

	<p align="center"><b>Officer Key Decision</b>  <b>Corporate Director Communities and Regeneration</b>  12 June 2023</p>
	<p align="center"><b>Report from Director of Regeneration, Growth and Employment</b></p>
<p align="center"><b>Sustainable Environment and Development Supplementary Planning Document</b></p>	

<b>Wards Affected:</b>	All, but excluding parts of Alperton, Harlesden and Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
<b>Key Decision:</b>	Yes
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Appendix A: Sustainable Environment and Development SPD Consultation Statement Appendix B: Sustainable Environment and Development SPD
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Paul Lewin Team Leader, Planning Policy. <a href="mailto:paul.lewin@brent.gov.uk">paul.lewin@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 The purpose of the report is to seek consideration by the Corporate Director for Communities and Regeneration in consultation with the Cabinet Member for Regeneration, Planning and Growth of the consultation responses received on the Sustainable Environment and Development draft Supplementary Planning Document (SPD), along with any necessary recommended changes, and the decision on whether to adopt the SPD.

## 2.0 Recommendations

- 2.1 The Corporate Director for Communities and Regeneration in consultation with the Cabinet Member for Regeneration, Planning and Growth, considers

the consultation representations received, officer responses and recommended changes to the Sustainable Environment and Development draft Supplementary Planning Document as set out in Appendix A.

- 2.2 The Corporate Director for Communities and Regeneration in consultation with the Cabinet Member for Regeneration, Planning and Growth approves the adoption of the Sustainable Environment and Development Supplementary Planning Document as set out in Appendix B.

### **3.0 Detail**

#### **Cabinet Decision Sustainable Environment and Development Draft SPD**

- 3.1 On [6<sup>th</sup> February 2023 Cabinet considered an agenda item on consultation on the Sustainable Environment and Development Draft SPD](#). Cabinet resolved to approve the consultation. The aim of the SPD is to support the Council addressing the Climate Emergency it declared in July 2019. New development within the borough plays a significant part in determining the extent to which this matter is properly addressed. Where development requires planning permission, the Council can ensure that the climate and ecological emergency are dealt with as best as possible. For other development, advice may also assist its proponents in delivering more sustainable development than might otherwise be the case.
- 3.2 The SPD seeks to provide clarity on how developments in Brent can address climate change factors, taking account of local policies. To simplify matters, it makes suitable reference to London Plan policies, Supplementary Planning Guidance and London Plan Guidance, as well as Brent Local Plan policies and SPDs. The SPD relates to both major and minor developments.
- 3.3 Cabinet resolved “to delegate authority to the Corporate Director for Communities and Regeneration in consultation with the Cabinet Member for Regeneration Planning and Growth to consider consultation responses, along with any necessary changes, and the decision on whether to adopt the final SPD”.

#### **SPD Consultation**

- 3.4 The Council consulted on the draft SPD over a six-week period between 16th February and 30th March 2023. Consultation was consistent with the relevant legislation and the council’s Statement of Community Involvement. Potentially interested parties and statutory consultees on the planning policy database were made aware through e-mail notice. The draft SPD was publicised on the Council’s social media outlets. Councillors were made aware through the members’ bulletin. The document was made available in Council libraries and on the ‘Have Your Say’ consultation portal.
- 3.5 12 residents responded, in addition to 15 organisations, amenity/ campaign groups, and developers/ agents. A schedule of who responded, a summary of their comments, officer responses and recommended changes to the draft

SPD is set out in the Consultation Statement in Appendix A. There were many, sometimes quite detailed comments received. In some instances, these have merited recommended changes to the. A version of the SPD that incorporates these recommended amendments, plus other minor editorial changes can be viewed in Appendix B.

- 3.6 In terms of a high-level overview of comments received, generally the document was well received. The majority were supportive. Residents' comments tended to highlight the length and complexity of the document. Some thought more of the provisions applied to major developments should be targeted on minor applications too. Others considered that the Council could do more overall than it was doing in relation to its own actions outside planning as well as in relation to development on renewables, transportation, air quality, water management, open space and biodiversity.
- 3.7 The GLA identified potential inconsistencies with London Plan Guidance on air quality. Thames Water identified some clarifications in terms of timing of receipt of information in the development process. Brent and Westminster Swifts' Group made detailed points on bio-diversity matters. Brent Cycling Campaign raised a number of issues, including the Council's commitment to zero carbon transport, cycling in general and interpretation of application of standards. Brent Parks' Forum wanted wider application of standards on air quality and tree canopy cover for example than set out and raised concerns about development close to watercourses and water management. Similar concerns around water issues were raised by NW London Rivers' Alliance as well as how the Council monitored/ enforced mitigations/ attenuation. The developers at a large site on Atlip Road raised points on district heat networks and application of standards to residential development.
- 3.8 In terms of response, the positive nature of the how the document was received clearly is welcomed. The wide range of subject matter it addresses means it is inevitably a long and at times technical document. It is considered for the most part it provides an effective balance between catering for and being accessible to the general public and applicants, with their associated professional experts. It is not proposed to further alter the words in the SPD in Appendix B. To break up the document and make it more visually stimulating, opportunities will be taken to explore the potential to and where possible, add appropriate photographs prior to final publication.
- 3.9 In terms of applying policies to a wider range of developments, the SPD can only apply existing policies, not create new ones. Many policies do treat major and minor development differently. In addition, the Government seeks to 'ease the burden' on small housebuilders. The SPD does not address in detail what the Council does outside the development process, although comment has been made on the representations where appropriate about the Council's approach to numerous sustainability matters. A number of minor amendments have been proposed in response to comments on renewables, transportation, air quality, water management, open space and biodiversity.

3.10 In response to the GLA, it is recommended the SPD be amended to take account of changes to London Plan Guidance. In response to Thames Water, it is accepted that the draft SPD was inconsistent with site allocation policy and therefore changes to the SPD are recommended. In response to the Swifts' Group some changes are proposed, in particular in relation to application of biodiversity considerations, e.g. incorporating bat and bird boxes. In response to Brent Cycle Campaign, minor clarifications have been recommended for the SPD, similarly so for Brent's Parks' Forum and the NW London River Alliance. In response to Atlip Road minor clarifications are recommended on housing standards, such as Passivhaus being desirable rather than mandatory. In addition, a checklist for applicants that was inadvertently not included in the draft SPD is recommending for inclusion. This does not introduce new matters for applicants to address into the SPD. It essentially distils the advice provided in each section into a simple checklist format to run through prior to submission of an application or in some cases taking forward a development that does not require planning permission.

### **Options**

3.11 There are essentially two options open to the Council:

- a) Do not take adopt the Sustainable Environment and Development SPD, or
- b) Adopt the Sustainable Environment and Development SPD.

### **Do not adopt the Sustainable Environment and Development SPD**

3.12 In this scenario, the Council is likely to receive a number of planning applications for development that ultimately are unacceptable. This will need to be addressed prior to determination through additional material being submitted and associated extensions of time for the application to be determined with the applicant. Or alternatively the application can be refused and then re-submitted when all the additional material is available. This is because applicants might not understand the breadth of material needed to be supplied to address London Plan policies. There will also be no detailed advice to applicants on the Council's interpretation of its Local Plan policies. This may result in delay and confusion for the applicant. Lack of clarity over interpretation of policy could also lead to more appeals as applicants might challenge the Council's interpretation of policies used as reasons for refusal.

### **Adopt the Sustainable Environment and Development Draft SPD**

3.13 In this scenario, once adopted it is likely that the Council will receive a higher proportion of planning applications for a better standard of developments. This is because applicants might not understand the breadth of material needed to be supplied to address London Plan policies. The SPD will identify all issues that applicants need to consider and address. Applicants therefore will be able to better understand the potential risk in submitting an application. This will reduce wasted resource as it is likely to result in fewer refusals and re-

submissions. It will also reduce appeals, as Council's interpretation of policies used as reasons for refusal will be clear.

- 3.14 Taking account of the above, Option B is recommended, with the SPD as set out in Appendix B adopted. As indicated, opportunities to enhance the visual appearance of the document through for example incorporation of photographs within it will be considered before its final publication.

### **Next steps**

- 3.15 Once the Council adopts the SPD, it has to let interested parties know through an adoption statement, which, along with the SPD and consultation statement will be made available on the Council's website.

## **4.0 Financial Implications**

- 4.1 The adoption of the SPD will be limited in its resource requirements and officer time. Work will be complete under usual working arrangements, within existing budgets. As such, there are no direct financial implications resulting from the adoption of the SPD.

## **5.0 Legal Implications**

- 5.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the processes to be followed in taking forward a SPD. The Council has/will follow these processes. Once adopted, the SPD will be a significant material consideration in the determination of planning applications.

## **6.0 Equality Implications**

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

- 6.2 The document has been subject to Equality Impact Assessment screening. For the Sustainable Environment and Development SPD, on balance the implications are likely to overall be positive. This is particularly in relation to age (elderly for example through better energy efficiency of buildings, elderly and young through better access to public transport and green infrastructure/

open spaces) and those with a disability (though access to homes with better air quality).

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Early versions of the document were presented to the Local Plan Member Working Group and the Cabinet Member for Regeneration Planning and Growth and the Cabinet Member for Environment, Infrastructure and Climate Action. The document's formal consultation was publicised in the members' bulletin, as will the final adopted version.

**Report sign off:**

***Alice Lester***

Director of Regeneration, Growth  
and Employment