Scheme. Any recommendations for changes or other comments which Committee may wish to make will be passed to the Executive for consideration.

3.0 FINANCIAL IMPLICATIONS

- 3.1 At this stage it is difficult to gauge what the full financial implications of moving to the new system will be. Although there are fewer deposit stages proposed, the need for greater community involvement and the examination of this by an inspector together with the need, as a result of an E U Directive, to undertake a Strategic Environmental Assessment is likely to lead to greater costs.

In particular the guidance expects that certain elements of the process will be externally verified and this will increase costs. The Government expect Local Authorities to use the recently introduced Planning Delivery Grant to cover this increased cost. However, although Brent has benefited from a large allocation of grant this financial year (£750,000), it is not guaranteed that the Council will get as much next financial year and this grant regime ends in 2005/6. It is likely that increased costs for future years will have to be funded from growth in the Planning Service budget. The table below sets out the estimated additional staffing and other costs by financial year. The estimates are very approximate because a number of the procedures that are to be followed are new, so there is no previous experience to draw upon, and the final regulations dealing with the procedures have yet to be published. The actual number of objections received will also determine the length of any public inquiry which could mean that the actual costs of this differ substantially from the estimate.

3.2 In Brent we have produced two UDP's since 1991 (about one per 6 years) but the new system relies on documents being updated more regularly and at least once every 3 years. This is forecasted to significantly increase costs.

	£			
	2004/5	2005/6	2006/7	2007/8
Possible additional costs				
Additional Staffing Costs	98,000	98,000	98,000	98,000
Public Inquiry costs			130,000	
Other Costs	115,000	50,000	25,000	75,000
Minus existing UDP budget	35,000	35,000	35,000	35,000
Total additional Costs	178,000	113,000	218,000	138,000
Sources of funding				
Planning Delivery Grant	178,000	113,000		
Potential growth required			218,000	138,000

3.3 'Other Costs' include commissioning of studies/consultants, publication of documents and consultation. A significant proportion of this (£25,000 p a) is related to the new EU requirement to undertake an independent Strategic Environmental Assessment of the LDF. In 2004/5 there is also a further need to carry out baseline studies such as a retail capacity study and an Employment Land Demand study. The retail capacity study commissioned in 2001 for the UDP review was funded by the LDA because it was needed for the planning of Wembley regeneration. There is an ongoing need to assess retail capacity, as set out in Government planning guidance which in future will have to be funded by the Borough. There is also an additional need for additional resources for consultation in 2004/5 because most of stages of community involvement are in the early stages of LDF preparation. Additional costs in 2007/8 are because of the need for similar studies as the process of reviewing the newly adopted LDF gets underway.

- 3.4 The cost of the public inquiry is a 'one-off' cost that has to be funded in the particular year in which it falls. There was a similar requirement to fund the public inquiry into the UDP objections in February – May 2002, although the full costs of this were split between two financial years. The costs cover the Inspectorate bill (£80,000), barrister's fees (£30,000) and the need to fund a Programme Officer post for approximately 6 months (£15,000) as well as a notional amount for expenses and accommodation (£5,000).
- 3.5 Staff costs are based on the need for 3 additional staff over and above the establishment needed for UDP review. Two of these are on professional planner career grades plus one technical support officer.
- 3.6 The savings of £35,000 p a on UDP review do not take account of staffing costs, but was an annual sum available to fund publication of documents, consultation costs and studies/surveys commissioned. It was not sufficient to cover all the non-staffing costs of the UDP review as indicated above, which have been funded in the past from other sources including extra main programme funding for the UDP public inquiry.

4.0 STAFFING IMPLICATIONS

- 4.1 There are certain proposed requirements in the new Local Development Framework (LDF) process that are likely to necessitate an increase in staffing levels. First is a statutory requirement to produce an annual report monitoring the effectiveness of policies which, when put together with an increase in the pressures from the GLA for planning information, points to a need for an additional post. There is also a greater requirement for community engagement in preparing and reviewing local development documents and the requirement to undertake Strategic Environmental Assessment which will place a greater burden upon staff resources and is likely to give rise to a need for additional staff. The financial implications of the additional staff requirements are set out in the table above.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 In addition to a Sustainability Appraisal of the adopted Plan, there will be a requirement to carry out a Strategic Environmental Assessment of the LDF in accordance with the E U directive. The changes to the development plan system are being proposed by Government to speed up the process of plan-making whilst delivering key government objectives in a sustainable way.

6.0 LEGAL IMPLICATIONS

- 6.1 The Planning and Compulsory Purchase Act will change the statutory basis for drawing up development plans in England and Wales. The Unitary Development Plan and Supplementary Planning Guidance will be replaced by a Local Development Framework. The Mayor's London Plan will acquire development plan status on commencement of the Act. This means that in proposing development, consideration will have to be given to the requirements of both the London Plan and Brent's LDF. Whilst the LDF is being prepared the replacement UDP will become a 'Saved' plan. This means that it will remain the statutory development plan for the Borough for 3 years from the commencement of the Act or until parts or all of the LDF are adopted. The final version of the Regulations covering preparation of LDFs has yet to be published.

7.0 DIVERSITY IMPLICATIONS

- 7.1 An Equality Impact Assessment of the adopted UDP will be carried out to inform the preparation of the LDF. Any deficiencies with respect to equal opportunities issues in existing planning policies can then be addressed when drawing up the LDF.
- 7.2 Local planning authorities are required to prepare a Statement of Community Involvement, in which they will set out their policy on involving their community in preparing the LDF. An inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process.

8.0 DETAIL

Introduction

- 8.1 The Planning and Compulsory Purchase Act, to commence in September 2004, introduces major changes to the way the development plan system operates. It will result in the replacement of the old system of Unitary Development Plans with a new system of Local Development Frameworks. Brent, having adopted its replacement UDP in January, is in a position to embark upon preparation of the LDF straight away. It is important that the process starts as soon as possible as local planning authorities are to be assessed against Public Service Agreement targets (PSA6) on the basis of completing the LDF by the end of March 2007. The recently adopted UDP will have the status of a 'saved' plan up until 3 years from the commencement of the new Act. This means that, effectively, beyond that time Brent would be without a statutory development plan unless it is replaced by newly adopted Development Plan Documents. There is provision within the Act for local planning authorities to seek, in exceptional circumstances, an extension to the period the UDP is 'saved' for.
- 8.2 The LDF will comprise a number of separate documents, some of which (known as Development Plan Documents) will replace the current statutory plan, i.e. the UDP. As with the UDP, there will be a number of statutory processes to follow, although the new regulations will allow for some flexibility for the Council in deciding which documents it wishes to prioritise and produce earlier in the process than others.

- 8.3 This report is divided into two main sections. The first deals with Brent's internal arrangements for overseeing the preparation of the LDF whilst the second section explains the process that has to be followed and proposes a draft Local Development Scheme (LDS).
- 8.4 There is new terminology associated with the proposed new development plan system and, consequently, a number of acronyms (such as LDS). A list of these is provided at the end of this report to assist Members' understanding of the new system. The terminology is explained in more detail on page 6 of the draft Local Development Scheme attached to this report.

BRENT COUNCIL'S INTERNAL MANAGEMENT ARRANGEMENTS

- 8.5 In order to ensure an appropriate level of control over the preparation of the LDF, and so that there is 'ownership' amongst the relevant sections of the Council and beyond, there is a need for a steering group to oversee the preparation of the LDF. At the same time there is also a need to ensure that the community is genuinely involved in drawing up the Plan. It is important that the Plan is the spatial expression of the Community Plan, thus the Local Strategic Partnership (LSP) should have a major role in guiding the preparation of the LDF. For this reason it is proposed that a joint Steering Group be established which would be a Theme Group of the LSP and report to the LSP board as well as to Brent's internal Strategic Regeneration Group. It is suggested that this should comprise representatives drawn from key Council service areas, i.e. Environment (including separate representation for Transportation Unit), Housing, Education, Social Services, Policy & Regeneration, and Corporate Property as well as representatives from other key stakeholders such as the Primary Care Trust, the Voluntary Sector and the Metropolitan Police.
- 8.6 It is also proposed that Council Members have an overview of the preparation of the LDF, e.g. a separate Overview Panel. It is intended that this should meet at key stages of the preparation process and advise and make recommendations to the Executive. This is particularly important when detailed matters need to be considered such as the Council's formal response to individual objections to the Development Plan Documents for example. It should meet on an ad hoc basis, i.e. as and when necessary, and it is suggested that this panel should comprise Members from Overview Committee, Scrutiny Committee and Planning Committee.

LOCAL DEVELOPMENT FRAMEWORK PREPARATION PROCESS

- 8.7 The preparation of the Local Development Scheme (LDS), explained below, will be a requirement in the new regulations. It sets out in detail how it is proposed that Brent will prepare its LDF. It includes a description of the documents it intends to prepare together with the timetable and how the local community will be involved in the preparation. However, first it will be helpful if the key principles of the LDF preparation process, and how this differs from that for the UDP, are explained briefly.

- 8.8 Under the Government's proposals, structure plans will be abolished and local plans and Unitary Development Plans replaced by Local Development Frameworks (LDFs). LDFs will comprise a series of Local Development Documents (LDD), some of which would have development plan status (as with the UDP), and be subject to independent examination, and others the status of supplementary planning guidance.

The new LDFs will differ from the UDP in that LDFs are intended to:

1. set out a clear strategic vision for their area;
2. include more succinct text and policies;
3. cut out unnecessary or repetitive policies;
4. focus on strategy rather than detailed development control policies;
5. move towards the separate publication of supporting material (removing numerous or lengthy extracts of text from other documents, e.g. Planning Policy Guidance Notes);
6. provide greater local focus in policies;
7. take a more spatial approach (the statement of core policies will need to take full account of the land-use consequences of other policies and programmes relevant to the Community Strategy, including education, health, waste, recycling and environmental protection and consider how it can assist in the delivery of these and other economic, environmental and social objectives.);
8. have a loose leaf folder style format (allowing easier updating of the documents without reprinting or rebinding other non-affected parts of the plan)
9. include increased use of electronic format access;
10. speed up the statutory process. Modifications to the processes by which plans are prepared and examined are proposed, the report of the Inspector will be **binding** on the local planning authority; and
11. achieve effective community participation in developing policies.

- 8.9 The Local Development Framework will comprise a folder of documents for delivering the spatial strategy for the area, consisting of:

1. **Statement of Community Involvement (SCI):** Local Development Frameworks must include a SCI. The SCI must set out arrangements and standards for involving the community in continuing review of the LDF and significant development control decisions; standards of good practice for engaging those with an interest in a proposed development; guidelines that will enable the community to know when and how it will be consulted; and a benchmark for applicants for planning permission about what is expected of them. The SCI will be underpinned by requirements in regulations and the draft SCI will go through independent examination with binding Inspector's recommendations.
2. **Core Strategy:** the core policies for delivering the spatial strategy and vision for the area. It would contain criteria-based policies to shape development and deliver the strategy. These would form the basis for development control. The policies would need to cover key issues, such as housing, business development, planning obligations, transport, waste disposal and recycling, and the historic environment.

The policies should be location specific rather than site specific and may need to be illustrated by a key diagram;

3. **Suite of Development Control Policies:** more detailed policies for determining planning applications.
 4. **Site Allocations:** this document would comprise the equivalent of site specific proposals in the current UDP, i.e. proposals which cannot be covered in area action plans (see below).
 5. **Proposals Map:** The map will show existing and revised designations for areas of land, such as conservation areas, defining sites for particular developments or land uses and the areas to which specified policies apply together with the site allocations;
 6. **Action Area Plans for key areas of change or conservation:** containing detailed site-specific policies, proposals or guidance for areas of change or conservation. These will be statutory and subject to independent testing (i.e. Development Plan Documents).
 7. **Supplementary Planning Documents:** these will be much like existing Supplementary Planning Guidance (SPG) but will have to be subject to full consultation and sustainability appraisal. Unlike Development Plan Documents they will not be subject to independent examination.
- 8.10 A further requirement of the new LDF system will be the need for every local planning authority to prepare, and submit to Government, an annual monitoring report. This will monitor the effectiveness of the policies in the LDF.

Links to Community Plan

- 8.11 One of the main considerations to be taken into account is the need to ensure that the LDF links to other policies and programmes that the Council may have, e.g. for education or health. It is intended that the LDF should be firmly founded in the aspirations of the community; therefore it is especially important that there are clear links between the LDF and the Community Plan. In effect the LDF will provide the spatial expression of those elements of the Community Plan concerned with the development and use of land. It is clear, therefore, that the drawing up of the LDF should be seen as a major corporate exercise and should involve a broad spectrum of interests across the Council as well as the wider Brent community. It is proposed that, to ensure integration of the LDF and the Community Plan, and efficiency of use of consultation mechanisms, that the LDF will be prepared in parallel with the review of the Community Plan.

Community Involvement

8.12 One of the main priorities of Government in introducing the new system is to promote greater community involvement in the development plan process. The Government has emphasised the need for active community participation in the development of options and proposals to be at the heart of the process. The Guidance states that “The community must be able to put forward and debate options and help mould proposals before they are settled. People need to feel that their participation can make a difference”. It is important, therefore, that full consultation is undertaken and that full use is made of existing forums for identifying the needs and aspirations of the local community. The Statement of Community Involvement has to demonstrate how the community is to be involved. This document will be brought to Executive for approval in October.

DRAFT LOCAL DEVELOPMENT SCHEME

- 8.13 The draft Local Development Scheme (LDS) (attached as Appendix 1) is presented for approval in principle. In order for it to be statutorily accepted by Government, it will be passed to the Government Office for their views, revised and brought back to Executive and Full Council for final approval after commencement of the Act. It should be noted that the final version of the Government Regulations dealing with the process have yet to be published so some amendments to the LDS may be made on receipt of these.
- 8.14 The LDS sets out what development plan documents and supplementary planning documents that it is proposed are prepared over the three-year period, and the timetable for their preparation. It also lists the policies which the Council wishes to save from the existing Unitary Development Plan until these are superseded by new development plan documents. Additionally, the timetable for the preparation of the statement of community involvement is included.
- 8.15 The LDS contains an introduction to LDFs. This identifies the key components, outlines the production methods, identifies the abbreviations found throughout, and explains the terminology used. The LDS also provides a schedule of proposed LDDs (Local Development Documents) which includes a table showing each LDD to be produced, its role, its status in relation to other planning documents and, in the transitional period, which existing Development Plans will be 'saved' plans. An overall programme is then presented in gantt chart form outlining the timetables and key milestones for the production of each LDD. The profiles of each LDD are given which briefly set out their role, geographical coverage, status, timetables for production, broad indication of resource requirement and approach to involving stakeholders and the community. Finally a supporting statement is included. This identifies the management arrangements for LDF production, the LDF structure focussing on LDDs inter-relationships and geographical coverage, the evidence base required, monitoring and review arrangements and finally a SPG replacement programme.
- 8.16 There are certain documents which must be produced. These are the Statement of Community Involvement (SCI), The Core Strategy and the Proposals Map. There are then a number of documents which are optional, depending upon the level of change in the area or the level of detail considered necessary to control, guide or promote development. It is proposed that the Council prepares documents setting out detailed development control policies, site specific proposals and prepares two Area Action Plans. In addition it is proposed that a range of Supplementary Development Documents are produced to replace existing SPG and new guidance is prepared where necessary.

Area Action Plans

- 8.17 It is proposed that these are prepared separately for Wembley and Park Royal. Both Wembley and Park Royal are key regeneration areas where substantial change will continue to take place and there is a consequent need for more detailed local policy and site allocations when the current Regeneration Area Inset chapters in the UDP cease to be saved plans. There is provision within the new system for joint AAPs to be prepared for areas which cross borough boundaries. Park Royal is an obvious candidate for a joint AAP as the estate extends across borough boundaries. Discussions are ongoing with Ealing regarding the possibility of preparing a joint AAP, although the logistics of co-ordinating this could be difficult as Ealing have still to complete the UDP review process.

Supplementary Planning Documents

- 8.18 It is proposed that SPDs are adopted for both the South Kilburn renewal area and for Kilburn town centre. In South Kilburn masterplan preparation is almost complete and substantial consultation has already been carried out as an integral part of the preparation process. In these circumstances it would introduce substantial delay to have to begin the process of consultation anew and to submit the document for independent examination. A masterplan adopted as SPD would provide the necessary detailed guidance whilst allowing for an early implementation of the proposals. Although the extent of change likely in Kilburn town centre is unlikely to warrant the preparation of a detailed AAP, there is need for more detailed guidance for a number of sites and an overarching strategy for the future development of the centre therefore a SPD would provide an appropriate level of guidance. Work on the preparation of this is proposed to start fairly early on in the LDF preparation process.
- 8.19 Other proposed SPDs will replace existing SPG and revisions to the documents will be that necessary to bring them up to date at the time of preparation. It is proposed that new SPDs are produced to cover A3 Uses, Mixed Use Development, Wembley Town Centre Urban Design, Wembley Design Codes and S106 Obligations.
- 8.20 The details of each of the documents that it is proposed are produced are set out in the Profiles section of the draft LDS attached.

Timetable

- 8.21 The timetable for preparing the proposed documents, carrying out community consultation and conducting the examination into objections is set out in the chart on page 12 of the draft LDS. Your officers consider that the timetable is unrealistic, but it has been prepared on the basis that Government is requiring completion of the LDF process by end of March 2007 in order that local authorities meet Public Service Agreement Target 6. Meeting the target date for adoption is reliant upon the Inspectorate delivering its binding report on the objections to the Plan within 3 months. However, the time taken will depend upon the number of objections received and previous experience suggests that this is very optimistic. It is not considered that any of the other stages of LDF preparation can be squeezed further.

Conclusions

- 8.22 Although intended to speed up the process of plan-making, the preparation of the LDF is more complicated than for the UDP and will require greater engagement with the local community than for the UDP, especially in the early stages. Clearly, the time taken and the resources needed to prepare a new LDF for the Borough will depend upon which documents the Council decides to include. In particular the number of documents that the Council prepares, especially Area Action Plans and Supplementary Planning Documents will have a major influence on the workload. In order to progress the LDF according to the proposed timetable then a significant increase in resources will be necessary.

9.0 BACKGROUND INFORMATION

Details of Documents:

- 9.1 The Planning and Compulsory Purchase Bill,
Brent UDP Revised Deposit Replacement Plan, April 2001.
Draft Planning Policy Statement 12: Local Development Frameworks
Draft Town & Country Planning Regulations (Local Development) (England) Regulations 2004
Creating Local Development Frameworks. Consultation Draft on the process of creating Local Development Frameworks
Consultation Draft Local Development Frameworks. Guide to Procedures and Code of Practice
- 9.2 Any person wishing to inspect the above papers should contact Ken Hullock, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Tel: 020 8937 5309

List of Abbreviations Used

- 9.3 AAP Area Action Plan
AMR Annual Monitoring Report
CS Core Strategy
DPD Development Plan Document
GLA Greater London Authority
LDD Local Development Document
LDF Local Development Framework
LDS Local Development Scheme
LSP Local Strategic Partnership
PSA Public Service Agreement
SA Sustainability Appraisal
SCI Statement of Community Involvement
SEA Strategic Environmental Assessment
SPD Supplementary Planning Document
SPG Supplementary Planning Guidance

UDP Unitary Development Plan

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