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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	15 March 2018
<b>Subject:</b>	Update to the Local Development Scheme (LDS) and Statement of Community Involvement (SCI)
<b>Key Decision:</b>	Yes
<b>Responsible Officer:</b>	Paul Nichols, Divisional Director, Regeneration and Planning
<b>Portfolio Holder:</b>	Councillor Keith Ferry, Deputy Leader and Portfolio Holder for Business, Planning and Regeneration
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix 1 – proposed updated Harrow Local Development Scheme (LDS) (Version 7) Appendix 2 – draft updated Statement of Community Involvement 2018 (for consultation)

## **Section 1 – Summary and Recommendations**

This report outlines changes to national and regional planning policy and legislation (including the draft London Plan 2017) and their implications for the Harrow Local Plan. In response to these changes, it sets out a proposed timetable for formally reviewing Harrow's Local Plan, to comply with requirements within the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the Local Plan Regulations"). The mechanism for doing this is through an amendment to the Council's Local Development Scheme (**LDS**), which is a rolling three-year project plan setting out all the planning documents to be produced by the authority and the timetable for their preparation.

The review of the Harrow Local Plan involves a significant level of community consultation and as the Council is committing to review the Plan, it is timely to update the Harrow Statement of Community Involvement (**SCI**), which outlines how the Council will engage with stakeholders in the preparation of Local Plan documents and when assessing planning applications. This report therefore seeks approval from Cabinet to consult on the draft updated SCI and to approve the LDS.

### **Recommendations:**

Cabinet is requested to:

1. Approve the revised LDS at Appendix 1 for publication and resolve that the scheme is to have effect from 1 April 2018.
2. Approve consultation on the draft updated SCI at Appendix 2, with the outcomes of the consultation to be reported back to the Cabinet for consideration and adoption of the document (amended where appropriate in response to comments received during the consultation period).
3. Delegate authority to the Divisional Director Regeneration and Planning, following consultation with the Portfolio Holder for Regeneration, Planning and Enterprise to make any necessary formatting, typographical and factual amendments to the revised LDS and draft updated SCI prior to publishing the documents on the Council's website.

### **Reason: (For recommendation)**

Under the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to maintain an up-to-date LDS. The Localism Act 2011 stipulates that the LDS must be updated every three years. The revised LDS (attached at Appendix 1) will fulfil that requirement.

The Government has recently amended the Local Plan Regulations and introduced a requirement that the Local Plan and the SCI should be updated at least every five years. This new requirement will come into effect in April 2018. Harrow's current SCI was adopted in March 2013 and the recommendation to consult on the draft updated SCI attached at Appendix 2 (and subsequent adoption thereafter) will meet the new requirements.

## **Section 2 – Report**

### **1. Introduction**

- 1.1 This report outlines the rationale for undertaking a review of the current Harrow Local Plan in the context of changes in national and regional policy (including the draft London Plan 2017) and legislation. In response to this, it sets out a proposed timetable for formally reviewing Harrow's Local Plan, to comply with requirements within the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the Local Plan Regulations. The mechanism for doing this is through an amendment to the Council's LDS, which is a rolling three-year project plan setting out all the planning documents to be produced by the authority and the timetable for their preparation. This report seeks approval from Cabinet to the LDS.
- 1.2 The review of the Harrow Local Plan will involve a significant level of community consultation and in committing to review the Plan, it is timely to update the SCI. The SCI outlines how the Council will engage with stakeholders in the preparation of Local Plan documents and when assessing planning applications. The Government is also proposing to introduce regulations requiring Local Planning Authorities to document how they will support community groups ('advice and assistance') in progressing neighbourhood plans and neighbourhood development orders in their area. The draft updated SCI addresses that requirement. This report seeks approval from Cabinet to consult on the draft updated SCI, with the outcomes of the consultation to be reported back to the Cabinet for consideration and adoption of the document (amended where appropriate in response to comments received during the consultation period).

### **2. Options considered**

- 2.1 The revised LDS is intended to replace the current LDS adopted in March 2014. Councils are required to update the timetable at least every three years within the LDS.
- 2.2 Section 19 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) requires all Development Plan Documents (DPDs) be prepared in accordance with the LDS. This includes complying with the timetable contained in the LDS. If the project timetables for preparing a DPD and that in the LDS differ significantly, this is likely to lead to a finding of non-compliance with the statutory legal test at the independent examination of the relevant DPD, making the document 'unsound'.
- 2.3 If a DPD forming part of the Local Plan is considered not up to date, the Government also has powers to intervene to update the document on behalf of the Council. Therefore, the only valid option available is to revise the project timetable in the LDS to satisfy the legal requirements of the Act. The option of not updating the LDS has been considered but dismissed.

- 2.4 Furthermore, the Government has recently imposed a duty on all local planning authorities to update their local plans and the SCI at least every five years. Harrow's current SCI was adopted in March 2013 and therefore not progressing to update and adopt a new SCI (i.e. do nothing) would mean that the Council would not meet this requirement and therefore the 'do nothing' option has been rejected.

### **3. Background**

#### *Local Plans*

- 3.1 National planning policy places Local Plans at the heart of the planning system and consequently the Government considers that it is essential that they are in place and kept up to date. Local Plans set out a vision and a framework for the future development of an area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design.
- 3.2 Local Plans are also a critical tool in guiding decisions about individual development proposals, as they are the starting-point for considering whether applications can be approved.
- 3.3 Harrow's Local Plan currently comprises the following documents:
- a) *Core Strategy* – adopted February 2012
  - b) *Development Management Policies* – adopted July 2013
  - c) *Harrow and Wealdstone Area Action Plan (AAP)* – adopted July 2013
  - d) *Site Allocations* – adopted July 2013
  - e) *Joint West London Waste Plan* – adopted July 2015
- 3.4 The above are accompanied by an adopted Policies Map that illustrates particular land uses throughout the Borough including areas for protection such as open space and conservation areas, as well as employment and residential activities. It also identifies key sites for development ('site allocations').

#### *London Plan*

- 3.5 London Plan is the regional spatial strategy that applies to the area covered by the Greater London Authority (GLA). Local Plans need to be in general conformity with the London Plan. The London Plan also forms part of the development plan used to assess planning applications (the other main elements being the Local Plan and any adopted neighbourhood plans). The Mayor of London is proposing a new London Plan and consulted on the draft plan between 1 December 2017 and 2 March 2018. The draft Plan proposes a number of significant changes that will need to be reflected in the Harrow Local Plan.

### *Local Development Scheme*

- 3.6 Local Planning Authorities are required to produce a Local Development Scheme (LDS). This is a rolling three-year project plan setting out all the planning documents to be produced by the authority and the timetable for their preparation. The timetable should identify specific milestones for measuring completion of each part of the document preparation process.
- 3.7 The Localism Act 2011 allows Local Planning Authorities to adopt their own Local Development Schemes without approval from the Secretary of State and Mayor of London. However, amendments to the Planning and Compulsory Purchase Act (2004) make provisions for certain interventions by the Secretary of State or Mayor of London. It also maintains the requirements to produce an LDS and keep it up to date as set out by 2004 Act.
- 3.8 The LDS is important because it is intended to keep the public and other stakeholders informed of the Harrow Local Plan documents the Council is intending to prepare and when, and at what stage people and / or organisations can get involved in that process.
- 3.9 This report sets out the rationale for undertaking a review of the current Harrow Local Plan in the context of changes in national and regional policy (including the draft London Plan 2017). In response to this it sets out a proposed timetable for formally reviewing Harrow's Local Plan in order to comply with requirements within the Planning and Compulsory Purchase Act 2004, Localism Act 2011 and the Local Plan Regulations. The mechanism for doing this is through an amendment to the Council's LDS.
- 3.10 By having an up to date LDS with a timetable in place to keep Harrow's Local Plan up to date, the Council will ensure that local planning policies continue to deliver growth and development at the right time, and in the right place, whilst protecting valued community facilities, open space and biodiversity. An up to date Local Plan will therefore help deliver the Council's vision of building a better Harrow.

## **4. Changes in national and regional policy and implications for Harrow Local Plan**

### *Draft London Plan 2017*

- 4.1 In May 2016 a new Mayor of London was elected and he immediately initiated a full review of the London Plan. The Mayor consulted on the draft London Plan between 1 December 2017 and 2 March 2018. Harrow reviewed the draft plan and submitted detailed representations which will be considered by a panel of independent Planning Inspectors appointed by the Secretary of State to examine the draft London Plan ('Examination in Public') in Autumn 2018.
- 4.2 Whilst it is not possible at this stage to predict the outcomes of the Examination in Public, the direction of travel for the draft London Plan is

clear with respect to significantly increased housing numbers and even stronger protection of Green Belt and Metropolitan Open Land (MOL). Key proposals in the draft London Plan (if adopted / published) which will need to be reflected or addressed in the Harrow Local Plan include:

- i. Addressing the proposed increase in Harrow's 10-year housing target from 5,930 homes to 13,920 homes, including the small sites target of 9,650 homes (small sites are those less than 0.25 hectares or 25 or less units).
- ii. Identifying areas within the borough considered suitable for suburban intensification (namely through development on small-sites).
- iii. Identifying areas within the borough considered suitable for tall buildings (the draft London Plan indicates that this must be addressed in any Local Plan).
- iv. The Mayor's threshold approach to affordable housing financial viability assessments and local flexibility with respect to affordable housing tenures.
- v. Identifying potential areas for industrial intensification and mixed-use development.
- vi. Identifying potential locations to meet the Mayor's targets with respect to Gypsy and Traveller accommodation (the draft plan proposes to expand the definition of Gypsy and Travellers beyond that used in national policy / guidance, with an associated increase in accommodation requirements).
- vii. Determining infrastructure requirements arising from the projected population increase in the borough and the geographic spread of new housing and identifying potential locations to accommodate this new infrastructure.

#### *Changes to National policy and requirements*

- 4.3 In addition to the draft London Plan, there have been a number of significant changes to the national planning policy and legislative context since the Harrow Local Plan and associated documents (such as the LDS and SCI) were adopted and others are emerging. These include the Housing and Planning Act 2016, the introduction of permissions in principle, on-going changes to permitted development rights, national commissions into the local plan making process, consultation on the changes to the National Planning Policy Framework, the Neighbourhood Planning Act 2017, the Housing White Paper 2017 and consultation on the policy approach to Build to Rent. The government is expected to publish a revised National Planning Policy Framework (NPPF) in Spring 2018. These changes will also need to be addressed by the review of the Harrow Local Plan.
- 4.4 The amended Local Plan Regulations require every Local Plan to be updated within five years. On this measure the Harrow Local Plan could be considered out-of-date although Government appears to not recognise the unique London circumstances where the London Plan (last updated in 2015) forms part of London boroughs' development plans and sets housing targets for each borough (which the Government considers as a key indicator as to whether a Local Plan is up-to-date). Harrow can demonstrate that it can meet the London Plan 2015 annual housing

target for the borough (593 homes per year) for at least the next five years (as required by the NPPF).

- 4.5 As noted above, the draft London Plan 2017 contains significant proposals that necessitate a review of the Harrow Local Plan. Key aspects of these proposals (including a 135% increase in Harrow's housing target from the current 593 homes per year to 1,392 homes per year and emphasis on suburban intensification / small sites) only became apparent at the end of 2017 when the Mayor published his draft London Plan. Commencing the review of the Harrow Local Plan prior to the publication of the draft London Plan 2017 would have potentially resulted in a significant amount of abortive work.

#### *Evidence base*

- 4.6 The NPPF requires that Local Plans are based on adequate up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Much of Harrow's evidence base was prepared prior to the adoption of the current Local Plan documents and therefore many aspects of it is arguably out-of-date. In advance of the publication of the draft London Plan work, preparatory evidence base work has been underway since late 2016 and since that time a Harrow Economic Development Needs Assessment has been completed and Strategic Flood Risk Assessment (SFRA) and Strategic Housing Market Assessment (SHMA) are underway; these last two assessments have been commissioned jointly with other West London Alliance to promote broader strategic working at a sub-regional level and to achieve cost savings. Additional evidence base work will need to be commissioned as part of the Local Plan review (and commissioned jointly with other WLA boroughs where considered appropriate).

#### *Implications of not reviewing Local Plan*

- 4.7 On the basis of changes to national and regional policy outlined above, it is proposed to commence a review of the Harrow Local Plan. Cabinet is therefore asked to agree the process and updated timetable for the review of the Local Plan (to be reflected on an updated LDS, as outlined below).
- 4.8 Government has proposed or implemented a number of punitive measures should local planning authorities not maintain an up-to-date Local Plan. These include direct intervention by Government to progress a Local Plan within the borough (with costs being charged to the Council). Without an up-to-date Local Plan, the borough is unlikely to be able to demonstrate a five year supply of sites to meet the housing target set in the London Plan (particularly the proposed target). In instances where boroughs cannot demonstrate a five year supply, decision making on planning applications defaults to a presumption in favour of sustainable development, which limits the ability for the local planning authority to refuse applications.

## 5. Proposed timetable and approach to Local Plan Review

### *Statutory process and context*

5.1. The process of reviewing the Local Plan involves a number of stages required by the regulations governing plan preparation. In summary, these include:

- (i) Public consultation on the matters to be covered in the review [Regulation 18 of the Local Plan Regulations]. In practice, this is often split into two stages: consultation on 'issues and options' followed by consultation on a draft version of the Local Plan.
- (ii) Consideration of representations received and revisions to the draft Local Plan.
- (iii) Agreement by the local planning authority of the version it intends to submit for examination ('proposed submission version').
- (iv) Publication of the proposed submission version of the Local Plan, along with an open invitation to submit representations (Regulations 19 and 20).
- (v) Submission of the proposed Local Plan and supporting documents to the Secretary of State, along with any representations received at pre-submission publication.
- (vi) Independent examination by a planning inspector on behalf of the Secretary of State; this involves an assessment against legal and procedural requirements and consideration of the 'soundness' of the plan against four tests (see paragraph 5.2 below).
- (vii) Assuming the Local Plan is found to be 'sound' by the inspector, adoption of the Local Plan by the local planning authority.

5.2 The four tests of soundness are set out in the NPPF as follows:

- (i) *positively prepared* – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- (ii) *justified* – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- (iii) *effective* – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategy priorities; and
- (iv) *consistent with national policy* – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.



- 5.3. The Housing White Paper 2017 proposes a slight amendment to the second test of soundness, from “the most” to “an” appropriate strategy. It is anticipated that this change will be brought forward through the publication of the revised NPPF expected in Spring 2018.

*General conformity with the London Plan*

- 5.4. In addition to being consistent with national policy, a London borough local plan must be ‘in general conformity’ with the London Plan. This means that the strategy and policy approach should not contradict that established at regional level: borough local plan policies should be used principally to reinforce and add local detail to the London-wide approach. There are also a number of specific areas of policy that the London Plan requires borough local plans to address, such as meeting the regionally set borough-level housing delivery target and planning for waste management.

*Approach to the review*

- 5.5 A number of policies in the Local Plan will need to change to take account of the legislative and policy changes listed above, as well as changed circumstances in the borough and new evidence. A small number of new policies are also likely to be needed. However, many of the existing policies in the Local Plan remain current and fit for purpose and these will be incorporated into the new Local Plan. Given the scale of the proposed increase in the London Plan housing target for Harrow, the nature of the proposed source of this additional housing (i.e. ‘suburban intensification’) and the approach to the drafting of the new London Plan (which is drafted to allow immediate implementation of its policies through decision making on planning applications), it is considered that a full review of the current Harrow Local Plan is required.
- 5.6 The NPPF makes clear that the Government’s preferred approach is for each local planning authority to prepare a single Local Plan for its area (or a joint document with neighbouring areas). This is a significant change from the previous Government’s approach of a number of separate documents comprising the Local Development Framework’, evident by the list of Harrow Local Plan documents listed above. While additional Local Plans can be produced, for example a separate site allocations document or Area Action Plan, there should be a clear justification for doing so. It is therefore envisaged that the new Local Plan will involve a reduced number of documents, with the Core Strategy, Development Management Policies and Site Allocations being combined into a single document. The existing Harrow and Wealdstone Area Action Plan may remain a separate, updated document, or alternatively be included in the main Local Plan document.
- 5.7 It is proposed that the initial stage of statutory consultation (under Regulation 18 of the 2012 Regulations) will be split into two rounds. The first round will be consultation on issues for the review (referred to in this report as ‘Regulation 18 part 1’). This will highlight and seek views on issues and alternatives for the more fundamental policy changes as well as proposed new areas of policy, but will not include detailed policy wording. There will be an opportunity for consultees to say whether they

think the Council has identified the right issues for the review. The second round of consultation will be on a Draft Revised Local Plan (referred to in this report as 'Regulation 18 part 2'), which will include the draft Local Plan.

- 5.8 This two-stage Regulation 18 consultation will be followed by statutory pre-submission publication of the draft Plan (Regulation 19) and the invitation for representations to be submitted about that version (Regulation 20). This would take place after the Council has agreed the version of the document that it wishes to submit to the Government for examination.
- 5.9 The first round of public consultation is proposed to start in October 2018 and last a minimum of six weeks. This will explore the key issues to be considered in the review, which are: housing growth (including 'suburban intensification') and infrastructure; affordable housing; housing for older people; business and jobs (including retention of industrial floor space and 'industrial intensification'); town centres; air quality; and transport.
- 5.10 The outcome of the first round of public consultation on issues for the review will be assessed and considered prior to the second round of public consultation on the Draft Local Plan. This assessment will also have to take account of the draft new London Plan, revised NPPF, National Planning Practice Guidance (NPPG) and of the recommendations and feedback from sustainability appraisal of the draft documents.

*Proposed timeframes*

- 5.11 The proposed timetable for the review of the Harrow Local Plan is set out below. Some aspects of this timetable are not within the control of the Council, particularly the timing of the examination hearing and the length of time the Inspector takes to consider matters and issue his/her report. Cabinet is asked to agree this timetable.

<b>Stage</b>	<b>Date</b>
Evidence base preparation	January 2018- early 2020
Consultation on issues for the review (Regulation 18 part 1)	October-December 2018 (minimum 6 weeks)
Consultation on Draft Revised Local Plan (Regulation 18 part 2)	Summer 2019
Pre-submission publication (Regulations 19 and 20)	Early 2020
Submission	Spring 2020
Examination hearing	Summer 2020
Inspector's report	Winter 2020
Adoption	Early 2021

- 5.12 Given that the London Plan is undergoing a full review and contains proposals that have significant implications for the Harrow Local Plan, the timing of the review of the Harrow Local Plan set out above has been designed to follow just behind the London Plan. This means that general

conformity will be tested against the new London Plan rather than the existing version, which will become out of date / superseded.

- 5.13 If Cabinet agree to recommendation 1 of this report, the updated Local Development Scheme (March 2018) will be published on the Council's website, subject to the call-in period for the Cabinet decision.

#### *Evidence*

- 5.14 New or amended policies and designations need to be justified by evidence in order to meet the requirements of the statutory tests of soundness for local plans. This evidence must be published and available for comment and scrutiny. All the evidence base documents relevant to the first round of public consultation on issues for the review will be published on a dedicated page the Council's website, or links will be provided where they have been produced by other organisations such as the Greater London Authority (GLA).
- 5.15 As the review progresses through subsequent stages, updated and/or additional evidence base documents will be added to the Local Plan review evidence base web-page. The final set of evidence base documents supporting the review will undergo examination alongside the reviewed Plan itself.

#### *Duty to cooperate*

- 5.16 The Localism Act 2011 introduced a new statutory 'duty to cooperate'. It places a legal duty on local planning authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of local plan preparation in the context of strategic cross-boundary matters. This duty is also reflected in the 'positively prepared' test of soundness.
- 5.17 The Housing White Paper 2017 proposes the introduction of a new requirement on local planning authorities to agree a Statement of Common Ground with each neighbouring authority about cross-border strategic planning issues (such as housing or waste) prior to submission of a local plan for examination.

#### *Weight of the emerging policies in decision-making*

- 5.18 Under paragraph 216 of the NPPF (in its present form) decision-takers may also give weight to relevant policies in emerging plans (that is, in a plan that has yet to be formally adopted) according to the following factors: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). Ultimately the degree of weight to be attached to emerging policies will be a matter for the individual decision-maker involved in determining a planning application.

## 6. Statement of Community Involvement (SCI)

- 6.1 The SCI must be prepared in accordance with the Planning and Compulsory Purchase Act 2004.
- 6.2 The SCI forms part of the Local Plan. It explains how the Council will involve local communities and other interested parties when preparing our planning policies and determining planning applications. It is a requirement for all Local Planning Authorities to have an SCI, and for their consultations to accord with it.
- 6.3 The Council last updated its SCI in March 2013. One of the drivers in updating the SCI is to support the development of the new Local Plan, and community engagement will be a central part of the process. Key reasons for updating the SCI are to:
  - a) *Allow for innovation:* Since the SCI was adopted in 2013, new and innovative consultation methods have been developed. Social media has helped to change the way the Council can interact with the community. The SCI has been amended to allow for greater flexibility. A wider range of methods can now be used and tailored depending on the nature of the consultation.
  - b) *Take account of Neighbourhood planning:* Neighbourhood planning was introduced under the Localism Act 2011. It enables neighbourhood forums to produce a neighbourhood plan for their area. Once adopted the neighbourhood plan forms part of the Local Plan. There are requirements on the forum to engage the wider community in the development of their plan. The SCI has been updated to provide guidance to forums on the consultation process. It clarifies which responsibilities sit with the forum and which with the Council. It also outlines the Council's policy with respect to advice and assistance to Forums preparing neighbourhood plans or neighbourhood development orders. In addition, the SCI sets out how forums will be consulted on planning applications and policy development.
- 6.4 The SCI will be subject to a minimum six weeks public consultation, which will include publicising the consultation via:
  - a) Council website
  - b) social media
  - c) paper copies in libraries
  - d) individuals, statutory consultees, residents' groups and interested parties consulted by email and post.
  - e) E-newsletters
  - f) Member's news bulletin
- 6.5 Currently the Council has approximately 500 contacts in its database (out of a total of approximately 1,000) where only a postal address has been provided. These people will be asked to advise the Council (by post, email or telephone) whether they wish to remain on the Council's Local Plan consultation database and if so, to provide an email address

if they have one. Where no response is received, these names will be removed from the database. Hard copy letters will continue to be sent out to people who specifically request these. The mail out will also be used as an opportunity to advise contacts on the consultation database how we use their information, to assist in compliance with the Data Protection Act and forthcoming General Data Protection Regulations.

- 6.6 The draft updated SCI is considered to reflect the principles and approaches outlined in the Council's Corporate Consultation Toolkit.

## **7. Planning Policy Working Group**

- 7.1 The Planning Policy Working Group considered the draft LDS and SCI at its meeting on 20 February 2018.
- 7.2 In discussing the draft documents, a member queried whether there was going to be a single document or many documents / framework. Officers noted that the Government envisaged one document, but there was scope for more than just one (i.e. an area action plan).
- 7.3 Another member queried whether the programme for the Local Plan review could be made shorter. Other members felt this was unfeasible, noting that the programme for the current Local Plan had been extended several times during its preparation. Members discussed potential options to reduce the timeframes in terms of seeking approval to consult on documents.
- 7.4 The Panel commended the two draft documents to Cabinet.

### **Performance Issues**

The Government is intending to publish a list of authorities' performance in relation to adopting and keeping up to date Local Plan. Therefore updating the LDS will help towards Harrow demonstrating the Local Plan is being kept up to date, noting the comments above that the London Plan is part of Harrow's development plan and was updated (including housing targets) in 2015.

With regards to local performance indicators, each document includes a detailed monitoring strategy that monitors the performance of individual policies and the delivery of strategic objectives. The results from monitoring are analysed and reported in the Authorities Monitoring Report. This also includes monitoring of delivery against the LDS programme and timetable. The latest monitoring report is available on the Council website.

### **Environmental Implications**

The LDS and SCI do not themselves contain any policies or proposals. The consideration and assessment of environmental impacts of any Local Plan policies are comprehensively dealt with through the requirement to undertake Sustainability Appraisal, incorporating Strategic Environmental Assessment, in the course of preparing Development Plan Documents but are not relevant to the LDS or SCI which merely establishes the Local Plan timetable and consultation arrangements respectively.

## **Risk Management Implications**

Risk included on Directorate risk register? No, but will be added.

*The “soundness” of DPDs (Local Plan documents)* – to be found sound, Local Plan documents are to comply with statutory process, government policy and be in general conformity with the London Plan. Since the last LDS was prepared significant legislative changes have taken place. In reviewing Harrow’s Local Plan it will be necessary to ensure that Harrow’s documents continue to take account of changes as and when they occur to ensure that they remain applicable come adoption and implementation.

*Committee process* – The lead in times for Local Plan documents is significant, and involves significant staff resource. In some instances it may be necessary to hold additional meetings of the Planning Policy Working Group or Full Council to ensure reporting timeframes and ultimately Local Plan milestones are met.

*Evidence base* – A key requirement of the Local Plan is that it is based on a robust and up-to-date evidence base. Significant resource has been invested in compiling a robust evidence base in support of the current Local Plan. It will be necessary to undertake a review of evidence base studies due to changing circumstances (e.g. to take account of the impact of office to residential prior approval changes of use on office supply). However, if the timetable for revising the Local Plan slips or is slowed, there is a risk that, by the time of submission, the evidence on which the document is based would be out of date. A further risk arises where reforms to the planning system are proposed, and prior to primary legislation being enacted, such changes are given effect through amendments to national planning policy. Such changes often result in requirements upon local planning authorities to prepare new studies to assess and address relevant national issues at the local level.

The above risks are not new to planning policy, and the Council will need to manage the Local Plan timetable whilst ensuring the supporting evidence base remains as up-to-date and robust as is necessary.

*Implementation and Delivery* – For plans to be found ‘sound’ they must be considered to be deliverable. This will be managed through justification in the supporting text to policies but may also require other corporate plans and strategies to clearly articulate the reasons for this. As noted in the performance section of this report, the Local Plan policies are subject to monitoring and reporting and the policies can be reviewed to take account of changes in circumstances. The Government has recently announced potential punitive measures for not delivering against housing targets within the London Plan / Local Plan; these include not being eligible for a 20% increase in planning fees and intervention by Government in the Local Plan process.

## **Legal Implications**

Under section 15 of the Planning and Compulsory Purchase Act (2004) local planning authorities must prepare and maintain a Local Development Scheme (LDS) which must set out the documents that the Council will prepare as local

development documents and the timetable for their preparation. The publishing of this version of the LDS will satisfy this duty and enable compliance with the requirement Local Plan Regulations to review local plans every 5 years.

Similarly, section 18 of the Planning and Compulsory Purchase Act (2004) requires local planning authorities to prepare and maintain a Statement of Community Involvement (SCI). Preparation of the SCI includes consultation. Agreement from Cabinet to consult on the draft updated SCI will enable the progression of the document through the statutory process, with the outcomes of the consultation and amended document being reported back to Cabinet for adoption. This will also further compliance with the requirement of the Local Plan Regulations to review the SCI every 5 years.

## Financial Implications

Consultation on the draft updated Statement of Community Involvement (SCI) will be undertaken within the existing resources of the Planning Policy team.

The amendment to the Council's Local Development Scheme (LDS) will commit the Council to reviewing Harrow's Local Plan, which is a time and resource intensive exercise. There is limited resource available to progress the Local Plan review within the team. A recent Planning Advisory Service benchmarking exercise for a neighbouring borough indicates that an additional 2-3 FTEs are required to progress a Local Plan review in a timely manner and this is similar to the resource that was utilised in the preparation of the current Harrow Local Plan. Non-salary costs such as consultancy costs for preparing evidence base documents, printing and consultation costs, and fees payable to the Planning Inspectorate to conduct the Examination in Public are estimated to be in the order of £450k over a period of three years.

Based on the above, the estimated costs are approximately £250k per annum for three years. Funding is being identified to support this and is summarised as follows.

<b>Estimated Annual Costs</b>	<b>£250,000</b>
<i>To be funded from:</i>	
Planning Delivery Grant (£137k in total already received, to be spread over 3 years)	-£45,667
Self-Build Grant (£95k in total secured with £21k already received, to be spread over 3 years)	-£31,667
Communities and Local Government Planning Delivery Fund (successful bid by the WLA of which Harrow's share is estimated at £75k, to be spread over 3 years)	-£25,000
CIL Administration top slice for eligible work, per annum	-£40,000
Base budget for public consultation work, per annum	-£15,000
Additional planning application fees per annum	-£92,666
<b>Total Proposed Funding</b>	<b>-£250,000</b>

As can be seen in the table above, nearly £100k of the funding is dependent on the achievement of additional planning application fees, which is demanded. The implementation of 20% increase in fees, which took effect from January 2018, may provide the additional income. This may be further

mitigated by the potential further 20% planning fee increase linked to delivery against housing targets. However the criteria for determining if a borough is eligible for the increase and the timing of the introduction of the fee increase is yet to be announced.

Savings on non-salary costs may also arise as a result of joint commissioning through the West London Alliance. This could help reduce the overall costs of the review. The team will also continue to explore other external funding opportunities, with a view to reducing the reliance on additional planning fees to meet the costs of the review.

## **Equalities implications / Public Sector Equality Duty**

The LDS simply establishes the programme and timetable for preparing Local Plan documents and therefore does not give rise to equalities impacts.

The importance of inclusive engagement and engaging with hard to reach groups is recognised and the draft SCI seeks to reflect this. Internal guidance relating to equalities has been considered to ensure the SCI promotes the use of new and creative consultation methods to ensure all groups, including protected groups under the Equality Act 2010 and socio-economic groups, are engaged. Consultation materials will use visuals, be clear, concise and avoid technical language as far as possible. The SCI specifies accessible locations will be used, hard to reach groups targeted, and documents will be available in Harrow libraries as well as online at no cost.

## **Council Priorities**

The updating of the planning policy framework for the Borough will not only enable the Council to better control development but will assist in the delivery of the Harrow Ambition Plan:

- Building a Better Harrow by seeking to manage growth in a way that provides the housing, employment and infrastructure required by our residents, business and visitors in a sustainable manner, promoting good quality design and protecting our historic and natural heritage.
- Being more Business-like and Business Friendly by supporting our town centres, our local shopping centres and businesses by promoting new development opportunities within our town centres and securing new business and employment through enabling development.
- Protecting the Most Vulnerable and Supporting Families through supporting and protecting people who are most in need through securing affording housing, including supported accommodation and by securing new and enhances social and physical infrastructure. Making a difference for families by preventing the loss of further open space; implementing the Harrow Green Grid; and ensuring new development incorporates designing out crime principles;



### Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 2 March 2018		
Name: Mrinalini Rajaratnam	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 1 February 2018		

<b>Ward Councillors notified:</b>	<b>NO, as it impacts on all Wards</b>
<b>EqIA carried out:</b>	<b>NO</b>
<b>EqIA cleared by:</b>	The LDS merely establishes the programme and timetable for preparing Local Plan documents and therefore does not give rise to equalities impacts.

## **Section 4 - Contact Details and Background Papers**

**Contact:** David Hughes, Planning Policy Manager – x6082  
[david.hughes@harrow.gov.uk](mailto:david.hughes@harrow.gov.uk)

### **Background Papers:**

Current Local Plan documents:

[http://www.harrow.gov.uk/homepage/40/local\\_development\\_plan](http://www.harrow.gov.uk/homepage/40/local_development_plan)

Current Policies Map:

[http://www.harrow.gov.uk/info/856/local\\_plan/833/adopted\\_policies\\_map](http://www.harrow.gov.uk/info/856/local_plan/833/adopted_policies_map)

Current Local Development Scheme:

[http://www.harrow.gov.uk/download/downloads/id/4186/local\\_development\\_scheme\\_march\\_2013](http://www.harrow.gov.uk/download/downloads/id/4186/local_development_scheme_march_2013)

Current Statement of Community Involvement:

[http://www.harrow.gov.uk/download/downloads/id/1693/statement\\_of\\_community\\_involvement\\_2013](http://www.harrow.gov.uk/download/downloads/id/1693/statement_of_community_involvement_2013)

**Call-In Waived by the  
Chair of Overview and  
Scrutiny Committee**

**NOT APPLICABLE**

*[Call-in applies]*