

	<p align="center"><b>Cabinet</b> 6<sup>th</sup> February 2023</p>
	<p align="center"><b>Report from the Director Regeneration, Growth and Employment</b></p>
<p align="center"><b>Sustainable Environment and Development Draft Supplementary Planning Document</b></p>	

<b>Wards Affected:</b>	All, but excluding parts of Alperton, Harlesden and Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
<b>Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix A: Sustainable Environment and Development Draft SPD
<b>Background Papers:</b>	None
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## 1.0 Purpose of the Report

- 1.1 The purpose of the report is to seek Cabinet approval for consultation on a Sustainable Environment and Development draft Supplementary Planning Document (SPD). Cabinet is also requested to delegate authority to the Strategic Director for Communities and Regeneration in consultation with the Cabinet Member for Regeneration and Planning to consider consultation responses, along with any necessary changes, and the decision on whether to adopt the final Sustainable Environment and Development SPD.

## 2.0 Recommendations

- 2.1 Cabinet approve consultation on a Sustainable Environment and Development draft Supplementary Planning Document (SPD) as set out in Appendix A.

- 2.2 Cabinet delegate authority to the Strategic Director for Communities and Regeneration in consultation with the Cabinet Member for Regeneration and Planning to consider consultation responses, along with any necessary changes, and the decision on whether to adopt the final SPD.

### **3.0 Detail**

#### **Climate Emergency**

- 3.1 The Council in July 2019 declared a climate and ecological emergency and committed to 'do all reasonable in the council's gift to aim for carbon neutrality by 2030.' A subsequent [Climate and Ecological Emergency Strategy \(2021-2030\)](#) was developed. This established a framework for action to tackle climate change in the borough. It identified that tackling the climate and ecological emergency requires action across a number of different and complex environmental issues, ranging from: carbon reduction; water conservation, cleaner air, healthy and active travel, biodiversity loss, greener spaces, adapting to global heating, warm homes, reducing waste and growing the green and circular economy.

#### **Planning Policy and Guidance**

- 3.2 New development within the borough will clearly play a significant part in determining the extent to which many of these matters are properly addressed. Where development requires planning permission, the Council can ensure that the climate and ecological emergency are dealt with as best as possible. The recently adopted [London Plan 2021](#) and [Brent Local Plan 2019-2041](#) contain a number of policy requirements that tackle climate change factors. The mayor has also introduced [a number of Supplementary Planning Guidance \(SPG\) and more recently London Plan Guidance \(LPG\) documents](#). These, and emerging draft LPGs provide further advice on how climate change policies can be addressed. The main focus of this guidance is major developments or those that are larger and specifically referable to the mayor.
- 3.3 At the local level, it is considered that it is now necessary to produce a document that provides clarity on how developments in Brent can address climate change factors, taking account of local policies. To simplify matters, this makes suitable reference to London Plan policies, SPGs and LPGs, as well as Brent Local Plan policies and SPDs. The guidance relates to both major and minor developments.

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

- 3.4 The Sustainable Environment and Development draft SPD addresses a number of subject themes. The draft SPD is set out in Appendix A. In overview, the themes are:
- a) Air quality,
  - b) Green infrastructure,
  - c) Water management,

- d) Energy,
- e) Sustainable movement,
- f) Waste management and the circular economy, and
- g) Other environmental impacts, such as noise, odour, dust, vibration, light pollution and contamination.

3.5 For each theme it sets out:

- a) Brent as existing and in the future,
- b) Policies, guidance and tools,
- c) Key policy considerations,
- d) Assessments and mitigation measures,
- e) Development Management planning requirements,
- f) Planning conditions and obligations, and
- g) Monitoring requirements.

3.6 There has been extensive engagement internally (development management, air quality, environmental health, parks, transport, waste management and climate change teams) and where necessary externally (Natural England) with relevant people and bodies to inform the content of the document. All are positive about the document and recognise its intention to address creating more sustainable development.

### **Options**

3.7 There are essentially two options open to the Council:

- a) Do not take forward a Sustainable Environment and Development draft SPD, or
- b) Take forward a Sustainable Environment and Development draft SPD.

### **Do not take forward a Sustainable Environment and Development Draft SPD**

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

### **Take forward a Sustainable Environment and Development Draft SPD**

- 3.9 In this scenario, once the SPD is adopted it is likely that the Council receive a higher proportion of planning applications for a better standard of developments that ultimately it can approve. This is because applicants might not understand the breadth of material needed to be supplied to address London Plan policies. There will also be no detailed advice to applicants on the Council's interpretation of its Local Plan policies. The SPD will identify all issues that applicants need to consider and address. Applicants therefore will be able to better understand the potential risk in submitting an application. This will reduce wasted resource from the applicant and Council as it is likely to result in fewer refusals and then re-submission to address refusal reasons. It will also reduce appeals, as Council's interpretation of policies used as reasons for refusal will be clear.
- 3.10 Taking account of the negative and positive impacts of the options, Option B is recommended, with the draft SPD as set out in Appendix A issued for consultation. Ultimately if adopted, the SPD will improve planning outcomes and reduce wasted resource. A consultation on the draft will allow suitable engagement which will encourage feedback on the document. This is likely to improve its quality in achieving its outcomes.

### **Consultation Process**

- 3.11 Consultation on the document will be for a minimum of six weeks, consistent with regulations and the Council's Statement of Community Involvement. It will be advertised on the Council's website and notifications sent to statutory consultees and those on the Local Plan consultation list. The document will be made available in Brent Council libraries.

### **Post Consultation Process**

- 3.12 Consistent with regulations the Council is required to consider all of the responses to the draft SPD received. These will be summarised, responded to and where appropriate recommended changes to the SPD will be made. This work will be contained within a Consultation Statement that will be made publicly available.
- 3.13 To reduce Cabinet business, it is recommended Cabinet delegate authority to the Strategic Director for Communities and Regeneration in association with the Cabinet Member for Regeneration and Planning to consider consultation responses, along with any necessary changes, and the decision on whether to adopt the final Sustainable Environment and Development SPD. This delegation is consistent with the approach taken for most of the Council's SPDs since 2015.

## **4.0 Financial Implications**

- 4.1 The consultation and adoption of the Sustainable Environment and Development SPD is likely to be limited in its resource requirements, covering matters such as printing of consultation material and officer time. This expenditure has been accounted for in the existing planning policy budgets.

## **5.0 Legal Implications**

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

## **6.0 Equality Implications**

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

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

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

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

7.1 Early versions of the document have been presented to the Local Plan Members’ Working Group and the Cabinet Member for Regeneration and Planning and the Cabinet Member for Environment, Infrastructure and Climate Action. The document’s formal consultation will be publicised in the members’ bulletin.

**Report sign off:**

**Alice Lester**

Director of Regeneration, Growth  
and Employment