



Executive
6 April 2009

**Report from the Director of
Environment and Culture**

For Action

Wards Affected:
All

**Local Development Framework - Core Strategy and Site
Specific Allocations**

Forward Plan Ref: E&C-08/09-031

Summary

- 2.1 The Council's Executive agreed the LDF Core Strategy in December 2008 for public consultation with the intention of reporting back the results of the consultation in May 2009. Following meetings with Government Office for London and the Planning Inspectorate in the new year, they have advised making further changes to the Core Strategy. They have also suggested an alternative approach to the consultation that will allow the council to bring forward the Examination into the plan as it will cut out one of the proposed stages in the process. The Site Specific Allocations document has also been agreed previously by Executive for consultation. There are no further changes proposed to this document. Executive are therefore asked to recommend that both the revised Core Strategy and the Site Specific Allocations document be agreed by Full Council for public consultation and then submission to Government in July 2009 for Examination in Public.

2.2

Recommendations

Executive are asked to agree:

- 2.0 To recommend that the Council agree the proposed Submission version of the LDF Core Strategy for consultation and submission as set out in Appendix 1 of this report;
- 2.3 To recommend that the Council agree the revised timetables in paragraph 3.15 (table 1) to form the basis of Brent's Local Development Scheme (LDS), and to submit both the Core Strategy and Site Specific Allocations

- documents for Examination in Public;
- 2.4
- 2.5 The inclusion of the Infrastructure and Investment Framework for the purposes of public consultation as set out in Appendix 3 of this report; and
- 2.6
- 2.7 To delegate minor changes of the Core Strategy to the Director of Environment and Culture;

3.0 Detail

- 3.1 As the council’s Executive will appreciate, the gestation of the LDF Core Strategy has been fraught. The council first drafted its core strategy in 2006, carrying out public consultation on it in March 2007 and submitting it for EIP in November 2007. The Council withdrew the Core Strategy in March 2008 after the Inspector at the pre-Examination meeting recommended that it should be withdrawn and not proceed to the EIP.
- 3.2 In August of 2008, a new version of the LDF Core Strategy was produced which hopefully met most of the criticisms of the withdrawn Core Strategy. The council’s Planning Service undertook informal public consultation in the summer of 2008 following Government Office for London advice. Officers also subjected the revised Core Strategy to a peer review from Sheffield City Council who had taken their Core Strategy through an EIP process. The outcome of this public consultation process and the peer review was the November 2008 version of the Core Strategy which members approved for a final round of public consultation (at the December 2008 Executive meeting).

Further Advice from GOL and the Inspectorate

- 3.3 Council officer’s met with the Government Office for London in January 2009 who were supportive of the November 2008 document and the changes they suggested were largely matters of style and organisation of the document, rather than significant material changes. They also offered a meeting with the Inspectorate paid for by GOL and set up through the Planning Advisory Service. The Inspector’s visit is intended to offer informal advice to those authorities close to the Submission of their Core Strategies for Examination. This took place in early February 2009 with an Inspector that had carried out other LDF Examinations (but would not do Brent’s). While the changes the Inspector suggested do not alter the main strategic thrust of the Core Strategy proposed in November 2008, they are sufficient in number to warrant referral back to Executive. As well as the Inspector’s suggested changes, GOL advised in January 2009 that, as a result of EIP on Core Strategies elsewhere in London, a new policy on travellers’ sites is required. The April 2009 Submission Version before you tonight as Appendix 1 contains all those changes. The Planning Advisory Service have also issued further guidance on the process to Examination and this will result in moving to EIP at a faster rate than agreed at the Executive meeting in December 2008. This is because we can cut out a stage in the process. The proposed timetable is set out below after a consideration of the main

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changes to the Core Strategy.

Changes between the LDF Core Strategy in November 2008 and April 2009.

- 3.4 The main changes to the Core Strategy between the November version and following the meetings with GOL and the Inspectorate are summarised below, and the Inspector's comments are appended at Appendix 4.
- 3.5 **The Proposals Map.** The Inspector recommended that we do not produce a separate proposals map with the Core Strategy but rather produce extract maps to show the extent of any boundary changes to any existing plan allocations. These extract maps are included in the April 2009 version.
- 3.6 **Re-organisation of the Introduction.** The introduction to the Core Strategy has been re-written to deal with the Inspector's comments on reducing descriptive material, clarifying the Core Strategies relationship with other Brent Strategies and not making the objectives overly specific. It is important to stress that this does not change the basic strategy of the new plan.
- 3.7 **Part 7 changes.** A number of changes are made to the housing related policies and text to clarify a number of issues: that housing is capacity led, clarify the amount of housing growth outside of the growth areas, show the housing targets as minima, and make it clear that the affordable housing target is the London Plans. The Inspector also suggested a brief indication as to why other options for growth were rejected. He also asked us to point out how the overall policy for growth areas will be carried forward; for example will we develop Area Action Plans, Supplementary Planning Documents, or other masterplans. In respect of the Infrastructure and Investment Framework (IIF) the Inspector asked us to amend Policy 15 to show that the IIF has been produced and already sets the framework for infrastructure for the growth areas.
- 3.8 **Part 8 Cross Cutting Policies.** In the previous version of the Core Strategies, we have included policies that control development, notably in restricting development on open space, industrial areas and which encourage sustainable forms of development. This we argue is the counterpoint to growth: that is while we encourage housing growth we must also protect the best of the borough and other important land uses. Government view has always been that more general development control type policies should not be in the Core Strategy. They should only be included where there is a locally specific reason for doing so. The Inspector expressed similar reservations and pointed to particular policies in this section of the Core Strategy. He also made the point that we are able to 'save' UDP policies until we set out our more detailed development control policies in our Development Management Development Plan Document in some years' time.
- 3.9 A number of changes to the latest version have therefore been made in respect of the sustainability policy and protecting and enhancing local

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character. In the latter case, protecting conservation areas etc is covered by existing UDP policy. In terms of energy sustainability, the Inspector pointed out that the Building Regulations will deal effectively with Code Levels for Sustainable homes and there is no need to repeat them in the plan. The revised policy therefore deals with only the element of the policy that is locally specific to growth areas.

New Travellers Policy

- 3.10 GOL have pointed out only recently, the outcome of LDF Examinations where the Inspectors have concluded that there is a need for a travellers policy to be included in the Core Strategy rather than in a Development Management DPD (as a result of Inspector's reading of Government Circular Advice-see below). As there is a risk of a Core Strategy being unsound without a travellers policy, your officers have included a new policy in the April version of the Core Strategy. This policy is copied from the first draft of our Development Management DPD that members agreed for public consultation in spring 2007 (the progress of detailed policies have been delayed by lack of progress on the Core Strategy which has to be adopted first before other lower order DPD's can be adopted). The policy is a criteria based policy and considers the circumstances under which any possible future travellers' sites would be judged. This is important because the Mayor has produced a report recommending that boroughs expand or provide further travellers' sites. This does not have the status of adopted London plan policy so at this stage the proposed new Core Strategy policy deals with matters set down in the Government Circular on Gypsy and Traveller Caravan Sites (circular 01/2006). The policy does not promote new sites as it is contingent upon meeting needs that cannot be satisfied in other boroughs. The new policy requires that proposals for sites avoid over concentration of facilities, be located on sites that balance residential and employment needs, have acceptable transport access, be accessible to local services and be suitably landscaped.

Infrastructure & Investment Framework (IIF)

- 3.11 The delay in progressing the Core Strategy has allowed more detailed work on phasing to be completed on the IIF and to include the latest costings on Wembley as a result of the transport consultants' study. The report to Executive on the Wembley Masterplan elsewhere on this agenda, deals with this matter in detail. What is clear from the IIF (see Appendix 3) is that housing growth requires a significant amount of infrastructural investment and priorities will have to be set. The key message is that even for the largest growth area, Wembley, although S106 funding cannot provide for the whole infrastructure funding requirement, providing the council is successful in securing funding from Government or regional sources then there is a good prospect that sufficient infrastructure can be delivered to meet the needs of the level of growth proposed. In the longer term, this will be much more challenging but the Framework gives the council time to plan to secure other outside funding and for land owners and developers to understand

what will be required.

Sustainability Appraisal

3.12 It is a statutory requirement that a Sustainability Appraisal (SA) be undertaken of Development Plan Documents. There have been further changes to the Core Strategy since November and therefore there has been a need to review the SA. Further work has been undertaken by the council's SA consultants, CEP. Their recommendations are set out as a background document. Many of the recommendations are relatively minor, for example suggesting that aspects of the Core Strategy require further clarity. The responses indicate whether or not the recommendations are accepted. The appended version of the Core Strategy and SSA's include recommendations proposed by CEP and accepted by your officers, as a result of the Sustainability Appraisal.

Site Specific Allocations DPD

3.13 No further changes are being proposed to the Site Specific Allocations document which sets out the council's planning policy and guidance for specific sites across the Borough. This document is also appended to this report and this will also be subject to a further round of public consultation before it is submitted for examination.

Timetable

3.14 Advice from GOL and the Planning Advisory Service (government body set up to provide guidance to local planning authorities) published in January and February of 2009 is that it is not necessary to undertake a further round of public consultation before Submission of the Core Strategy. At Executive in December officers advised that we should consult on the Core Strategy, consider representations, bring it back to Executive and Full Council to approve a final version and then Submit it to the Secretary of State. The table below shows the length of that process. We would not be able to submit the Core Strategy until October 2009. Under the latest advice we can now, if Executive support the recommendations above, seek approval by Full Council in May 2009 and submit the Core Strategy straight to the Secretary of State no later than July 2009.

Plan Stage	Timetable agreed at Exec under old Regs.	New timetable following PAS advice
Core Strategy approved by Exec	December 2008	April 2009
Core strategy agreed at Full Council	-	May 2009
Public Consultation	Feb-March 2009	May-June 2009
Results of	May 2009	Not applicable

consultation to Exec & recommend submission version		
Full council to agree submission version	September 2009	Not applicable
Submission of Core Strategy to SOS	October 2009	July 2009

3.15 We are able to gain significant time because we do not have to return to Executive and Full Council twice. There is still the same amount of public consultation, it is just that the Inspector will consider the outstanding representations rather than bringing them back to the council. While in theory it is always good for the council to consider representations and then submit the Core Strategy, your officers feel that the council has considered the plan and responses to it on two separate occasions. The benefit to the council is to have the Core Strategy adopted as quickly as possible to set the future direction of change, regeneration and growth.

3.16 The proposed timetable for delivery of an adopted LDF Core Strategy and Site Specific Allocations DPDs is set out below:

Task	Timetable
Executive Decision	This meeting-April 09
Council Meeting approves Submission versions of Core Strategy and SSA documents	13th May 2009
Public consultation starts	26 th May 09
Public consultation Ends	6 th July 09
Formal Submission of Core Strategy to Inspectorate	July 09
Pre- Exam meeting on Core Strategy	October 09
EIP of Core Strategy	December 2009
Inspector's Report	April 2010
Adopt Core Strategy	June 2010
Examination of Site Specific Allocations	June 2010
Adopt Site Specific Allocations	Nov 2010

3.17 The council is required to submit a revised Local Development Scheme, which sets out the timetable for the development plan documents it is proposing to prepare as part of the LDF, to the Mayor of London. The council must also indicate what Supplementary Planning Documents it wishes to prepare. The table below proposes a list of documents and the timetable for adopting these.

Development Plan Documents	Work Commences	Public Consultation	Submit	Exam	Adopt
Development Policies DPD	N/A	Sept10	June11	Sept11	March12
Joint Waste DPD	N/A	Dec09	Oct10	March11	Sept11
Supplementary Planning Documents					
Wembley Masterplan	N/A	Jan09	N/A	N/A	April09
Design Guide for New Devt.	May09	Sept09	N/A	N/A	Dec09
Extending Your Home	N/A	May09	N/A	N/A	Sept09
South Kilburn SPD	Feb09	Aug09	N/A	N/A	Nov09
Alperton Devt Framework	Sept09	Jan10	N/A	N/A	June10
Burnt Oak / Colindale Devt Framework	Nov09	March10	N/A	N/A	Sept10
Wembley Town Centre Framework	March09	Jan10	N/A	N/A	June10
North Circular Road	Jan11	Dec11	N/A	N/A	March 12

Conclusions

3.18 The Core Strategy has been amended significantly since the version withdrawn as a result of the Inspector's comments in spring 2008. The overall spatial strategy remains the same with five main housing growth areas. However it is hoped that the Core Strategy along with the IIF now gives a clearer picture of how and when this will be achieved and how we will achieve a sense of place in each of the growth areas. It also places more emphasis on the economic regenerative role of Wembley as the 'first' of the growth areas.

4.0 Financial Implications

4.1 Work on the LDF is funded from Planning Service budget. The Planning Service cannot fund the costs of the Examination in Public. These include the costs of the Inspector and a Programme Officer, hire of venues and

possible legal and other representation. The Examination in Public (EIP) on the Core Strategy will be held first at an estimated cost of £100,000 and this would be met from the central reserve for LDF inquiries. Once the Inspector has reported on the Core Strategy then the EIP into the Site Specific Allocations can be held. This is unlikely to take place until the 10/11 financial year at the same cost (£100k) as the Core Strategy EIP and, again, this will be met from the central reserve for LDF inquiries.

4.2 The Infrastructure and Investment Framework (IIF) sets out the costs of Infrastructure your officers consider will be needed to support a sustainable development. The costs are significant and cannot all be met by the developer as this would make any scheme unviable. However it gives the council and community a clearer idea of what the council can deliver and will be used to seek funding from government, the Mayor of London (particularly Transport for London), the Lottery and other agencies. It offers a way for the council to establish priorities in Infrastructure provision.

4.3 At the moment the list of Infrastructure projects is not prioritised and it is not intended to do that at this stage. It should be made clear that it may not be possible to provide everything on the IIF list and it does not preclude other items being added, mostly likely in annual or two-yearly reviews. An important consideration is what the council may be able to contribute to these infrastructure needs, and any initial commitments are itemised. However it must be remembered that this is a plan with a 15 year time horizon although the IIF costs cover a development period of 20-30 years. It clearly is not possible to set out in detail what the level of council commitment will be. It is also important to remember that the council will be the catalyst for securing infrastructure funds from government and other agencies.

4.4 The Infrastructure work considered with the Core Strategy could also be used to establish a Community Infrastructure Levy (CIL). This is promoted by the government as a possible replacement to S106 Planning obligations, and is not dissimilar to the council's current S106 standard charge. It does offer more flexibility in use of funds however. The IIF is a useful first step in readiness for CIL when it is introduced probably in 2009-10. Any CIL is likely to require a charging schedule along the lines of the IIF and will only be approved following an Examination in Public such as is needed for the Core Strategy. It is proposed to work up CIL proposals after the Core Strategy is adopted, hopefully in 2010.

4.5 Officers will bring back a further report to Executive considering the options concerning funding on the social and Infrastructure costs of housing and commercial growth.

5.0 Legal Implications

5.1 The Government has amended the LDF procedure to help streamline the local development framework process. The new procedure is set out in the Town and Country Planning (Local Development) (England) (Amendment)

Regulations 2008 which amend the 2004 Regulations. The effect of the amendments is that the Council does not have to carry out a consultation exercise and consider the representations prior to submitting the core strategy to the Secretary of State. Instead the Council has to publish its core strategy and invite representations and submit the core strategy to the Secretary of State. The representations will now be taken into account at the examination in public rather than come back to the Executive for consideration before the document is submitted to the Secretary of State. This will bring forward the date at which the examination takes place.

- 5.2 Any representations made are limited to issues of soundness. To be sound the core strategy should be justified, effective and consistent with national policy. Justified means it must be founded on a robust and credible evidence base and be the most appropriate strategy when considered against the reasonable alternatives. Effective means it must be deliverable, flexible and able to be monitored. The Inspector at the examination in public will consider the representations on soundness and as a consequence can make changes to the Council's core strategy. Those will be binding on the Council.
- 5.3 As well as considering the soundness of the Council's core strategy the examination in public will also consider whether the Council has complied with the legal requirements set out in the legislation

6.0 Diversity Implications

- 6.1 The Core Strategy considers the needs of Brent's diverse communities, for example securing a level of community facility provision to meet the needs of its diverse ethnic, cultural and religious groups. It also attempts to secure larger family homes that are in greater demand from many of its black and ethnic minority groups. The Core Strategy also supports skills and other training and job placement such as by Brentin2work, organisations adept at placing new migrants (among others). The council has produced an Equalities Impact and Needs Assessment and this will be made available to view in the Member's room.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

Background Papers

Brent LDF Core Strategy and Site Specific Allocations, November 2007
Brent LDF Core Strategy (Pre-submission version) and new Site Specific Allocations, August 2008
Brent LDF Core Strategy and Site Specific Allocations, November 2008
Notes on Brent's LDF Pre-Examination meeting, April 2008
Equalities Impact and Needs Assessment, 2008
Sustainability Appraisal of LB Brent's LDF. SA comments and recommendations on draft Core Strategy and SSA proposals, Report by

CEP, 14 November 2008

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Appendices

The following Appendices are contained in separate Appendix to Executive Reports

Appendix 1

April Submission version of the LDF Core Strategy

Appendix 2

Submission version of Site Specific Allocations DPD

Appendix 3

Infrastructure and Investment Framework

Appendix 4

Planning Inspectorate Advisory Visit -Recommendations