

	<p align="center">Full Council 24 February 2022</p>
	<p align="center">Report from the Strategic Director of Regeneration and Environment</p>
<p>Brent Local Plan 2022 Adoption</p>	

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:	Council
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Appendix 1: Recommendations of the Inspectors Examining the draft Brent Local Plan 2019-2041 Appendix 2: Schedule of Inspectors' Main modifications to the draft Brent Local Plan Appendix 3: Schedule of Minor modifications to the draft Brent Local Plan Appendix 4: Schedule of modifications to the draft Brent Local Plan Policies Map Appendix 5: Brent Local Plan 2022 text showing modifications Appendix 6: Brent Local Plan Policies Map Appendix 7: Brent Local Plan Integrated Impact Assessment Adoption Report
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Paul Lewin, Team Leader, Planning Policy. Tel: 020 8937 6710 Email: paul.lewin@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report summarises the key stages since Full Council approved submission of the draft Brent Local Plan for Examination on 19th February 2020. These include the examination and associated hearings and the recommendations of

the Inspectors appointed on behalf of the Secretary of State to examine the Local Plan.

- 1.2 The Inspectors' report recommends that subject to incorporation of its main modifications that the draft Brent Local Plan can be regarded as legally compliant and sound. It is recommended that Full Council consider the report, and incorporate main modifications, other non-'main' modifications and modifications to the policies map to the draft Brent Local Plan that was submitted for examination, prior to approving its adoption.
- 1.3 Following this, it is also recommended that Full Council formally revokes parts of the existing Brent Development Plan which the new policies will supersede.

2.0 Recommendations

- 2.1 That Council considers the report of the Inspectors appointed to examine the draft Brent Local Plan, as set out in Appendix 1 of this report.
- 2.2 That Council approves the proposed schedule of 'main' modifications recommended as set out in Appendix 2 as necessary by the Inspectors to make the draft Brent Local Plan capable of being found sound.
- 2.3 That Council approves non-main modifications to the draft Brent Local Plan as shown in Appendix 3 and modifications to the draft Brent Local Plan Policies Map as shown in Appendix 4.
- 2.4 That Council adopts the Brent Local Plan 2022 as set out within Appendix 5 incorporating the draft Local Plan submitted for examination with modifications set out in Appendices 2 and 3, and also the associated policies map within Appendix 6 that will incorporate modifications as set out in Appendix 4.
- 2.5 That Council revokes the Brent Core Strategy 2010, Brent Site Allocations Development Plan Document 2011, the Wembley Area Action Plan 2015 and the Development Management Policies Plan 2016 so that they are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.
- 2.6 That Council delegates authority to the Strategic Director Regeneration and Environment in consultation with the Cabinet Member for Regeneration, Property and Planning to make any further necessary minor modifications and confirm the final format of the printed Brent Local Plan 2022.

3.0 Detail

- 3.1 The Brent Local Plan is a significant document for the Council and the population, businesses and visitors to Brent. It sets out a vision for the development of the borough until 2041. It is the spatial dimension to delivering the aspirations set out in the Council's Borough Plan. It addresses the challenge of trying to meet the needs of the existing and predicted substantial

expansion of Brent's population by around 65,000 to almost 394,000 residents. These people will need access to homes, jobs, social infrastructure. The Council and its residents will also need to become more determined in addressing the impacts of climate change. This growth incorporating a predicted additional 46,000 homes has been balanced against conserving or enhancing what matters most to people inside and outside of the Borough of Brent, such as its recognised areas of heritage character and open spaces.

- 3.2 Its contents have been informed by continuous engagement internally within the Council and externally with communities, partners, infrastructure providers and investors. Since initial engagement occurred with public events in August 2017, there have been a further four rounds of public consultation. The Plan has been subject to an exacting examination by independent Planning Inspectors on behalf of the Secretary of State. It is now at a point where it is possible for it to be adopted by the Council and used as the policy basis to determine planning applications.

Submission and Examination of the draft Brent Local Plan

- 3.3 Council considered a [report on 19th February 2020](#) and resolved to submit the [draft Brent Local Plan](#) for examination. This included [proposed modifications](#) as a result of representations received during consultation in 2019. These modifications were considered necessary to ensure that the Plan is 'sound'. Also included were the associated [policies map](#) and [integrated impact assessment](#). Council also resolved to delegate authority to the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning to make any necessary proposed modifications to the Brent Local Plan throughout the examination process. This was to ensure that it could be found 'sound' by the Planning Inspector.
- 3.4 The draft Brent Local Plan was submitted for examination on 17th March 2020. Due to the Covid-19 pandemic, as might be expected, there was a delay to the commencement of the examination. The Inspectors, Christa Masters, MA (Hons), MRTPI and Andrew McCormack BSc (Hons), MRTPI identified a number of examination [matters, issues and questions \(MIQs\) on 14th July 2020](#). The Council and those who submitted representations were invited to respond on these.
- 3.5 An opportunity for people to address the MIQs in examination hearings sessions was offered by the Inspectors. This also allowed the Inspectors to further clarify the Council's position subsequent to the extensive written answers it had provided in response to the MIQs. The hearings took place on a wholly virtual basis from 29th September until 16th October 2020. Although this arrangement was a direct response to the circumstances created by the pandemic, it worked well. It certainly improved accessibility for the potential casual visitor compared to physically having to attend at a venue.
- 3.6 The Hearings sessions included a range of contributors, but were predominantly site owners, developers or their representatives, although

Sudbury Town Residents' Association in their capacity as a neighbourhood forum were represented by a barrister who attended numerous sessions. The Council was able to address a number of objections through undertaking additional work prior to the hearings, such as updating Strategic Flood Risk Assessment work, or proposing modifications to policy which reduced the number of attendants, particularly from statutory bodies.

- 3.7 The Council were also set a number of actions by the Inspectors during the examination hearings. Some of these were addressed before the closure of the hearings, whilst the remainder were completed after. For some policies within the hearings the Inspectors indicated clear concerns and suggested the need for modifications. A significant concern was the site allocations and consistency between them in different place chapters. The Council accepted the need for greater consistency and this has resulted in it putting forward a substantial number of main modifications, although these were mostly associated with consistency of presentation and haven't significantly altered the substance of those policies.
- 3.8 Other more significant modifications were to some employment policies to ensure that the draft Plan could be regarded as being in general conformity with the London Plan, as well as addressing viability issues. Similarly the definition of a tall building and the flexibility on the location of tall buildings that previously existing in Policy BD2 has had to change to be in conformity with the Secretary of State's directions in relation to London Plan tall buildings policy D9. Now tall buildings (that is those over 30 metres) will only be regarded in terms of location as compliant with policy D9 in areas identified by the Local Plan.
- 3.9 In addition, the Inspectors considered that the 'intensification corridors' should not have specific boundaries drawn around properties and considered that greater clarity was required on how they had been designated. This was accepted and has been amended to identifying appropriate lengths of streets as supported by a justification paper. The Inspectors did not support the identification of cores for tall buildings zones, preferring a general designation of a wider single zone. This is considered acceptable; whilst a core indicates the extent of the tallest buildings, the reality is that identifying a definitive boundary may be unnecessarily restrictive in advance of submission of more detailed proposals. Policy BD2 is clear that heights should be reduced towards the edges of the zones.
- 3.10 Post the hearings some considerable time was taking in agreeing a statement of common ground with Highways England to remove an objection. This has required modifications to policies on Staples Corner and Neasden Stations Growth Areas to identify that additional transport modelling with input from Highways England and Transport for London will be necessary. This modelling will need to be undertaken prior to the adoption of the respective masterplan supplementary planning documents for those areas. In addition, post the hearings the Inspectors recommended to the Council that the Tesco and Ikea sites adjacent to the North Circular Road were removed from being shown within a Strategic Industrial Location and that policy BE1's 10% affordable

workspace was only applied to major employment floorspace developments of 3000 sq.m. or more.

- 3.11 These changes are considered acceptable. Whilst IKEA and Tesco have been subject to long term designations as industrial land, the reality is that for nearly 30 years in both cases they are significant areas that have been in retail use. On the affordable workspace policy, it became clear at the examination hearings that from a viability perspective the range of options tested by the Council was limited. It would have been preferable to provide more evidence to better address some well-considered points set out in representations that were made at the hearings by those objecting. Nevertheless, what evidence to accept is at the discretion of the Inspectors and they didn't think it appropriate to allow the Council to do this. On the basis of the evidence submitted at that time, the Inspectors were justified in seeking the proposed modifications for this policy.

Consultation on modifications to the draft Local Plan

- 3.12 [Main modifications](#), [minor modifications](#) and [modifications to the policies map](#), together with [associated updates to the evidence base](#) to support modifications were approved by the Strategic Director Regeneration and Environment in association with the Cabinet Member for Regeneration, Property and Planning on [25th June 2021](#) for consultation. These were consulted upon from 8th July until 19th August 2021. The Council submitted the [consultation representations received](#) as well as a [summary, Council responses and suggested further modifications](#) for the Inspectors to consider.
- 3.13 The Council received the Inspectors' report as set out in Appendix 1 of this agenda item on the 17th January 2022. This concluded that the submitted Brent Local Plan 2019-2041 provides an appropriate basis for the planning of the London Borough of Brent, provided that a number of main modifications are made to it; these were set out in an accompanying schedule contained in Appendix 2.
- 3.14 It should be noted that the Inspectors proposed a small number of further main modifications taking account of the representations received and the Council's responses. These modifications included amongst other things issues raised by Thames Water around greater clarity on water infrastructure requirements in relation to site allocations. They also dealt with updates to the planning history of sites or changes in circumstances on sites since the plan was submitted, such as increases in dwelling numbers considered capable on sites, e.g. Northfields in Alperton.
- 3.15 As a result of the representations received however, the Inspectors were not persuaded that a proposed modification to the policies map to show Kilburn Square as a Tall Buildings Zone was appropriate. The Council had suggested this modification to address the impact of another modification to the Plan necessary to remove the Mayor's (as represented by the GLA) non-conformity objection to the Council's Tall Buildings Policy BD2. This would have better supported aspirations to allow for the most effective use of land for the provision

of Council housing at Kilburn Square through potential incorporation of a tall building. Although disappointing, it is understandable why the Inspectors came to the conclusion that it is not suitable as a Tall Buildings Zone. The Council's Tall Buildings Strategy used to inform the identification of the Plan's Tall Building Zones for the submitted draft Plan focussed on ensuring new tall buildings are located in clusters. Kilburn Square currently only has one tall building (the 17 storey 1-90 Kilburn Square) and the scope for what could be considered a cluster is limited. The option for a tall building at Kilburn Square could however still be pursued as part of a future planning application. Recent decisions on applications for tall buildings in areas not specifically identified in Local Plans indicate that lack of compliance with London Plan policy D9 can be balanced up against conformity of the development plan as a whole and other material considerations.

- 3.16 In addition to the main modifications it is recommended to Council that the Plan is also subject to non-main modifications as set out in Appendix 3. These are modifications that are not so significant to be identified as 'main', that is they do not change policy, but include for example factual updates, reflect the change in the document from a draft to adopted version, or address grammatical or spelling or punctuation issues. The majority of these were subject to consultation in association with the main modifications and were shared with the inspectors. Those that were not subject to consultation are identified in red in Appendix 3.
- 3.17 As indicated there have also been modifications to the policies map that accompanies the Local Plan which have been subject to consideration by the Inspectors and consultation. The final modifications to the policies plan that was submitted are shown in Appendix 4.

Recommendations of Inspectors' Report and options for the Council

- 3.18 The Inspectors' report is not binding on the Council, in the sense that although the Inspectors consider that subject to modifications the Plan can be considered sound, the Council is not obliged to proceed to adoption. It could choose to not adopt the plan. It however, cannot decide to adopt the plan through only selecting some of the main modifications and not others. Now that the examination process has concluded, no further main modifications can be made unless the Plan is subject to intervention by the Secretary of State, or the Courts.
- 3.19 If circumstances warranted it, the Council has the potential to legally challenge the content of the Inspector's report to seek reconsideration or removal of parts it might feel particularly aggrieved about and then decide whether to proceed to adoption or not. The scope for such a challenge would be limited and either likely relate to a procedural error, lack of consideration of evidence or an obviously erroneous decision based on all the information that would have been in front of the Inspectors.
- 3.20 As identified, the proposed modifications for the most part were drafted by and approved by the Council for the Inspectors to recommend incorporation into the

Plan. Taking account of representations received, the Inspector's changes to these have been relatively minor. It is considered that the modifications will not prejudice to such an extent the operation of the policies initially proposed and submitted by the Council and therefore a decision to not proceed to adopt the Plan, or to legally challenge the Inspector's report would not be warranted.

- 3.21 Not adopting the Plan would mean the Council would have to continue to rely on some old policies in the determination of applications. Circumstances are very different now to when for example the Brent Core Strategy was adopted in 2010. Not least the borough has some challenges around planning for a substantially increased housing, employment and population needs. The draft Local Plan positively addresses these. Adopting the Plan will also clarify for at least the next five years the borough's housing target. This would otherwise within four years change (once the London Plan has been adopted for five years) to a higher level based on the standard national methodology which brings additional risk of unsuitable development in inappropriate locations.
- 3.22 The adoption of the Local Plan will bring planning policies more up to date and therefore improve the efficiency of the planning service in terms of decision making, this will be related to time and clarity of position, which should reduce the potential for appeals and make the Council's position more robust.

Conclusion

- 3.23 On this basis, it is recommended to Full Council that the Brent Local Plan submitted for examination and associated policies map incorporating proposed modifications as set out in Appendices 2, 3 and 4 is adopted. All the modifications have been consolidated into a final version of the Plan which is set out in Appendix 5, with the associated policies map in Appendix 6 (to be amended with changes in Appendix 4). Legislation requires that the adopted plan is accompanied by an adoption statement. This will be made available on the Council's website in due course assuming Full Council approves the recommendations. In addition the final Integrated Impact Assessment (IIA), including the sustainability appraisal (incorporating strategic environmental assessment) associated with the adopted Plan will also be available. The IIA adoption report is set out in Appendix 7 and sets out the final assessment of the policies against the IIA's sustainability objectives.
- 3.24 As the Brent Local Plan 2022 and its associated policies map was produced on the basis of replacing policies within the [Brent Core Strategy 2010](#), [Brent Site Allocations Development Plan Document 2011](#), the [Wembley Area Action Plan 2015](#) and the [Development Management Policies Plan 2016](#), it is recommended that these development plan documents and their associated policies map are now formally revoked by the Council. This will mean that they will no longer be considered as part of the development plan to be used in the determination of planning applications in the part of the borough where the Council remains the local planning authority.
- 3.25 The Brent Core Strategy 2010 and Brent Site Allocations Development Plan Document 2011 will however remain part of the development plan for parts of

the borough where the Old Oak and Park Royal Development Corporation is the local planning authority. On adoption of their local plan, they will also have to revoke these documents and the remaining parts of the Brent Unitary Development Plan which the Council formally revoked in 2016 when adopting the Development Management Policies Plan.

- 3.26 Appendix 5 is essentially the basic text of the Local Plan. To improve its presentation a final 'glossy' version will be produced, similar in quality to the publication version of the Plan. This will also remove all the track changes showing the main and minor modifications and their references. It has not been possible to do this and present it to Full Council as part of the recommendations due to the limited time between receipt of the Inspectors' report and consideration of this agenda item. Consequently, it is also recommended that Council delegate authority to the Strategic Director Regeneration & Environment in consultation with the Cabinet Member for Regeneration, Property and Planning to make further editorial 'non-main' modifications to the document should they be necessary. These are for example, grammatical, factual or presentational associated with printing the final 'glossy' typeset published copy with associated graphical illustrations, figures, page numbers and photographs that will be made available for the public.

4.0 Financial Implications

- 4.1 There are likely to be no significant financial implications associated with the adoption of the Local Plan. There will be modest expenditure associated with publishing the Local Plan and associated advertising. These have been accounted for within the provisions of the planning policy budget.

5.0 Legal Implications

- 5.1 Planning documents (both statutory and non-statutory) have a clearly defined process for their adoption and revocation which has been followed. The Procedure for preparing and adopting a local plan is set out in section 19 to 24 of The Planning and Compulsory Purchase Act 2004 and part 6 of the Local Plan Regulations 2012. In preparing the plan the Council has to have regard to the matters set out in section 19(2) of The Planning and Compulsory Purchase Act 2004.
- 5.2 The Inspectors' report considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 35 of the National Planning Policy Framework 2021 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. Accordingly the Plan is subject to internal Planning Inspectorate quality assurance checks to reduce the risk of judicial review. The Council is satisfied that all legal requirements pre and post adoption have and will be met.
- 5.3 Notwithstanding this, parties that feel aggrieved by the contents of the adopted Local Plan may decide to judicially review the Plan's adoption. They have 6

weeks to submit a challenge. This could be on the basis of the conclusions of the Inspectors' report, usually focussing on limitations of the evidence base, insufficient consideration of parts of the evidence base, or irrational decisions not sufficiently justified. Alternatively it could be the processes that the Council has gone through in adopting the Plan. On the rare occasions judicial reviews succeed, the Courts can intervene to revoke all or particular parts of the Plan.

- 5.4 As an adopted Development Plan Document, the Brent Local Plan 2022 will form part of the development plan (along with the London Plan, West London Waste Plan and relevant neighbourhood plans). When determining an application for planning permission, as set out in [section 70\(2\) of the Town and Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

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 Local Plan has been subject to Equality Impact Assessment, with the input of the Council's equalities officer, along with Health Impact Assessment and Strategic Environmental Assessment. This is set out in the Integrated Impact 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.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Consultation has been extensive and on-going throughout the preparation of the Local Plan. It has included leaflets delivered to every home in the borough. Public workshops in each Brent connects area at issues and options stage. Additional workshops at preferred options stage. Workshops with specific groups, e.g. developers/landowners, housing associations, youth parliament, disability groups, mothers, faith groups, utilities and meetings with 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, Brent Magazine articles, 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. In addition, those who made representations on the published Local Plan were invited to submit further representations as part of the examination process by the Inspectors as well as an opportunity to appear at Local Plan examination hearing sessions to put across their views in person.

Report sign off:

Alan Lunt

Strategic Director of Regeneration
and Environment.

Related Documents

[Updating the Council's Planning Strategy \(The Local Plan\) Brent Cabinet 14th February 2017](#)

[Brent Local Plan Issues and Options February 2018](#)

[Brent Local Plan Consultation Report November 2018](#)

[Brent Local Plan Preferred Options November 2018](#)

[Brent Local Plan Preferred Options Consultation Summary October 2019](#)

[Brent Local Plan Preferred Options Consultation Responses and Officer Comments October 2019](#)