

	25 th June 2021
	Key Officer Decision Report to the Strategic Director of Regeneration and Environment
DRAFT BRENT LOCAL PLAN EXAMINATION: PROPOSED MODIFICATIONS TO THE LOCAL PLAN AND OTHER ACTIONS	

Wards Affected:	All, excluding parts of Harlesden, Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
Key Decision:	Yes
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Appendix 1 - Proposed Brent Local Plan Modifications Appendix 2 - Integrated Impact Assessment Addendum Appendix 3 - Brent Local Development Scheme Appendix 4 - Brent Statement of Community Involvement
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report provides an update on the Local Plan Examination process and associated actions sought by the Inspectors and next stages of the Plan's adoption.
- 1.2 It also seeks delegated approval from the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning for modifications required to the draft Local Plan. These are considered necessary to ensure that the Plan can be found 'sound' by the Planning Inspectors undertaking the Examination. These modifications will need to be issued for consultation and the representations received

considered by the Council and Inspectors. This will inform the content of the Inspectors' report that recommends whether the draft Local Plan is legally compliant and, through incorporating modifications, can be regarded as sound. Subsequent to receipt of a positive report from the Planning Inspectors, Full Council will be requested to consider a report recommending adoption of the Brent Local Plan.

- 1.3 In addition to the proposed modifications, the Inspectors have requested that the Brent Local Development Scheme is updated to reflect the amended timescale of the Local Plan's progress towards adoption. This will also set out the Council's programme of documents supporting the delivery of policies in the Plan, such as production of Supplementary Planning Documents over the next three years. The Inspectors have also requested that the Statement of Community Involvement is updated to take account of necessary changes to consultation methods and availability of documents should national Covid-19 protocols be applicable at any time prevent the standard approach being undertaken. There is no formal requirement for these to be subject to consultation.
- 1.4 There are a number of supporting papers in response to actions for the Council identified by the Inspectors which justify the Plan's contents. These will also form part of the consultation material.

2.0 Recommendations

- 2.1 That the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning approves the proposed modifications to the draft Brent Local Plan as set out in Appendix 1 and the supporting addendum to the Integrated Impact Assessment as set out in Appendix 2 for public consultation.
- 2.2 That the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning approves the Brent Local Development Scheme as set out in Appendix 3.
- 2.3 That the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning approves the Brent Statement of Community Involvement as set out in Appendix 4.

3.0 Draft Brent Local Plan – Submission and Examination

- 3.1 A report to Full Council on 19th February 2020 'Brent Local Plan Submission for Examination' sought approval of submission of the draft Brent Local Plan to the Secretary of State for examination. It set out that this document would replace all of the existing Brent Local Plan documents, including the Brent Core Strategy 2010, Sites Allocations Development Plan Document 2011, Wembley Area Action Plan 2015 and Development Management Policies Local Plan 2017. In addition to this it identified the stages of consultation that had informed the content of the draft Plan and the principal issues raised in the representations received.

- 3.2 The report identified some proposed modifications to be submitted in association with the draft Local Plan for examination. It also identified that in order for the Examination process to satisfactorily conclude it would be likely that the Council would need to be able to propose further modifications in a timely manner to expedite the examination process. It identified that the infrequency of Cabinet and Full Council meetings required greater flexibility in terms of the Council's decision making processes to agree such modifications. As a result Full Council approved delegated authority to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning to make proposed modifications to the Brent Local Plan throughout the examination process to ensure that it can be found 'sound' by the Planning Inspector.
- 3.3 As part of the Examination the Inspectors identified and sought representations from the Council and those who had made representations on the Local Plan on a number of 'Matters, Issues and Questions' (MIQs). The Inspectors held a series of virtual hearings sessions from 29th September until 16th of October 2020. This provided the opportunity for further round table discussions between the Inspectors, the Council and those invited to attend by the Inspectors on these MIQs. As a result of the MIQs and the Hearings sessions a number of additional proposed 'Main Modifications' need to be made by the Council. These address matters where the Inspectors consider that the submitted plan is not sound or legally compliant. Ultimately the Inspectors will recommend to the Council in their final report that main modifications are included in the Plan to make it 'sound' and capable of adoption. The Council is also proposing modifications to the Policy Map for the same reasons. In addition a series of Minor Modifications address non-soundness issues and are predominantly factual, formatting, spelling or other non-material amendments to the Plan.

Summary of main issues at Examination and Main Modifications

Vision and Good Growth in Brent

- 3.4 Modifications to this section were limited and focussed on adding to the Good Growth Objectives to more widely reflect the content of the Plan. This resulted in changes to the 'growing a better economy' for the most part. Another modification is an update of the housing target reflective of changes to the London Plan housing target and Brent's housing trajectory evidence base. The Inspectors also requested that some changes were made to the key diagram, in particularly for it to give an indication of the spatial distribution of new homes in the Growth Areas.

Places

- 3.5 Modifications to the Place chapters are largely for consistency and conciseness. Growth Area policies have been added for Neasden (BEGA1A), Staples Corner (BEGA2A) and Northwick Park (BNWGA1A). In the submitted Plan these new Growth Areas were subject to area wide site allocations.

However, the Inspectors felt for consistency all eight Growth Areas should have a specific separate policy. Open space provision standards from the Open Space, Sports and Recreation Study have also been added to all Growth Area policies.

- 3.6 The format of the site allocations has been revised for clarity and conciseness, ensuring only wording relevant to determining a planning application is included, and in some cases relocating text to different sub-headings. Other modifications to site allocations include referencing the revised Strategic Flood Risk Assessment (SFRA) Level 2 on sites within flood zones, and updates to planning history and indicative housing capacity to reflect most recent planning permissions. In response to objections from Highways England (HE) Neasden (BEGA1) and Staples Corner (BEGA2) site allocations set out a requirement for the Council/Developers to specifically engage with TfL/HE in assessing impacts on the national Strategic Road Network (nSRN) from the Growth Areas as a whole prior. This needs to be undertaken prior to the Council's adoption of any growth area masterplan.

Design

- 3.7 After the conclusion of the Local Plan hearing sessions the Secretary of State issued a Direction to the Mayor to modify London Plan policy D9 Tall Buildings. This resulted in the need for modifications to Local Plan policy BD2 (Tall Buildings in Brent) to ensure general conformity. The policy can no longer define buildings less than 18 metres as tall. Consequently Policy BD2 no longer includes within the definition, buildings more than 6 metres above the general prevailing heights of the surrounding area. The policy retains the part which defines tall buildings as those more than 30 metres in height. Related to this, reference to directing tall buildings to intensification corridors and town centres has been removed. The general building height of 15 metre promoted in these locations is no longer defined as a tall.
- 3.8 Furthermore wording which defined exceptional circumstances where tall buildings may be acceptable outside of tall building zones has been removed. The potential for tall buildings to come forward outside areas identified in Local Plans was a specific concern of the Secretary of State in his direction to amend D9. Tall building zones have been updated on the policies map to add Kilburn Square and amend Alperton, Wembley and Stonebridge Park. This reflects existing planning permissions, or further recognised potential for tall buildings now that the flexibility that previously existed in the policy has had to be removed. The cores within the zones have also been removed at the request of the Inspectors.
- 3.9 The Sudbury Town Residents' Association (STRA) main objection to the Plan was to the potential height of development in Sudbury in the town centre and intensification corridors. A barrister representing STRA appeared at the hearing sessions. Policy BD2 continues to state in intensification corridors and town centres, outside of Conservation Areas, developments of a general building height of 15 metres above ground level could be acceptable, with opportunities to go higher at strategic points in town centres. A modification is

proposed to clarify this is outside of areas of distinctive residential character (potential Conservation Areas). This is for consistency with terminology in the heritage and culture chapter.

- 3.10 A paper to further justify the intensification corridors was requested by the Inspectors. This will also be made available for the consultation on the modifications, as will a number of similar topic related justification papers. Modifications to the policies map will be made to reflect amended boundaries of the intensification corridors as a result of a request by the Inspectors. Some further corridor amendments take into account information contained within the justification paper (removing, adding, reducing and adding).

Housing

- 3.11 Throughout the draft Brent Local Plan's stages the new London Plan has also been progressing through its adoption process. A real positive has been the London Plan Panel's recommendations on borough housing numbers, which the Mayor and Secretary of State have accepted. The panel supported the Council's (and many other outer London borough's position) that the December 2017 draft London Plan target which relied heavily on small sites was unrealistic. This has resulted in Brent's housing target dropping from 29,150 to 23,250 dwellings in the period 2019/20-2028/29. As the London Plan target has reduced, the Council reduced its minimum delivery target in the years to 2028/29 to 23,250. However, recent significant planning permissions have increased housing capacity beyond this period. This has increased delivery from 2019/20 to 2041/41 to 46,018. This is approximately an additional 500 units over the Plan period. This is reflected in modifications to policy BH1 (Increasing Housing Supply in Brent) and the Plan's objectives.
- 3.12 Modifications are proposed to the small sites policy to incorporate much of the former draft London Plan policy H2A. This was deleted from the London Plan as the Panel felt it more appropriate boroughs set detailed policies on small sites. Whilst draft policy H2A promoted intensification of small sites within 800m of town centres, it was considered in the Brent context these locations could have a low PTAL. Such areas are not appropriate for significant intensification of new homes. Policy BH4 (Small sites) sets priority locations for small sites of PTAL 3-6, intensification corridors and town centres.
- 3.13 A positive to highlight is that policy BH5 (Affordable Housing) remains relatively unchanged, meaning a financial contribution to affordable housing can be sought on sites of between 5 and 9 dwellings.
- 3.14 The definition of what constitutes an over-concentration of HMOs in policy BH7 (Accommodation with shared facilities and additional support) has been refined for clarity to 3 or more of the 10 nearest properties being HMOs.
- 3.15 Policy BH8 (Specialist Older Persons Housing) requires provision of older persons housing in growth areas and on sites of over 500 dwellings. Modifications will stipulate this should be as a minimum 10% on sites of over

500 dwellings, which will make this consistent with the approach to growth areas and the viability evidence.

- 3.16 Modifications to policy BH9 (Gypsy and Traveller Accommodation) reflect the Secretary of State's intervention on the London Plan so that it reflects the national definition of a gypsy and traveller rather than the Mayor's more encompassing definition. The different definitions created very different levels of need for the Brent Local Plan to address. This is zero additional plots with the national definition, or 90 additional plots with the Mayor's definition. As such policy requiring Growth Areas (with the exception of South Kilburn) to consider provision has been removed. The policy continues to focus on the retention and reconfiguration of the existing Lynton Close site and sets a criteria based policy which sets out matters that sites will have to address in considering any applications for a site.

Social Infrastructure

- 3.17 Whilst the Infrastructure Delivery Plan (IDP) which supports the Local Plan was updated in respect of most recent data on health and annual school place projections) at the request of the Inspectors, no modifications were required to the related Local Plan chapter. The IDP will be reviewed on a regular basis as new evidence and information becomes available and be treated as a 'live' document.
- 3.18 The issue of cemetery provision was raised at the hearing sessions. The Council's Cemetery Strategy identifies capacity for the next 7 years, and is to be reviewed to identify capacity beyond this period. This did not give rise to the need for modifications to the Plan.

Economy & Town Centres

- 3.19 Unite and St George challenged the requirement in policy BE1 (Economic Growth & Employment opportunities for All) for major developments in specific Growth Areas over 3000sq.m to include affordable workspace equating to 10% to total floorspace. In particular, they challenged the viability evidence supporting the policy. The Inspectors were not convinced by the viability evidence on this policy and as such instructed a modification so that in specified growth areas affordable workspace will be sought as 10% of employment floorspace rather than total floorspace, and only on major developments with over 3000sq.m of employment floorspace.
- 3.20 It is likely this will reduce the amount of affordable workspace secured, however, policy BE2 remains which requires affordable workspace where co-location is proposed on Strategic Industrial Location (SIL) and Locally Significant Industrial Site (LSIS) sites as 10% of employment floorspace. With the exception of Wembley, Northwick Park and South Kilburn the majority of our Growth Areas are predominantly SIL and LSIS. Policy BE1 did not seek affordable workspace on Northwick Park and South Kilburn due to recognised viability pressures in any case, and Quintain have already committed to delivering affordable workspace through existing planning permissions.

- 3.21 The GLA objected to the Council's methodology for identifying how much additional industrial floorspace is required in the borough (work commissioned with West London). The GLA considered that the borough should be more pro-active in actively showing how the 43(+) hectares of need identified in the London Plan evidence base can be delivered. They set out that the borough should undertake a study to identify for each individual plot on designated industrial estates how intensification can occur. They also raised specific objection to the identification of Neasden and Staples Corner Growth Areas as these promote mixed-use development on Strategic Industrial Land. They also required long standing Brent Local Plan 2011 residential led site allocations being taken forward in the draft Local Plan to, as a minimum, re-provide all the existing industrial floorspace.
- 3.22 Subsequent to the representation positive dialogue with GLA officers on industrial matters has occurred. The GLA's position that the Local Plan was not in general conformity with the London Plan has been removed. Modifications are proposed to create a more obvious alignment between the Local Plan and the London Plan. In particular policy BE2 (SIL & LSIS) is to include a commitment to exceed 0.6ha industrial floorspace target in the West London evidence. It also specifies on co-location within SIL/LSIS industrial floorspace is to re-provide industrial floorspace or achieve a plot ratio of 0.65, whichever is the greater.
- 3.23 On Staples Corner, the Council is working with the GLA and Barnet on some preliminary testing of the potential for intensification of industrial land. This tests the potential to release parts of the area for residential and other uses that would support a mixed-use community.
- 3.24 Policy BE3 (Local Employment Sites) has been modified to include supporting text in policy wording, specifically where wholly employment use is unviable. In such scenarios the maximum viable employment floorspace is required. The policy also specifies where on-site affordable workspace provision will be prioritised.
- 3.25 Ikea sought removal of their site from Wembley SIL, and Braeside Properties sought removal of 43-47 Alperton Lane from LSIS. The inspectors instructed the Council to remove the Ikea/Tesco from Wembley SIL, but did not request changes for 43-47 Alperton Lane.
- 3.26 Modifications are proposed to reflect new use class E, which replaces use classes A1, A2, A3, B1 and parts of D1, D2. The main change being policy BE4 (Supporting Strong Centres) can no longer protect a proportion of primary frontage for retail and professional services. Policy BE5 (Protecting Retail in Town Centres) continues to limit the proportion of takeaways in town centres, neighbourhood parades and in proximity to primary and secondary schools.

Heritage & Culture

- 3.27 Policy BHC1 (Brent's Heritage Assets) sought to retain heritage assets where their loss would cause harm. For consistency with national policy modifications to the policy seek to avoid harm in the first instance and substantial harm or loss (including to its setting) should be exceptional, and require clear and convincing justification and can be outweighed by material planning considerations in the form of public benefits but only if these are sufficiently powerful.

Green Infrastructure

- 3.28 The main discussion at the hearing session related to the Open Space, Sports and Recreation Study which supports policy BG11 (Green and Blue Infrastructure) and proposed open space standards. The standards were accepted. Modifications to policy remove reference to the method for calculating the standard, and instead require developments to meet future and current demand, which was considered a more flexible approach. Modifications also set out wards with a public open space deficiency where provision must be maximised, and states this should be for a range of publicly accessible open spaces and users.
- 3.29 Main modifications proposed to BG12 (Trees and Woodlands) are to clarify how a replacement tree canopy should be measured.

Sustainable Infrastructure

- 3.30 Main modifications to policy BSUI3 (Managing Floodrisk) address concerns raised by the Environment Agency (EA). They clarify development must pass the sequential and exceptions test, as required by national policy, and cross-reference supporting text setting out when a Flood Risk Assessment is required. The EA also raised concerns there could be a loss of functional floodplain and reduction in water quality. As such, modifications to the policy seek an increase in natural flood storage capacity and improvement in the environmental quality of watercourse. Supporting text clarifies the Council will only consider the redevelopment of sites in functional floodplain where they are site allocations or intensification corridors which are supported by a level 2 SFRA and sequential test.

Transport

- 3.31 Highways England (HE) objected to the Plan on the grounds that the transport evidence base should provide an indication of what the cumulative impacts of development would be on the national Strategic Road Network (nSRN) and Junction 1 of the M1. Whilst TfL undertake London wide strategic modelling, HE did not accept this was sufficient.
- 3.32 The Council engaged with HE, with support from TfL, to agree a Statement of Common Ground. This took a very long time and is the main reason why there has been such a gap between the end of the hearings sessions and finalising proposed modifications. The Statement identifies the need for further dialogue between HE and TfL to assess and agree a position on the London

Plan strategic modelling, and proposes main modifications to set out a requirement for the Council/ developers to specifically engage with TfL/HE in assessing impacts on the nSRN from Neasden and Staples Corner Growth Areas. On this basis, HE withdrew their objection.

- 3.33 Modifications to BT1 (Sustainable Travel Choice) add reference to bus priority measures and improving connectivity to areas with limited public transport access.
- 3.34 Policy BT2 (Parking & Car Free Development) has been modified to remove the requirement for Controlled Parking Zones (CPZ) to be in place for car free development. This was in light of concerns raised by TfL that lack of a CPZ should not impede development.
- 3.35 Modifications to policy BT3 (Freight & Servicing) add reference to pursuing technical innovation to consolidate delivery and construction transport. In addition to protecting existing sidings, policy now protects sites adjacent sidings and the canal with potential for freight use, and sets criteria for assessing development proposals which would conflict with their operation.
- 3.36 A full schedule of the Main Modifications, modifications to the Policy Map and minor modifications are set out in Appendix 1. To progress with the next stages of the Plan it is recommended that these are approved for consultation.
- 3.37 All policies in the Plan are required to be subject to Sustainability Appraisal incorporating Strategic Environmental Assessment. For the Brent Local Plan, this requirement has been addressed together with Equalities Impact Assessments within the Integrated Impact Assessment (IIA) that was submitted with the Plan for examination.
- 3.38 To reflect the main modifications an addendum to the IIA has been produced (see Appendix 2). This sets out the screening process which identifies where the Main Modifications have the potential for significant impacts against the range of IIA sustainability objectives. Where such potential exists, a fuller analysis and commentary of impacts has been undertaken. Few modifications actually resulted in significant impacts, either positive or negative and did not result in recommendations to further reconsider the appropriateness of the policy or propose amendments where negative impacts were observed. To progress with the next stages of the Plan it is recommended that this document is issued in conjunction with the modifications as part of the consultation.
- 3.39 A series of actions requested by the Inspectors throughout the examination have resulted in a number of papers justifying the Council's policy approach, for example housing number target setting for neighbourhood planning areas, or identification of intensification corridors. These have previously been made available on the [examination webpage](#) referenced PHA_01 onwards and will also form part of the consultation.

- 3.40 In summary, the proposed modifications in Appendix 1 are not so significant that they substantively change the content/ likely outcomes of the Plan away from its vision and strategic objectives. On this basis, as no legal or procedural issues have been identified by the Inspectors to date that are so fundamental that the Plan would need to be withdrawn, there is a good prospect that a positive report will be submitted to the Council by the Inspectors. This is likely to recommend that subject to modifications, the Plan can be found sound and adopted by the Council.

Next stages

- 3.41 Consultation on Modifications: The main modifications will be subject to a 6-week statutory consultation period. This is likely to occur between 8th July-19th August 2021. This means that only modified parts of the Plan can be subject to representations. Given the advanced stage of the Plan consultation responses are likely to predominantly from those that have already made representations. Notwithstanding the likely rolling back of restrictions on social distancing and sizes of meetings emerging from this phase of the pandemic, given the focussed nature of the modifications it is not proposed to undertake any community presentations or drop in sessions.
- 3.42 Following the close of the consultation period officers will consider all comments received and, where appropriate, write a response. All comments received, and the Council's response, will then be submitted to the Inspectors for consideration. The Inspectors may decide it appropriate for further examination hearings sessions and indicate that further modifications need to be proposed by the Council.
- 3.43 Inspector's Report and Adoption: on receipt of a positive Inspectors' report, the Council will have two choices. It can either adopt the Plan, subject to any proposed modifications recommended by the Inspectors, or alternatively it can choose not to adopt the Plan. As a policy document, its adoption will be a Full Council decision. At this stage it is difficult to provide a definitive timescale for adoption but it is anticipated to take place in late 2021.

Local Development Scheme

- 3.44 The Local Development Scheme (LDS) sets out the Council's timetable for the production of the Local Development Framework and can also include that for Supplementary Planning Documents and other planning documents. The Local Plan should be produced in accordance with this timetable. As there has been slippage in the timetable for adoption of the Plan, the Inspectors have asked that it is updated to reflect the likely revised times. The scheme sets out a 3 year plan for production of Supplementary Planning Documents and reviews of conservation areas. It is recommended that the document in Appendix 3 is approved to be placed on the Council's website and replace the existing LDS which is now out of date. Although a Council document, it is for information and is not required to be subject to consultation when updated.

Statement of Community Involvement

- 3.45 The Statement of Community Involvement (SCI) sets out how the Council will amongst other things engage on planning applications, the local plan and supplementary planning documents and with neighbourhood forums. The Council has a legal duty to be consistent with the SCI. The pandemic resulted in a partial disruption to the way consultation occurred at submission stage of the draft Local Plan as restrictions got progressively more stringent and venues closed. This meant that although documents were placed in libraries (as well as on-line or available by request) access to paper copies to view in person, people were not able to access them for extended periods. As part of emergency legislation, specific consultation requirements on some aspects of planning were relaxed, even if normally required through statute.
- 3.46 It is not now anticipated that there will be any restrictions on the availability of access to paper copies due to the likely removal of pandemic related restrictions. This however, cannot be certain due to rapid changes in circumstances that have been evidenced in the past. As such, the SCI has been revised to take account of the potential restrictions. It sets out in these situations what the Council will do in relation to all aspects of planning that the SCI addresses, such as planning policy, planning applications and neighbourhood planning. This will ensure that should it be disrupted, consultation and engagement is consistent with the SCI, rather than potentially being slightly at odds with it.
- 3.47 This reduces the potential for the Council to be subject to challenge when making decisions that normally required procedures have not been complied with due to an inability to do so as a result of the pandemic. Changes related to the influence of the pandemic are identified in red text in the document. These changes in methods would only be temporary, related to the exceptional circumstances that might be experienced at that time. They will reflect any national legislation or guidance related to the pandemic on allowable face to face social interaction. These are considered reasonable adjustments to reflect exceptional circumstances. There is no statutory requirement for the Council to consult on a SCI. As such it is recommended that the SCI within Appendix 4 is approved to replace the current SCI on the Council's website.

Conclusion

- 3.48 Taking account of the above, it is recommended that the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning approves the:
- a) proposed modifications as set out in Appendix 1 and the Integrated Impact Assessment addendum as set out in Appendix 2 for public consultation.
 - b) Brent Local Development Scheme for publication on the Council's website as set out in Appendix 3.

- c) Brent Statement of Community Involvement for publication on the Council's website as set out in Appendix 4.

As indicated, the Inspectors sought a number of additional supporting actions papers, as outlined in paragraph 3.39, to justify the Council's policies or suggested modifications and these will also be made available as part of the consultation.

4.0 Financial Implications

- 4.1 The most significant expense associated with the adoption of the Plan is the examination process, the most substantive part of which is now complete. A fee will be payable to the Planning Inspectorate, the size of which is dependent on the examination's duration. An interim payment of £75K has already been made. The costs were highlighted and approved by Full Council on 19th February 2021 to be covered by the Local Plan budget provision.
- 4.2 At this stage a small amount of funds will be required for publicity and engagement on the main modifications and adoption. The potential costs associated with the next stages of the adoption of the Local Plan are anticipated to be within the existing Local Plan budget provision.

5.0 Legal Implications

- 5.1 Planning documents (both statutory and non-statutory) have a clearly defined process for their adoption and revocation which will be followed. The Local Plan must be prepared in accordance with the Planning and compulsory purchase Act 2004 and Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.2 The draft Brent Local Plan, incorporating the main modifications appended to this report have been examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

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 draft Local Plan was subject to Equality Impact Assessment, with the input of the Council’s equalities officer, along with Health Impact Assessment and Strategic Environmental Assessment. It was also supported through an Integrated Impact Assessment (IIA), incorporating Strategic Environmental Assessment. This has informed the policies, including analysis of potential alternatives, to seek to reduce adverse impacts and wherever possible improve the outcomes for those with protected characteristics and the social, economic and environmental outcomes of the Plan. The modifications have been subject to IIA, included in Appendix 2.
- 6.3 In summary, the Equality Impact Assessment found that the Plan for the most part would have positive impacts for all protected characteristics. This was principally in association with the provision of housing and local jobs and infrastructure which would allow groups with protected characteristics greater potential to address their needs. Some policies had mixed results for groups, for example locating homes in areas with good access to public transport because of the proximity to main roads usually mean increased incidence of exposure to poorer air quality. On the other hand this close proximity to public transport gave better outcomes to accessibility to facilities, jobs and services.
- 6.4 The proposed modification to BH9 Gypsy and Traveller Accommodation could result in it being less likely that households within this group have their housing needs met compared to the previous version of the policy. This is because the definition of gypsy and traveller that informed accommodation needs has reduced significantly to be consistent with national planning policy definition, as reflected in the newly adopted London Plan. On the other hand as it is unlikely that BH9 as was could be considered justifiable. As such, delivery of sites/ accommodation in any case would be unlikely to be consistent with the original policy if site owners were to object to its provision. A reasonable justifiable alternative that meets the test of soundness and reflects nationally defined assessment of needs and local Brent circumstances has been proposed.
- 6.5 The one area of potential disadvantage to protected groups is BHC1 which in seeking to preserve or enhance heritage assets could result in adaptations to

existing buildings which could improve access of those with a disability or those who are pregnant/having young children not being allowed. In reality the likelihood of this occurring would be rare, as the equality duties placed on Councils and all bodies mean that genuine attempts to overcome harm must be pursued. On the rare occasion however that disadvantage would occur, this would however be likely to be justifiable on the basis of the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of designated heritage assets and their settings.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Consultation has been extensive and on-going throughout the stages of adoption. It has included leaflets delivered to every home in the borough. Public workshops occurred in each of the Brent Connect areas at issues and options stage (2017/18). Additional workshops were at preferred options stage (2018). Workshops also occurred with specific groups, e.g. developers/landowners, housing associations, youth parliament, disability groups, mothers and faith groups. There were meetings with utilities and adjacent London Boroughs/Old Oak Development Corporation/GLA. Drop in/information sessions in all local libraries and other locations relevant to local communities, e.g. temples.
- 7.2 Ward members have been engaged through the Local Plan Members' Liaison Group which has met regularly. All members have been invited to numerous workshops at issues and options stage and preferred options stage. The Resources and Public Realm Scrutiny Committee 15th January 2019 considered the Preferred Options consultation version of the draft Local Plan and the results of consultation. Members have been informed of progress of the Plan and events through the members' bulletin. The Cabinet member has routinely sent e-mails to all members at key stages of the engagement process.
- 7.3 Wider awareness raising has been through press-releases, members' bulletin, an article in the Brent Magazine, announcements on the website, public notices, placing documents in libraries and writing to statutory consultees and people on the council's Local Plan consultation database who might have expressed an interest in being kept informed on the Local Plan.
- 7.4 The programme officer invited those who specifically made representations on the Plan at Regulation 19 stage to respond to the Inspectors' Matters, Issues and Questions. They were also given the opportunity to attend the Hearings and put forward their case to support their representations. Due to the pandemic the Hearing Sessions were done remotely via Zoom. This worked quite well and arguably probably resulted in higher attendance at some of the sessions than would have been the case if they were undertaken at the Civic Centre, which was the original plan.
- 7.5 Although things can change quickly, it is anticipated that there will be no limitations on the extent to which the Council can be consistent with

regulations in publicising and making the consultation material available to the public to view in paper form, such as at Brent libraries and the Civic offices.

Report sign off:

Alice Lester

Operational Director of Regeneration,
Growth and Employment.

Related Documents

[Brent Local Plan Submission for Examination Full Council Report 19th February 2020](#)

[Brent Local Plan Regulation 19 Consultation November 2019](#)

[New London Plan 2021](#)

Appendix 1 Proposed Brent Local Plan Modifications

Appendix 2 Integrated Impact Assessment Addendum

Appendix 3 Brent Local Development Scheme

Appendix 4 Brent Statement of Community Involvement