

LONDON BOROUGH OF BRENT

**Meeting of the Executive
13 December 2004**

Report from the Director of Environment

For action	Wards affected:All
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Report Title: BRENT'S LOCAL DEVELOPMENT FRAMEWORK - REVISED LOCAL DEVELOPMENT SCHEME

Forward Plan Ref: ES-04/05-279

1.0 Summary

- 1.1 This report presents a revised Local Development Scheme (LDS). This is a detailed project plan showing the various documents which will comprise the Local Development Framework (LDF) and the timetable and procedures to be followed in producing them. It is proposed that the number of Development Plan Documents prepared in the first three years be reduced from five, agreed by Executive in July, to three.

2.0 Recommendations

- 2.1 That Executive agrees the revised Local Development Scheme for preparing Brent's Local Development Framework.
- 2.2 That Executive authorises the Director of Planning to make changes to the programme set out in the LDS, in light of discussions with the Planning Inspectorate, which he considers would not have a significant effect upon service delivery and budget requirements.

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3.0 Detail

Introduction

- 3.1 The Planning and Compulsory Purchase Act 2004 has required major changes to the development plan system. It will result in the replacement of the old system of Unitary Development Plans with a new system of Local Development Frameworks. In July this year the Executive, and then Full Council, agreed a draft Local Development Scheme (LDS), which set out which new development plan documents would be produced together with a timetable for the process through to adoption. This was agreed as a draft only because it was subject to the agreement of the Government Office for London and there needed to be some certainty that the Planning Inspectorate would be able to provide the resources to examine the Plan (i.e. an Inspector for a public inquiry) at the appropriate time.

Local Development Scheme

- 3.2 When the draft LDS was agreed in July it was intended to replace the whole of the UDP with a new set of development plan documents by the end of March 2007. The rationale behind this approach was that the UDP would be a 'saved' plan for three years from commencement of the Act and that there was a need to replace it in full by the time this 3 year period expired. It would also be more cost-effective to take several Development Plan Documents through the necessary statutory processes at the same time rather than have different documents on different timescales. Not only would this be more cost-effective but it would also be a process which could be relatively easily understood by the general public. In other words, there would be a single process rather than several going on concurrently.
- 3.3 However, discussions between Brent officers and officers from the Government Office for London (GOL), subsequent to the approval of the draft LDS, have resulted in a re-appraisal of the approach proposed in the draft. Brent, along with other London Boroughs, are being asked to consider reducing the number of Development Plan Documents that they wish to initially prepare and take through the process to adoption within the first three years. This is primarily because the Inspectorate have indicated that they would be unable to cope with the many local authorities who would be scheduled to reach the Examination stage with a full set of Development Plan Documents at approximately the same time. Officers from the Government Office emphasised that relevant parts of the Plan can be 'saved' beyond the 3 year period set out in the regulations.

- 3.4 It is now being proposed that Brent prepares three Development Plan Documents rather than five as set out in the draft LDS. These are the Core Strategy, A Suite of Development Control Policies and Site Specific Proposals. It is proposed that preparation of Area Action Plans be deferred until the Examination stage for the first 3 Development Plan Documents is reached. It was proposed, in the draft LDS considered in July, that two Area Action Plans, for Wembley and Park Royal, be prepared. Both of these areas are the subject of separate chapters and Inset Plans within the recently adopted UDP. These contain more detailed policies and proposals than is generally contained within the rest of the Plan. In Wembley in particular this is supplemented by a substantial amount of additional, more detailed guidance contained within the Wembley Development Framework and the Wembley Masterplan. These documents elaborate upon policy in the UDP and have been adopted by the Council as Supplementary Planning Guidance. Although the sections for Wembley and Park Royal in the UDP, and accompanying Supplementary Guidance, will have to be reviewed eventually because of changing circumstances, it is felt that with so much recently-agreed detailed guidance, it is unnecessary to start this review straight away. For this reason it is proposed that the Inset Plans within the UDP be 'saved' for longer than 3 years.
- 3.5 Included at page 13 of the annexed LDS is the revised timetable to adoption of the 3 Development Plan Documents as well as Supplementary Planning Documents (SPDs), preparation of which is timetabled to commence in April 2006. These SPDs will replace existing Supplementary Planning Guidance and will contain detailed advice and guidance that is supplementary to the Development Plan Documents. In the meantime the Planning Service will continue to bring forward Supplementary Planning Documents that are supplementary to the adopted UDP for approval, e.g. SPD for South Kilburn.

Benefits of Revised LDS

- 3.6 It is a feature of the new LDF system that Development Plan Documents do not all have to be completed at the same time. The proposed changes in the LDS will have benefits in that the proposed LDS had an extremely tight timetable. The proposed new LDS can better accommodate further guidance issued on Strategic Environmental Assessment and Sustainability Appraisal which is more onerous than anticipated. The proposed revised LDS will also allow the timely production of Supplementary Planning Documents. Perhaps more important is that the revised LDS will provide an opportunity to focus on the issues and options stage of the process in more detail.

- 3.7 The Issues and Options stage allows the Council, with key stakeholders, to consider the vision, objectives and spatial strategy for the LDF and to choose between alternative options. Since this work goes the heart of the core strategy and sets the vision for the development of the borough in land use terms it deserves more attention than could be given under the previous LDS straining to meet the three year deadline imposed by government. The problems GOL have in processing LDF's therefore gives the Council an opportunity and better chance of giving this vital stage the attention it deserves and of getting it right.

Next Steps

- 3.8 Before the LDS can be finalised and submitted to GOL (Government Office for London) it will be necessary to sign a Service Level Agreement with the Planning Inspectorate. This is a requirement of Government guidance and will confirm that the timing of the examination of the development plan documents is acceptable. In the event that the Planning Inspectorate ask that the timing of the examination be amended by an insignificant period, e.g., no more than 3 months, authority is being sought from the Executive to amend the timetable accordingly before submission to GOL.
- 3.9 In January 2005 it is intended that Executive further agree a draft Statement of Community Involvement for consultation with the local community and external bodies. This Statement will set out the Council's commitment to involve and consult with the local community, detailing the mechanisms and media that will be used. In April 2005 agreement will be sought for consultation on the key planning 'issues and options' facing the Borough culminating in a Community Conference in May.
- 3.10 Members are asked to agree the draft LDS which commits the Council to the preparation of 3 Development Plan Documents during the first 3 years of the programme and to defer the preparation of Area Action Plans to a later date.

4.0 Financial Implications

- 4.1 Estimates of the cost of processing the LDF to adoption were presented in full to Executive on 7th July 2004. It is not expected that the proposed revision of the work programme will have a significant impact on total costs but the apportionment of costs in 2006/7 and 2007/8 are likely to change. The extension of the Planning Delivery Grant for a further 3 years commencing 2006/7, announced by the Chancellor in July, means that most of the additional funding required can be met from this source. Government officials have made it clear that the Planning Delivery Grant (PDG) should be used to meet additional resource requirements of the new system. A revised estimate of annual costs is set out in the table below.

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	£			
	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	88,000	268,000
Sources of funding				
Planning Delivery Grant	178,000	113,000	88,000	68,000
Potential growth required				200,000

While it is anticipated that the additional costs can be funded from PDG, the level of PDG is not guaranteed. PDG levels may decline for later years as Government seeks to replace it in part by a rise in fee income from planning applications. To maintain the timetable set out in the draft LDS attached to this report may require growth or the timetable may need amending. Given that there is little prospect that PDG can fully fund the additional costs for 2007/8, and it is unlikely that increasing fee income will cover the costs, growth will be necessary for that year. This could be as high as £200,000. Costs are exceptionally high for 2007/8 because this is when the Examination of the Plan (Public Inquiry) is likely to take place. Your officers will bring forward annual monitoring reports which review the budgetary requirements necessary to progress the LDF.

5.0 Legal Implications

- 5.1 The Planning and Compulsory Purchase Act 2004 has changed 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 now has development plan status. This means that, in proposing development, consideration will have to be given to the requirements of both the London Plan and Brent's LDF.

- 5.2 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. Officers from the Government Office for London have emphasised that relevant parts of the Plan can be 'saved' beyond the 3 year period set out in the regulations

6.0 Diversity Implications

- 6.1 An Equality Impact Assessment of the adopted UDP is being 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.
- 6.2 Local planning authorities are required to prepare a Statement of Community Involvement (SCI), 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. A draft SCI will be brought to a future meeting of the Executive after views have been sought from the community as to how they wish to be involved in the process.

7.0 Staffing Implications

- 7.1 An estimate of a need for additional staff to undertake LDF work was provided in the report to Executive on 12th July 2004. This estimate remains the same. Although the proposal to take forward 3 Development Plan Documents in the next 3 years, rather than 5, will mean a small reduction in the staff resources necessary, detailed requirements for undertaking Sustainability Appraisal and community involvement/consultation included in draft guidance recently issued by the Government result in a need for additional resources.

8.0 Environmental Implications

- 8.1 In addition to a Sustainability Appraisal of the Plan, there is a requirement to carry out a Strategic Environmental Assessment of the LDF in accordance with the E U directive which came into effect in July. The process will remain much the same with the preparation of fewer Development Plan Documents as proposed.

Background Papers

Details of Documents:

The Planning and Compulsory Purchase Act, 2004
Brent UDP Revised Deposit Replacement Plan, April 2001.
Planning Policy Statement 12: Local Development Frameworks
Town & Country Planning Regulations (Local Development) (England)
Regulations 2004
Local Development Frameworks. Draft Guide to Procedures and Code
of Practice

Contact Officers

***Any person wishing to inspect the above papers should contact
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