

REPORT FOR: OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 4 June 2013

Subject: Adoption of Site Allocations DPD, Harrow and Wealdstone Area Action Plan DPD and Development Management Policies DPD

Responsible Officer: Caroline Bruce – Corporate Director of Environment and Enterprise

Scrutiny Lead Member area: To be appointed at Special Overview and Scrutiny Committee on 23 May 2013

Exempt: No

Enclosures: Site Allocations Local Plan
Harrow and Wealdstone Area Action Plan Local Plan
Development Management Policies Local Plan

Section 1 – Summary and Recommendations

This report documents the outcome of the independent Examination in Public of the above three Local Plans (formerly known as DPDs) and advises that the Local Plans be recommended to Cabinet and Council for adoption as part of the local development plan for Harrow.

Recommendations:

The Committee is requested to:

1. Note the outcome of the independent Examination in Public of the three Local Plans;
2. Note that the Harrow & Wealdstone Area Action Plan Local Plan, the Site Allocations Local Plan, and the Development Management Policies Local Plan will be recommended to Cabinet (20th June) and Council (4th July) for adoption.

Section 2 – Report

Introduction

1. It is a priority of the Council to prepare a series of statutory planning policy documents that together comprise the Local Plan (formerly known as the LDF) for the Borough. The three policy documents form a substantial part of the Local Plan for the Borough, and contain the detailed policies and site allocations that will be used to determine the acceptability of planning applications over the next 15 years. They have been prepared to help deliver the spatial strategy and strategic objectives and policies of Harrow's adopted Core Strategy.

2. Consultation on the content of the three Local Plans (formerly referred to as DPDs) commenced in 2010 and since then have been the subject of two further rounds of formal consultation during their preparation: preferred option (2011); and pre-submission (2012). In addition, the Area Action Plan was subject to an additional Preferred Option Consultation to refine the strategy contained in the plan in January 2012. At each stage of consultation the Local Plans have been revised to respond to comments received, and on 8th October 2012 the documents were submitted to the Planning Inspectorate for independent Examination in Public (EiP). Shortly following submission, a consultation was held on minor modifications that the Council put forward to the Local Plans in response to the Pre-Submission consultation responses. These were then taken to be part of the Local Plans that were examined during the public hearing sessions held on various dates between 22nd and 30th January 2013. Following on from these hearings, a consultation was held on main modifications to the documents that arose from the examination process. The Planning Inspector's Report was received by the Council on 17th May 2013, and subject to the agreed modifications being made, the Inspector has concluded that the three Local Plans are sound and can be adopted by the Council for use in managing development proposals within the Borough.

Options considered

3. It is recommended that the Council now proceed to adopt the three Local Plans incorporating the modifications as agreed and as appended to the Inspector's Report. The modifications have been made in light of the discussion of the main issues between the Council's officers and other participants at the EiP hearing sessions and the Inspector's comments throughout the process. They have been the subject of public consultation and, in making the modifications, the Planning Inspector has taken into account the responses received.

4. The only other option available for consideration at this stage is withdrawal of one or more of the Local Plans. This option would be at odds with the Council's adopted Local Development Scheme and, as the saved policies of the Unitary Development Plan (2004) are no longer automatically afforded full weight, it would leave Harrow without a substantial part of an up-to-date Development Plan. Given the National Planning Policy Framework's

(NPPF) presumption in favour of sustainable development that applies where Borough's do not have an up to date development plan, a decision not to adopt would leave the Council with little local policy control over the determination of applications, relying solely on the Core Strategy, and those UDP policies which are in full conformity with the NPPF. It would also be a significant barrier to implementing the objectives of the Core Strategy and securing the infrastructure necessary to meet the demands of growth in the Borough. However, there are no grounds currently that would warrant Council's consideration of this option.

Purpose and Outcome of Examination in Public

5. Section 20 of the Planning and Compulsory Purchase Act requires every local development plan document to be submitted to the Secretary of State for independent examination. The purpose of the Examination is to determine that the plan has been prepared in accordance with legal requirements and that it is 'sound'.

6. Legal compliance means that the plan has been prepared:

- in accordance with the Council's Local Development Scheme and Statement of Community Involvement;
- has been the subject of sustainability appraisal;
- has regard to national policy;
- conforms generally to the regional spatial strategy; and
- has regard to the sustainable community strategy for the area.

7. The National Planning Policy Framework amplifies what is meant by 'sound' in relation to Local Plan Documents. To be sound, a DPD must be:

- justified (in relation to the evidence base and reasonable alternatives);
- effective (deliverable, flexible, and capable of being monitored);
- positively prepared (does not stifle development); and
- consistent with national policy.

8. The Planning Inspector's Report confirms that Harrow's Development Management Policies, Site Allocations, and the Harrow and Wealdstone Area Action Plan Local Plans are legally compliant and 'sound'.

Main Issues and Inspector's Modifications

9. Following the Examination in Public hearing sessions, the Planning Inspector's Report into the three Local Plans addresses two key issues in order to make the DPDs sound. These are: ensuring policy text in each of the DPDs is only contained in Policy, and not in justification text, and that Sites Allocated are available, viable and deliverable within the plan period. These issues have led to the bulk of the changes in each Local Plan, the others are as a result of representations or the Council's proposed modifications to make the Local Plans policies more concise and focused.

10. The following sections outline the main changes to each Local Plan as arising from the Examination and as set out in the appendices to the Inspector's report.

Site Allocations Local Plan

11. Due to the Inspector's concerns regarding site availability and deliverability over the plan period, a number of sites have been omitted from the final Local Plan. Some sites have also been removed from the Local Plan because they are now underway such as RAF Bentley Priory. The sites omitted are:

- R1 Land between High Street and Love Lane, Pinner
- R6 Land at Junction of Kenton Road and Honey Pot Lane, Kingsbury
- EM3 Ballard Mews, High Street, Edgware
- EM4 47-49 High Street, Edgware
- EM5 57-59 High Street Edgware
- H3 79-89 Greenford Road
- H7 Former Vaughan Centre, Wilson Gardens, West Harrow
- H10 North Harrow Library and Children's Services, Pinner Road, North Harrow
- GB1 Former RAF Bentley Priory, The Common, Stanmore
- GB4 Wood Farm, Wood Lane, Stanmore

12. The allocated site R4 – North Harrow Methodist Church has been moved from the retail section to the 'other' section to reflect the sites revised main use as a community facility with the potential for some retail.

13. In his report, the Inspector acknowledges that the omission of these sites will not impact upon the Council's ability to meet its targets for housing or employment as set out in the Core Strategy.

Development Management Policies and Harrow and Wealdstone Area Action Plan

14. The majority of changes to both Local Plans arose due to the Inspector's initial findings that there were sentences within the reasoned justification to policies that could be interpreted as actual policy text or as administrative requirements. Therefore numerous changes were made to either incorporate the 'policy text' within the policies themselves, or delete text that was considered repetitive. Administrative text and references have now been added to helpful 'Key reference' boxes at the end of each section. These changes led to the merging of some policies where it was felt it would aid the interpretation of policy and to provide a more concise user experience. This is predominantly in the Conservation and Heritage chapter of the Development Management Policies Local Plan where all the existing policies have been rationalised and merged into one key policy. This rationalisation was aided by the Inspector's reasoning that certain policies were already covered by either NPPF or London Plan policy, and thus there was no reason to repeat them again in this document. In making these amendments, Council officers are satisfied that the policy coverage and the intent of the policies have not been eroded.

15. As with the Site Allocations Local Plan, sites that are now underway or developed were recommended for removal from the Area Action Plan. Therefore Neptune Point is removed as an allocation as the development is now completed. There has also been clarification added to all the site allocation diagrams to clarify that all the layouts shown are illustrative only to help demonstrate what is currently viable, and that the actual final form of development on site could be different. The only other changes within the Area Action Plan was to removed the illustrative concept for the Dandara site, where the principle land uses and design considerations where not at dispute but it was not possible, without further detailed design work, to confirm that any illustrative concept could be deliverable. As a result, the Council and Inspector agreed that it was appropriate to retain only the red line boundary of the development envelope.

Sustainability Appraisal and Habitats Assessment

16. Section 19 of the Planning and Compulsory Purchase Act (2004) and the Environmental Assessment of Plans and Programmes Regulations (2004) require local planning authorities to carry out sustainability appraisal of Local Plan documents and to prepare a report of the findings of the appraisal. The Regulations prescribe the requirements for Environmental Assessment pursuant to relevant European Union directives. However as a matter of national policy, the UK Government requires sustainability appraisal to also assess economic and social effects, as well as those in relation to the environment.

17. At all stages of preparation of the three Local Plans the Council has undertaken sustainability appraisal of the document, in accordance with requirements and proportionate to the level of detail contained within the documents at the stage reached. This includes the public consultations on modifications made throughout the EiP process, as described above. The Sustainability Appraisal Report has been made available alongside the Local Plans at each stage of public consultation. The final Sustainability Appraisal Report will be permanently available for inspection alongside the three Local Plans. The Inspector has stated that no further Sustainability is necessary as a result of the modifications made.

18. The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) requires local planning authorities to make an 'appropriate assessment' of the implications for designated 'European' sites of a plan that they intend to bring into effect. The Habitats Regulations prescribe the requirements for Habitats Assessment pursuant to relevant European Union directives.

19. The Council has undertaken an assessment in accordance with the Habitats Regulations, and in consultation with Natural England, of the impact of the three Local Plans on all European sites within a 15 kilometre radius of the Borough boundary. The assessment was first carried out for the Preferred Option stage and updated at each subsequent stage of the Local Plans preparation. As with the Sustainability Appraisal, the Habitats Assessment has also been made available alongside the three Local Plans for public

consultation. The final Assessment will be permanently available for inspection on the Council's website.

Current Situation - Procedure upon Adoption

20. Section 23 of the Planning and Compulsory Purchase Act (2004) gives power to a local authority to adopt a local development plan document following compliance with any modifications recommended by the inspector who carried out the independent examination of the document. Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations (2004) as amended requires the local planning authority to fulfil the following obligations as soon as reasonably practicable after the adoption of a local development plan document. They are to:

- make available for inspection, at the same locations as the pre-submission document, the adopted document, an adoption statement and the sustainability appraisal report;
- publish the adoption statement on the authority's website;
- advertise the availability of the adoption statement and the adopted local development plan document;
- send the adoption statement to any person who has requested to be notified of the adoption of the local development plan document; and
- send the local development plan and the adoption statement to the Secretary of State.

21. Officers of the LDF team have prepared an adoption statement and will comply with the post adoption requirements following a decision by Council to adopt the three Local plans. Officers will notify the Portfolio Holder for Environment and Enterprise once all of the post adoption requirements of the local planning authority have been discharged.

22. Prior to final publication, the existing documents are to be subject of desktop publishing to improve their legibility. This re-design will not change the content, but is focused on improving the "look and feel" of the documents to future users.

Implications of the Recommendations

Legal Comments

23. The effect of adoption of the Local Plans is to make them part of the development plan for the Borough. This means that when a decision needs to be made, for example, on a planning application, the decision must be made in accordance with the policies set out in the relevant Local Plan plus the already adopted Core Strategy unless material considerations indicate otherwise.

24. Following adoption of the Local Plans, any person aggrieved by the adoption of the documents may challenge the validity of the documents by making an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act (2004). Any such application must be made within six weeks of the date of adoption of the Local Plan.

Equalities Impact

25. An equalities impact assessment has been undertaken for each of the Local Plans. This builds on the previous EqIA's prepared for all previous formal stages of the three Local plans production. This confirms that the proposed policies of the Local Plans will have a positive impact on target groups. The EqIA is available to view on the Local Plan pages of the Council's website.

Financial Implications

26. The cost of complying with the post adoption requirements and publishing the adopted Local Plans is contained within the existing LDF budget.

Performance Issues

27. A key piece of Local Plan evidence base is the Authorities Monitoring Report (AMR), which highlights the performance of Local Plan policies against relevant local indicators. The findings of the latest AMR have been used to inform the Sustainability Appraisal of the three Local Plans, which seek to ensure they, where relevant, address areas of weak performance and to build on those areas where the Borough is performing well. The following tables summarise how the relevant performance indicators are expected to be influenced by the adoption of the Local Plan documents:

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| What is the current performance of these indicators? | The AMR shows the most recent data (where available) for the current year. The adoption of the documents will provide the capacity and delivery means that will enable the Council to improve performance against the indicators in the AMR in future years. |
| How much will current performance be improved or other negative effects be mitigated? | The adoption of the documents will ensure the Council delivers upon these performance indicators in a positive and proactive manner. |

Environmental Impact

Does the proposal comply with all relevant environmental legislation? Yes

28. The consideration of environmental impacts has been an integral and ongoing part of the process of preparing the Local Plans as described under the Sustainability and Habitats Assessments section above.

Risk Management Implications

Risk included on Directorate risk register? Yes

Separate risk register in place? Yes

| Potential Risks | Commentary | Mitigation Measures |
|--------------------------|---|---|
| Non Adoption of the DPDs | Non adoption of the Local Plans will result in significant deviation from the Local Development Scheme. This will also result in planning applications being determined by national policy. | None – It is for the Council to decide to adopt the Local Plans, or accept that there will be a loss of local control over the determination of future planning applications. |

Corporate Priorities

29. The adoption of the three Local Plan documents will aid in the achievement of the following corporate priorities:

- Keeping neighbourhoods clean, green and safe: by protecting and enhancing our open spaces and residential gardens; and
- Supporting our Town Centre, our local shopping centres and businesses: by providing the policy framework to manage change and maximise the benefits of new development and growth, including securing retail growth, office renewal and improvements to the environment and infrastructure in the Intensification Area and other town centres.
- United and involved communities: each Local Plan has been through numerous public consultations, and this is reflected in the final policies that have sought to address many of the comments received.
- Supporting and protecting people who are most in need: the Local Plans have undergone EqIA and have been found to perform positively with regards to many equalities groups, and seeks to improve the social infrastructure of the Borough.

Section 3 - Statutory Officer Clearance

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|---------------------------------|-------------------------------------|---|
| Name: Kanta Halai | <input checked="" type="checkbox"/> | on behalf of the Chief Financial Officer |
| Date: 21 st May 2013 | | |
| Name: Abiodun Kolawole | <input checked="" type="checkbox"/> | on behalf of the Monitoring Officer |
| Date: 23 rd May 2013 | | |

Section 4 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Planning Policy,
Environment and Enterprise, 020 8736 6082

Background Papers:

Planning Inspector's Report into the Three Local Plans

Site Allocations DPD Pre Submission document

Development Management Policies DPD Pre Submission document

Harrow and Wealdstone Area Action Plan Pre Submission document

Cabinet Report on the above DPDs 20 June 2012

LDF Evidence Base Studies

NB: All of the above background papers are available via the Council's website