

**Report for: Planning Policy
Advisory Panel**

Date of Meeting:	9 January 2023
Subject:	Harrow Local Plan - revised Local Development Scheme (LDS) for consideration and recommendation to Cabinet for approval
Key Decision:	Yes (affects more than one ward)
Responsible Officer:	David Hughes – Planning Policy Manager Viv Evans – Chief Planning Officer
Portfolio Holder:	Cllr Marilyn Ashton – Deputy Leader of the Council and Portfolio Holder for Planning and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes – when considered by Cabinet
Wards affected:	All Wards
Enclosures:	Appendix 1 – proposed updated Harrow Local Development Scheme (LDS) (Version 9)

Section 1 – Summary and Recommendations

This report provides an update on the review of the Harrow Local Plan, specifically the proposed Local Plan timeline and updated Local Development Scheme (LDS) to reflect this. The LDS sets out a three-year timeline in which the Local Plan will be reviewed, in line with legislation.

Recommendations:

The Planning Policy Advisory Panel is requested to note and comment on the revised LDS at Appendix 1 and recommend it to Cabinet for approval.

Reason: 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.

Section 2 – Report

1.0 Introduction

- 1.1 This report provides an update on the review of the Harrow Local Plan. In response to this, it sets out a revised 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 (Local Plan Regulations). The mechanism for doing this is through an update to the Council's Local Development Scheme (LDS), a rolling three-year project plan setting out all the planning documents to be produced by the local authority and the timetable for their preparation. Once considered by the Panel, approval will be sought from Cabinet to adopt the revised LDS; this is anticipated to occur in February 2023.

2.0 Options considered

- 2.1 The revised LDS is intended to replace the current LDS adopted in November 2019.
- 2.2 Section 19 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) requires all Development Plan Documents (DPDs) (i.e. the Local Plan) 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 (generally considered being anything older than five years), 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 and progress the Local Plan review in accordance with the timeframes set out in the revised LDS to satisfy the legal requirements of the Act. The options of not updating the LDS nor progressing the review have been considered but dismissed.

3.0 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 The Local Plan is also a key mechanism in assisting the delivery of many Council services and priorities, such as the securing of affordable housing, achieving high quality of development in the borough, managing the location, quantity and quality of development (including houses in multiple occupancy (HMOs) flat conversions, and tall buildings) and promoting the vibrancy and vitality of town centres, responding to the climate and nature emergency, planning for infrastructure, and fulfilling the Council's priorities of putting residents first, and creating a borough that residents can be proud of.
- 3.3 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.
- 3.4 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
- 3.5 The development plan is 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').
- 3.6 The development plan also includes the Joint West London Waste Plan (adopted July 2015).

4.0 Proposed Local Plan review

- 4.1 As noted above, the Council has a fully adopted Local Plan, comprising five development plan documents and accompanying Policies Map. However, it is a requirement of the Government to keep Local Plans up to date. Given the Mayor of London has produced a new London Plan (published 2021), the Council intends to update (and consolidate) all the documents forming the current Local Plan simultaneously to ensure continued conformity with the London Plan. The updated documents will also reflect recent changes to national policy and any relevant legislative changes).

Approach to the review

- 4.2 A number of policies in the Local Plan will need to change to take account of the legislative and policy changes since the Local Plan was adopted, as well as changed circumstances in the borough (i.e. the

impact of Covid-19) 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 are considered to remain current and fit for purpose (based on continuing conformity with national and regional policy and ongoing monitoring through the Authority's Monitoring Report) and these will be incorporated into the new Local Plan. Given the scale of the increase in the London Plan housing target for Harrow, the nature of the proposed source of this additional housing (i.e. 'suburban intensification') as highlighted in the new London Plan, it is considered that a full review of the current Harrow Local Plan is required.

- 4.3 The National Planning Policy Framework 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.
- 4.4 With a single Local Plan being prepared, the document will contain strategic priorities (i.e. housing, employment etc) and strategic policies to deliver these; these strategic policies will be clearly distinguished from non-strategic policies, as required by the new National Planning Policy Framework. Strategic priorities should be consistent with those within the emerging Corporate Plan.
- 4.5 The new Local Plan will cover the 20 year period from 2021/22 to 2040/41.
- 4.6 The full scope of the new Plan will be considered at a future meeting of the Panel.

Local Development Scheme

- 4.7 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.

- 4.8 The LDS is important because it is intended to keep the public and other stakeholders informed of the 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.

Proposed Local Plan Timeframes

- 4.9 The process of reviewing the Local Plan involves a number of stages required by the regulations governing plan preparation, including:
1. Public consultation on the matters to be covered in the review [Regulation 18 of the Local Plan Regulations]. This is often split into two stages: consultation on ‘issues and options’ followed by consultation on a draft version of the Local Plan.
 2. Consideration of representations received and revisions to the draft Local Plan.
 3. Agreement by the local planning authority of the version it intends to submit for examination (‘proposed submission version’).
 4. Publication of the proposed submission version of the Local Plan, along with an open invitation to submit representations (Regulations 19 and 20).
 5. Submission of the proposed Local Plan and supporting documents to the Secretary of State, along with any representations received at pre-submission publication.
 6. 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 (positively prepared, justified, effective, consistent with national policy).
 7. Assuming the Local Plan is found to be ‘sound’ by the inspector, adoption of the Local Plan by the local planning authority.

Stage	Date
Evidence base preparation	January 2018 – June 2023
Regulation 18: Consultation on Draft Local Plan	September – October 2023 (8 weeks)
Regulations 19 and 20: Pre-submission consultation (six weeks for representations)	September- October 2024 (6 weeks)
Regulation 22: Submission of the Local Plan and representations to Secretary of State	January 2025
Independent Examination – hearings	January-November 2025
Receive Inspector’s report	November 2025
Adoption	December 2025 (at the latest)

- 4.10 The proposed timeframes for each local plan development stage are shown above. These timeframes are included in the LDS update and will form the basis for Local Plan engagement and adoption.
- 4.11 *These timelines are tightly condensed and are reliant on the availability of funding for additional planning policy officer resources*

(3.0 FTE). The timelines are also subject to change if the central government makes significant changes to the planning system or local authority planning powers. These changes are out of the control of the council and may impact local plan outcomes. This risk and proposed mitigations have been included in the risk management section of this report.

4.12 The approach to the Local Plan review is also reflected in the LDS.

Ward Councillors' comments

Not applicable – covers all wards

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **Yes** – as part of a weekly report reviewed by the Chief Planning Officer

The relevant risks contained in the register are attached/summarised below. **yes** – risks specifically relating to LDS / programme below. Key risks are also included in paragraph 4.7 of the LDS itself. Further detail is available as a background paper.

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
LDS is a legal requirement for Local Plan examination. Local Plan will not pass examination without an up-to-date LDS.	<ul style="list-style-type: none"> ▪ Adopt the updated LDS ▪ Revise the LDS if needed to ensure current version reflects proposed programme 	Green
Community unaware of the Local Plan engagement background and timelines.	<ul style="list-style-type: none"> ▪ Adopt the updated LDS ▪ Maintain LDS timeline and adopt updated versions of necessary. ▪ Publicise programme / process in any engagement material 	Green
Central Government introduces new legislation which impacts Local Plan timelines. New LDS needed to revise timelines.	<ul style="list-style-type: none"> ▪ Ongoing monitoring of any potential legislative changes and impacts (see below and background papers). ▪ Unable to mitigate fully 	Amber
Resources required to meet the proposed timeframe in	<ul style="list-style-type: none"> ▪ Progress of new Local Plan and resourcing monitored on a weekly basis 	Green

Risk Description	Mitigations	RAG Status
the LDS are not secured or posts cannot be filled	<ul style="list-style-type: none"> ▪ If the resources assumed in setting the timeframes within the LDS are not forthcoming / maintained and the timeframe for the new Local Plan slips, the LDS would need to be updated to ensure it reflects the revised timeframes. ▪ A range of recruitment options will be considered. 	

Legislative risks

Two pieces of legislation have recently been produced by the government that directly relate to planning and development. Close attention will need to be given to their development, and any other legislation that may emerge. The content of the bills has significant potential to adversely impact upon the Local Plan as it is prepared, both in terms of its content, processes, and timeframes. A summary of the risks posed by these bills is provided below (with more detail published as a background paper):

The Levelling up and Regeneration Bill

This legislation proposes several major reforms to the planning sector. The Medium and High-risk aspects relevant to the Local Plan are detailed below.

National Development Management Policies (NDMP) are proposed that local authorities would need to comply with. The scope of the policies is still unknown, although it is suggested that where there is a conflict between Local Plan or London Plan policies, the NDMPs would take priority. It is understood that the London Plan and Local Plans could not be inconsistent with or repeat any of the NDMPs. The NDMPs will make it difficult to adopt a locally distinctive approach to issues such as affordable housing or flooding. It is unclear whether the final regulations will allow flexibility for Local Plans to introduce policies to address local issues. The biggest risk posed by this aspect of the bill is the uncertainty around the level of impact it will have on Local Plan preparation as very little information has been made publicly available. Further information is likely to be made public in Spring 2023 during the development of the initial draft of the Harrow Local Plan prior to Regulation 18 Consultation (i.e. the first draft of the Plan). This aspect poses a HIGH risk to the Local Plan.

A new Infrastructure Levy is proposed to be charged as a percentage of gross development value. This levy is intended to replace the existing Community Infrastructure Levy (CIL) and potentially S106 agreements which apply directly to developments. It is expected that LPA's will adopt the new levy and make transitional arrangements gradually. Test areas have been proposed in partnership with LPAs to assess the impact of the levy. The impact of the Levy on Local Plan timeframes is unknown, officers will continue to monitor the outcomes of consultation and testing. The risk assessment for this aspect is MEDIUM.

Neighbourhood Priority Statements are proposed in the bill as a tool that allows local communities to set out key priorities and preferences for their area. The preparation of Local Plans will be required to take these into account. No details have yet been provided regarding when new regulations for the NPS may come into force. The NPPF will be updated, and councils will be required to demonstrate compliance. Transitional arrangements will likely apply. The risk assessment for this aspect is LOW/MEDIUM.

Local Plan Sustainability Appraisals (SEA) will be replaced with a new simpler environmental assessment focussing on clear, tangible environmental outcomes set by the government. The new Environmental Assessment may result in a significant level of abortive work, as Sustainability Appraisals are undertaken at each stage of the Local Plan process. There may also be cost implications relating to any changes required. This aspect of the bill has been assessed as MEDIUM/HIGH risk.

The removal of the requirement to demonstrate a 5-year land supply of deliverable housing sites has been proposed in the bill, this only applies if the LPA has an up to date Local Plan (< 5 years old). This aims to incentivise the production of plans and prevent speculative development via appeal. This proposed change may result in delays to the production and adoption of the draft Local Plan as a larger number of sites may be promoted via the Local Plan process. Officers will mitigate this through ensuring effective engagement and consultation with landowners and developers is undertaken via a SHLAA call for sites and Local Plan process. Officers will continue to monitor for updates. This aspect of the bill has been assessed as a MEDIUM risk.

The Secretary of State for Levelling Up, Housing and Communities provided an update on the Levelling Up Bill in a statement made on 6 December 2022; this included a commitment to set out more detail in a NPPF prospectus, which will be put out for consultation by Christmas 2022. A verbal update will be provided at the PPAP meeting on 9 January 2023.

The Planning and Infrastructure Bill

This bill is expected to repackage some of the reforms initially proposed in the Levelling up and Regeneration Bill. While no Medium or High risks are posed by the bill, it is important to note that it proposes the reduction of planning and environmental restrictions for infrastructure projects. This is unlikely to impact Harrow due to the nature of the borough's built form. Investment Zones (now Knowledge Clusters) are also proposed by the bill with the aim of creating low tax hubs for universities with reduced planning and environmental controls.

Procurement Implications

There are no procurement implications arising as a result of this report. Any procurement required as part of the Local Plan review will be undertaken in accordance with the Council's Contract Management Rules.

Legal Implications

Under the Planning and Compulsory Purchase Act (2004) local planning authorities must prepare and maintain a Local Development Scheme (LDS) which sets 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 under Local Plan Regulations (reg. 10A) to review a local plan every 5 years.

Under Part 3A of the Council's Constitution, the Terms of Reference and Delegated Powers of the Planning Policy Advisory Panel include: providing input into the development of planning policy within the borough by giving detailed consideration to: (a) the Local Development Framework / Local Plan and its Development Plan Documents and matters incidental thereto; (b) representations received to Development Plan Documents and any amendments proposed; (c) monitoring the implementation of the Framework / Local Plan, its review and modification as necessary.

Financial Implications

Preparation of a Local Plan is a significant undertaking, requiring resourcing for officers and revenue budget to undertake evidence base work, consultation, document production and independent examination. The resourcing is required to ensure the draft Plan is found sound as it is based on an evidence base of appropriate coverage and quality, all statutory requirements have been met (preparation of sustainability appraisals etc) and can be undertaken in a timely manner. Additional resources to achieve this have been sought as part of the 2023/24 MTFS process. A growth bid of £206k over 3 years is included in the 2023/24 budget report which will be presented at Cabinet / Council in February 2023. The tables below provide a breakdown of projected additional costs and proposed funding sources above the current budget position.

Additional costs	23/24 (£)	24/25 (£)	25/26 (£)	Total (23/24-25/26) (£)
Evidence base / consultancy	212,500	152,500	30,000	395,000
Production / consultation / examination	50,000	40,000	160,000	250,000
Additional officer resource	137,000	206,000	69,000	412,000
Total	399,500	398,500	259,000	1,057,000

Funding sources	23/24 (£)	24/25 (£)	25/26 (£)	Total (23/24-25/26) (£)
MTFS growth funding bid	206,000	206,000	206,000	618,000
Grant funding received	105,000	98,739	0	203,739
Existing revenue budget (consultancy)	25,000	25,000	25,000	75,000
Internal planning resource	63,500	68,761	28,000	160,261
Total	399,500	398,500	259,000	1,057,000

Costs and funding will be monitored as part of ongoing budget monitoring process for the Planning Service and any significant variances identified along with mitigation measures to ensure a balanced budget position.

Equalities implications / Public Sector Equality Duty

The LDS only 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 Statement of Community Involvement (SCI). The LDS provides the timelines for engagement which are detailed in the SCI. The two documents work in tandem to satisfy equalities requirements.

Council Priorities

Please identify how the decision sought delivers this priority.

1. **Putting residents first.**

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man
Signed on behalf of the Chief Financial Officer

Date: 21 December 2022 by email

Statutory Officer: Baljit Bhandal
Signed on behalf of the Monitoring Officer

Date: 23 December 2023 – by email

Chief Officer: Viv Evans
Signed off by the Chief Officer



Date: 15 December 2022

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

EqlA carried out: NO

If '**NO**' state why an EqlA is not required for Cabinet to take a decision.

Panel is not a decision-making body. The LDS sets out the timeframe for the preparation of the new Local Plan; the Plan itself will be subject to a full EqlA but the LDS does not impact upon a service or change policy.

EqlA cleared by: N/A

Section 4 - Contact Details and Background Papers

Contact: David Hughes, Planning Policy Manager,
david.hughes@harrow.gov.uk.

Background Papers:

National Planning Policy Framework: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/426611/nppf-2019.pdf)

London Plan (2021): [The London Plan | London City Hall](https://www.london.gov.uk/what-we-do/what-we-are-doing/the-london-plan)

Harrow Local Plan: [Planning and Developments – Harrow Council](https://www.harrow.gov.uk/planning-and-developments)

Risk assessment of current legislative proposals on the timeframes for the new Harrow Local Plan

Call-in waived by the Chair of Overview and Scrutiny Committee

(for completion by Democratic Services staff only)

YES/ NO / NOT APPLICABLE*

** Delete as appropriate*

If Yes, set out why the decision is urgent with reference to 4b - Rule 47 of the Constitution.