

## Legislative Risk associated with the Harrow Local Plan

Planning Policy Assessment - *December 2022*

Two significant 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. An assessment of the content and risks posed to the Harrow Local Plan is provided in this document.

### **Review of the Levelling Up and Regeneration Bill and risk assessment for producing and adopting a Local Plan (as at 8 December 2022)**

#### **Potential timeframes for the Bill and associated consultations**

According to an email (13/06/22)<sup>1</sup> from the LUHC, the timetable for the Levelling Up and Regeneration Bill and associated consultations is set out below.

##### **(1) Levelling Up and Regeneration Bill:**

- Second Reading: 8 June 2022
- Committee: before the Summer Recess and reconvening in September

##### **(2) Secondary Legislation:** after Bill completed

- Infrastructure Levy
- Environmental Outcomes Reports

##### **(3) Policy Development: Consultations**

- CPOs: issued 6 June (Ended 19/07/22)
- Infrastructure Levy:
- Environmental Outcomes: before “summer” 2023
- Fees and Charges

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<sup>1</sup> Due to the recent appointment of a new Prime Minister and a lengthy selection process, no clear timeframes have been published for when the Bill is likely to get Royal assent, the supporting regulations will be finalised, and when any national changes to policies will be consulted and updated.

(4) National Planning Policy Framework

- NPPF Prospectus – “before Christmas” 2022. This will include the details of all the proposed changes to national policy and will be put out to consultation.
- New Development Management Framework: after Bill through Parliament
- Transitional arrangements for Local Plans – ASAP

The additional information document accompanying the Bill States “We will publish further details of our plans for transition, but in broad terms changes to planning procedures will begin to take place from 2024, once the Bill has Royal Assent and associated regulations and changes to national policy are in place”

**Current LDS timeframes (as at 21/12/22)**

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)

**Level of Risk to timelines for the production and adoption of the Harrow Local Plan**

**High:** Potential for long delays; **Medium:** Potential some delay **Low:** Potential for low/no delay

Key changes proposed	Different between existing process/policy	Potential implications	Potential risk to time frames for producing, adopting a Local Plan and potential mitigations
<p><b>National Development Management Policies (NDMP)</b></p> <p>A national tier of Planning for decision making is proposed, alongside the</p>	<p>Planning decisions are made in accordance with the development Plan (. i.e. London Plan, LDF</p>	<p>The NDMP will make it difficult to adopt a locally distinctive approach to issues such as affordable</p>	<p><b>High risk</b> Unclear whether all the London Plan policies will continue to apply, once the NDMP is published and whether this may result in a void in the</p>

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<p>Local Plan. The NDMP is proposed to set out generic policies (e.g. heritage) that apply to most areas of the country. The full scope of issues that it may cover is uncertain.</p> <p>The content of Local Plans is proposed to be limited to locally specific matters such as allocations, infrastructure required and principles of good design.</p> <p>Decisions will be made in line with NDMP, London/Local Plan unless other material indications indicate otherwise.</p> <p>In instances, where there is a conflict between the Local &amp; London Plan with the NDMP, the NDMP will take precedence.</p> <p>The London Plan and Local Plans cannot be inconsistent with or repeat the policies of the NDMP.</p> <p>The NDMP is expected to reduce the flexibility of the Mayor to decide what regional issues the London Plan should address and how</p>	<p>documents and future Local Plan).</p> <p>The NPPF is a material consideration, whereas NDMP would have greater (statutory) weight in decision making.</p> <p>The NPPF indicates that Plans should avoid unnecessary duplication of policies that apply within an area, including the NPPF</p> <p>The Mayor and LPA have a greater level of flexibility in regard to what local/regional issues that Plans should seek to address and how.</p> <p>Local Plan policies can cover a range of strategic and non-strategic strategic policies for managing land uses and development, as well as spatial issues.</p>	<p>housing (particularly in the context of the proposed IL)</p> <p>The NDMP will reduce the level of flexibility the Mayor (. i.e. strategic importance to London) and LPA's have for deciding what issues should be addressed and how.</p> <p>The NDMP may cover lots of issues that may or not apply to the area and lack detail. There may be a need to provide detail and clarify how these may be implemented at a local level.</p> <p>It is unclear how much scope will be given to Local Plans that include any other policies to address any locally specific issues/objectives</p>	<p>Local Plan and if any measures can be taken to address this</p> <p>Unclear whether the final regulations may allow some flexibility for Local Plans to introduce policies for addressing local issues.</p> <p>Local Plan may need to provide greater clarity on how NDMP will be implemented at a local level.</p> <p>The content/scope of NDMP is unknown, this may result in a need for additional evidence to introduce policies via the Local Plan that are consistent with the former.</p> <p>A consistency assessment of the Local Plan with the NDMP may be required and an additional round of public consultation. This may delay the submission of the Plan and its examination</p> <p>There is uncertainty regarding transitional measures may be introduced, when the regulations for the Bill &amp; new NPPF will be published to address any instances where a Plan has been submitted or reached an advance stage of the process based on the existing NPPF. Also for addressing the issue of the weight that can be given to Plans adopted under older REGS/NPPF.</p> <p><b>Potential Mitigations</b></p>

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			Monitor policies proposed to be included in NDMP, their content, timeframes for publication; in order to update LP policies accordingly and avoid substantive abortive work and possible additional evidence at a late stage of the process
<p><b>Supplementary Plans (SP)</b></p> <p>The Council will have a new option to produce SP's where policies for specific /group sites need to be produced quickly (. E.g. promote regeneration) or to set out design codes for sites or a whole area.</p> <p>Part of the development plan / same weight.</p> <p>The production and adoption of SP will have to undergo an independent examination, prior its adoption. Future the regulations will provide more details of the process for producing and adopting these.</p>	<p>The NPPF allows the use of SPDs, to add further details to policies. They can provide guidance for a development site or a specific issue (e.g. design) and are a material consideration in decisions but are not part of the development Plan.</p>	<p>The new SP may allow the Local Plan to concentrate on key Strategic issues and address detailed guidance/policies RE design and allocations via SPs at a future date.</p> <p>Unlike SPD's, SPs will have the same weight as a Local Plan in decision making.</p> <p>London Plan SPs will be restricted to addressing design issues. It is unclear whether existing SPD can have any weight</p>	<p><b>Low risk</b></p> <p>This proposal provides an option for Councils to produce SP at future date that will have same weight as a Local Plan. It may potentially speed up the formulation and adoption of a Local Plan, as some issues can be addressed at a future date.</p> <p>However, we would need to review the future regulations and updated national policies in relation to SPs, in relation to the full extent of their content, purpose, the process for producing them and the potential risks for the formulation of an Emerging Local Plan</p>
<p><b>Plan making process</b></p>	<p>The NPPF does not include any specific reference to the timeframes for producing</p>	<p>The potential impact of Local Plan gateway checks is uncertain, as it depends upon factors</p>	<p><b>Low risk</b></p> <p>The abolition of the DTC may potentially have some/limited impact on the timeframes for</p>

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<p>NDMP is proposing that Local Plans should be produced within a 30-month time.</p> <p>Gateway checks are proposed to produce the Local Plan via an independent third party, to ensure any issues are resolved earlier in the process and prescribe time frames for different stages of producing a Plan.</p> <p>The duty to cooperate (DTC) is proposed to be abolished</p> <p>No details have been provided on any transitional arrangements that may apply for older plans submitted/adopted under NPPF, the status of older plans and weight that can be applied to them via decision making.</p>	<p>and adopting a new Local Plan. Weight given to older plans depends on level of consistency with NPPF, stage of plan making process and the extent of any unresolved objections.</p> <p>The Council is currently required to consult and engage with GLA in regard to the general conformity of the Draft Local Plan Policies with the London Plan.</p> <p>Councils have an option of seeking informal non-binding advice at different stages of Plan making process by former/existing Local Plan Inspector via the Planning Inspectorate</p>	<p>like the resources of the independent body/individual undertaking a review of the Draft Plan, its evidence, timetable, as well as the extent of their overall role in process (. i.e. are their comments/issues regarded as advice or is it legally binding for Council to address any issues raised)</p> <p>The abolition of the DTC will have a positive impact on the on the timeframes for producing and adopting a Local Plan, as it removes a legal risk to the Plan making process, even though this may be less for a London Borough compared to are areas outside of the greater London Area</p> <p>If the 30-month timeframe was</p>	<p>producing/adopting a Plan. But it is unclear when the regulations/updated NPPF regarding this will be finalised and if they will apply to Plans that have been already submitted to the secretary of state for an independent examination</p> <p>If the 30-month timeframe is included in the regulations or the NPPF, this may require significant additional resources to complete the new Local Plan at a faster pace.</p>

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		implemented, this may necessitate significant additional resources to complete a new Local Plan faster than currently envisaged.	
<p><b>Infrastructure levy</b></p> <p>A new infrastructure levy, charged as a % of gross development value, when it is sold, is being proposed to replace CIL and potentially S106. The London CIL will continue to apply. The rates for the new levy included in charging schedules is set by local councils and will be subject to an examination.</p> <p>The charging schedules must have regards to previous levels of affordable housing, to ensure their funding is maintained/exceeded. The levy can also be spent on affordable housing</p> <p>There will also be a process that will require developers to deliver some forms of infrastructure (via S 106) that is integral to the development of larger sites.</p>	<p>CIL is charged according to floor space at a predetermined rate for certain developments above a threshold and does not take account of any uplift in the final value of a development</p> <p>S106 is also used to secure funding for specific types of infrastructure to support the development and can be secured alongside CIL</p> <p>An Infrastructure delivery Plan is produced to support the Local Plan</p>	<p>The regulations for the new levy are likely to take time to be published</p> <p>The Government is likely to test the new levy, in partnership with LPAs and resolve any issues with its implementation before it is rolled out nationally.</p> <p>Key concerns with the levy are (1) it may undermine delivery of affordable housing as a trade-off may be required between funding infrastructure or affordable housing. (2) it may impact viability/deliverability as including AH within the</p>	<p><b>Medium risk:</b></p> <p>Similar to the introduction of CIL, the new levy is likely to be introduced gradually, with transitional arrangement that the Government will set out in the future.</p> <p>It is uncertain whether the new Levy will impact the timeframes for producing a Local Plan but depending on when the Plan is submitted to the Planning Inspectorate and when the infrastructure levy regulations are published, the Local Plan Inspector may require the Council to consider the potential implications of it and propose any modification to the Plan, to resolve any potential issues.</p> <p>Currently, there is a high level of uncertainty regarding the timeframes of the levy, the approach for producing it, collecting it and the use of it to fund infrastructure. This could have a potential impact on the deliverability of sites and the viability of Local Plan</p> <p><b>Potential Mitigations:</b></p>

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<p>LPA's are likely to update and adopt new levy, gradually. It is unclear whether the Mayoral CIL may sit alongside this new levy and in what form.</p> <p>The details in regards to the implementation of this will be addressed via future regulations and any transitional arrangements that may apply.</p>		<p>scope of IL may result in setting a higher rate than CIL (3) it may undermine infrastructure delivery as payment will be received when development is complete.</p> <p>The future Levy regulations will confirm how much levy can be charged, when it is payable, how it can be spent and the role S106 may continue to fund and deliver infrastructure.</p>	<p>Monitor: the content of future regulations, levy consultations and the Draft updated National Policy, transitional arrangements (if any), to assess the potential impact of this on Local Plan Policies and Draft them accordingly, if possible (depending on the alignment of timescales).</p>
<p><b>Infrastructure Delivery strategy</b></p> <p>Councils will have a new duty to produce an infrastructure delivery strategy to outline how the levy will be spent, to ensure infrastructure requirement and levy spending requirements are considered carefully.</p>	<p>The CIL regulations require councils to produce an annual report on how much CIL was secured, collected and how it was spent</p> <p>Current CIL regime requires an assessment of infrastructure funding gap, so as to demonstrate why a CIL is required. This requires</p>	<p>Unlikely to have any implications for producing, adopting a new Plan.</p> <p>This may create issues for demonstrating the deliverability of a Local Plan, as there will be a greater uncertainty regarding income (as dependent on land value increases) and</p>	<p><b>Low risk</b></p>

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	an assessment of the required infrastructure and its cost, as well as known funding sources; this is essentially an infrastructure delivery strategy	payable upon completion (making forward funding of infrastructure required to support the Local Plan more difficult).	
<p><b>Neighbourhood priority statements (NPS)</b></p> <p>This a simplified 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.</p> <p>No details have yet been provided of when the new regulations for NPS may come into force, the NPPF will be updated and how councils are required to demonstrate compliance with this, and if any transitional arrangements will apply.</p>	<p>Councils are required to consult and take into consideration the comments/issues raised by communities, at each stage of the Plan making process.</p> <p>Further, community groups in partnership with other stakeholders, have an option of preparing a Neighbourhood Plan, which can form part of the Development Plan.</p>	<p>The process for considering NPS is likely to be similar to assessing consultation responses.</p> <p>This proposal may potentially increase the timeframes for producing a Draft Plan, depending on factors such as when the updated regulations come into force, the quantity of NPS, their content, the action required to demonstrate NPS have been considered.</p>	<p><b>Low/medium risk</b></p> <p>If the regulations regarding NPS come into force, before the Local Plan is submitted, any statement may need to be considered when the Plan is drafted.</p> <p>Alternatively, the Plan is submitted before the regulations come into force, the plan it may not be required to take NPS into account.</p> <p><b>Potential Mitigations</b></p> <p>Monitor content of future regulations, National Policy, any NPS's (if produced) and amend Local Plan approaches and content in line with these, depending on alignment of timescales of above.</p>
<p><b>Sustainability Appraisal</b></p> <p>SEA regulations will be replaced, and an SA will no longer be required for Local Plans.</p>	<p>A SA is required to assess the potential impacts of Local Plan policies/allocations against a set of locally derived economic, social,</p>	<p>The proposal for the new Environmental Statement includes no reference to the need to assess potential social and economic</p>	<p><b>Medium/high</b></p> <p>The proposal for Local Plan Environmental Assessment may result in some or significant delay in the formulating and adapting a Local Plan, depending on factors such as when the</p>



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<p>A new simpler environmental assessment will be required, to inform local Plan policies. This approach will focus on clear, tangible environmental outcomes set by the government, which plans will be assessed against and used to identify whether any measures are required to mitigate and avoid any harm to the environment.</p> <p>There is uncertainty in relation to when the new regulations may come into forces, when the NPPF may be updated and any transitional arrangements that may apply.</p>	<p>and environmental objectives and include measures to mitigate/minimise any potential adverse impact, at each stage of the Plan making process. It also tests the reasonable alternatives of policies, strategies and whether the Plan's preferred approach is the most sustainable. It is time consuming and can result significant delays in producing and adopting a Local Plan</p>	<p>impacts/ outcomes of a Draft Plan. It is unclear whether Local Plan will need to separately assess the potential economic, social impacts of policies.</p> <p>It is unclear how it can be demonstrated that any potential adverse outcomes of an allocation on the environment that can be difficult to mitigate are outweighed by the potential economic and social benefits, to promote sustainable development</p> <p>All the nationally set environmental outcomes may not apply to the area and there is no scope to set local outcomes.</p> <p>This may result in some delay in producing, adopting a Local Plan, as the Council would</p>	<p>new regulations may come into forces, when the NPPF may be updated and any transitional arrangements that may apply, as well as whether any new measures would apply to submitted Plans or Plans in the early stages of the process.</p> <p>The New Environmental Assessment may result in a significant level of abortive work, as sustainability Appraisal is undertaken at each stage of the process, to inform the Plan. There may also be cost implications of any changes in the process</p> <p><b>Potential Mitigations</b>  Monitor the content of future regulations, Environmental Assessment consultations and the Draft updated National Policy, transitional arrangements (if any), to assess if there is mandatory requirement for an Environment assessment for a Local Plan or whether it is acceptable for submitted Plans to be informed by an SA. Any new guidance/regulations for an Environmental Assessment would need to be analysed, to ensure compliance (if necessary). An assessment of the potential impact of the former may need to be taken. The content of Local Plan Policies may need to be drafted in line with the Environmental assessment findings/ recommendations, if possible (depending on the alignment of timescales).</p>

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		need to assess the full requirements of this key piece of evidence, its implications for the Plan	
<p><b>Five-year land supply:</b></p> <p>It is proposed that LPA will no longer required to maintain a five-year land supply of deliverable sites, where Plan is up to date (adopted in last 5 years).</p> <p>This seeks to incentivise plan productions and prevent speculative development via appeal.</p>	<p>Councils are required to demonstrate that a five-year land supply of deliverable housing sites will be maintained throughout the Local Plan period.</p> <p>Developers can challenge the 5YRLS of adopted Plans and if successful the presumption in favour of sustainable development applies. This makes it easier for unplanned development to gain consent via an appeal route.</p>	<p>This proposal may provide an incentive for Councils to update their Plans more frequently, to prevent speculative applications. This may result in a higher level of Local Plan submissions for an independent examination.</p> <p>This may increase pressure on the resources of the Planning Inspectorate and result in a delay for examining the soundness of Submitted Draft local Plans</p> <p>The Local Plan inspector is likely to scrutinise the deliverability of sites at</p>	<p><b>Medium Risk</b></p> <p>This proposed change may result in delays to the production and adoption of the Draft Plan. Key reasons are a higher level of sites may be promoted via the Local Plan process. it may increase the pressure on PINS resources as Inspectors may be unavailable due to higher level of Local Plan submissions and the length of examinations. The 5YLS is likely to be the subject of a higher level of scrutiny by all stakeholders, particularly developers/promoters.</p> <p><b>Potential Mitigations</b></p> <p>Ensure effective engagement/consultation with landowners/developers via a SHLAA call for sites and Local Plan process, to ensure awareness/assessment of all potential sites at an early stage of the plan making process. Produce thorough background topic papers for; site selection process, the five-year land supply, SHLAA, viability, etc, to avoid further work/consultation, risk of a challenge or delay at late stages of process. The council may need to engage with PINS regarding timeframes for submission/examination of the Plan.</p>

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		<p>a and the 5YRLS at a more thorough level</p> <p>Landowners/ developers are more likely to promote their sites for allocations and challenge the 5YRLS via the Local Plan examination process, to ensure their site is allocated.</p>	
<p><b>Housing Need</b></p> <p>The housing need figure identified by the standard methodology is proposed to be an advisory starting point, as a guide and not mandatory on Local Plan Authorities (LPA). The Local Plan housing target will be determined on how many homes can be built, taking account of constraints such as the Green Belt, the areas character (including density), heritage assets, etc.</p> <p>It is proposed that LPAs should not be expected to build developments at densities that would be wholly out of character with existing areas, or which would lead to a significant change of character. E.g. new high-rise flats</p>	<p>The NPPF states that “to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends &amp; market signals”(para 61)</p>	<p>This proposed is unlikely to have any implications for the timescales for formulating a Local Plan.</p> <p>The Mayor sets the Borough housing targets. The London Plan (2021) Inspector report noted the LPA housing targets are based on capacity and an early review is needed to set these based on need &amp; there was no requirement for LPA Local Plans to set their housing targets</p>	<p><b>Low risk</b></p> <p>This is unlikely to impact the timescales for formulating a Local Plan, as the Mayor sets the Borough housing targets through the London Plan and Local Plan housing targets are based on the housing capacity (rather than housing need), taking account of the areas constraints (. i.e. Green Belt, infrastructure, etc).</p> <p>The proposal to limit the role Planning Inspectors play in determining the inclusion of an appropriate housing target within a Plan, based on an assessment of constraints, may decrease the time scales for adopting a sound Local Plan and a risk of legal challenge.</p>

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<p>which are entirely inappropriate in a low-rise neighbourhood. Although urban areas are expected to accommodate more housing, in contrast to more rural areas.</p> <p>It is proposed Local Plan Inspectors should not over-ride sensible Local Authority decisions, which are sensitive to and reflect constraints.</p> <p>Government is intending to undertake a NPPF consultation on changes such as how housing need should be calculated, how targets can take account of housing density and areas character</p>	<p>The London Plan (2021) set the Borough 10-year housing delivery targets for Local Plans. A target beyond this period to cover the life of Local Plan (15-20 years) is based on the housing capacity of sites and assessment of constraints.</p> <p>London Plan Policy D1 already requires LPAs to undertake a character assessment, taking account of densities, to assess the area's growth capacity, to inform their Plan</p>	<p>based on the standard methodology. Borough Local Plan housing targets are based on the London Plan targets and local evidence of capacity, taking account of constraints.</p>	
<p><b>Protection of Green Belt</b></p> <p>Govt is proposing to strengthen Green Belt protections, with “new guidance setting out that LPA are not required to review green belt to deliver homes”</p> <p>The Government is also seeking to incentivise the development of brownfield land via new funding for unlocking these sites. Further consultation is proposed for identifying</p>	<p>LPA's can only review Green Belt boundaries via the production of their Plan in exceptional circumstances. To justify changes to the Green Belt boundaries, LPA must demonstrate they have explored alternative options for meeting their needs like increasing densities, utilising</p>	<p>This will speed up the timeframes under which a Local Plan is formulated and adopted, as it will reduce the need to undertake a Green Belt Review, assess whether sites should be released from the Green Belt and allocated to meet future</p>	<p><b>Low risk</b></p> <p>This proposed measure is likely to have a positive impact in the timescales for producing, adopting a Local Plan, as no evidence would be required to assess whether any Green Belt sites should be allocated, their locations, potential impacts of this and whether any mitigation measure are required to minimise any potential adverse impacts.</p>

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<p>measures to increase delivery of housing on brownfield sites and small sites.</p>	<p>brownfield sites, etc (para 141, NPPF)</p>	<p>needs, as well as assess the potential impact of allocating Green Belt Sites.</p>	<p>It is however noted that Harrow has not reviewed its Green Belt boundaries since 1986. In that time there are likely to have been planning permissions granted within the Green Belt which mean that in some areas the Green Belt boundary may no longer be clearly defined, having regard to physical features that are readily recognisable and likely to be permanent, as required by the NPPF. Such issues maybe challenged at Examination notwithstanding any changes proposed by the Government.</p>
<p><b>Tests of soundness</b></p> <p>Government indicates a review will be undertaken on how Local Plan Inspectors apply the tests of soundness at Local Plan examinations. It is suggested plans will no longer demonstrate they are 'justified' by evidence. This aims to reduce the bar to demonstrate the soundness of a Plan and the need to provide a disproportionate amount of evidence.</p> <p>It is unclear; on whether this test may be retained in a revised form or replaced with a new test; the level of evidence that may be required to support policies in a Plan and whether the preferred strategy for policies</p>	<p>To demonstrate that a Local Plan is sound at examination, an independent inspector will assess it against a number of tests such as whether (1) It is positively prepared (. i.e. meets the area's needs) (2) Justified (. i.e. an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence). (3) effective (. i.e. deliverable) (4) Consistent with national policy</p>	<p>It is uncertain how this proposed change may impact the timescales for producing a Local Plan. Key reasons are Local Plan policies will need to be supported, informed by some form of evidence and the consistency test within the NPPF may still assess if the policies are informed by evidence. It is unclear if the preferred strategy for policies will need to assess reasonable alternatives. The Local Plan will need to be in conformity with the</p>	<p><b>Low risk</b></p> <p>The Justified test may be reviewed, to potentially reduce the disproportionate level of evidence that may be required to support the policies within a Local Plan, but the potential impact of this on the timescales for formulating a Plan are uncertain. Key reasons are the revised/updated NPPF is still likely to require policies to be supported by evidence in one form or another, the NPPF consistency soundness test is still likely to assess if policies are supported by evidence and the need for Plan to be in conformity with the London Plan is also likely to require local evidence. It is unclear if the justified test may be retained in the NPPF in a revised form.</p> <p>Conversely, if the updated NPPF deletes reference to the justified test of soundness and</p>

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must be based on any assessment of reasonable alternatives.		London Plan and evidence will be required to demonstrate this.	reduces the need for evidence in reference to the specific policies of it, this may potentially speed the timescales for formulating and adopting a Plan.
<p><b>Built out rates</b></p> <p>The Government is seeking to ensure that sites that have permission are implemented, built out more quickly, as well as reduce speculative applications and land banking. Key measures proposed in relation to this are a requirement for developers with permission to report progress on built out rates, new powers for LPAs to refuse permission who have built out slowly in past, ensure LPA's who granted permission are not punished if developers fail to build out sites, consultation on the introduction of a new financial penalty.</p>	<p>LPA's monitor the build out rates of permitted sites, to demonstrate a 5YRLS of deliverable sites and meet the delivery test (. i.e. housing delivery below 75% of the target over 3yr period). If LPA's fail to meet these tests, a presumption in favour of sustainable development applies and housing applications are considered favourably (unless -ves &gt; +ves). A high level of robust Local Plan evidence is needed to demonstrate housing allocations, other supply will be deliverable and maintain a 5YRLS.</p> <p>The supply of specific deliverable sites are required to include 20% buffer if there is significant under delivery</p>	<p>This may potentially have some impact on the level of sites submissions for potential allocation via the Plan making process, as it may be become more difficult to gain permission for speculative applications and costly to land bank.</p> <p>It may make it easier to monitor implementation of site granted permission for housing, as developers would be required to report progress on build out rates of sites</p> <p>If the housing delivery test is scrapped from NPPF, this may reduce the level of evidence that may be required in regards to whether developers built out</p>	<p><b>Low risk</b></p> <p>The potential scrapping of the housing delivery test and new measures for LPAs to increase the built-out rates of permitted housing sites may reduce the level of evidence required to support potential housing allocations and demonstrate they are deliverable, as well as reduce the need for a 20% increase in buffer sites. This may potentially speed up the timeframes for formulating and adopting a Plan.</p>

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	<p>of housing over past 3yrs (. i.e. &lt; 85%).</p> <p>LPA's are unable to refuse permission based on past built out rates, impose financial penalties for slow build out rates.</p>	<p>rates will ensure compliance with the delivery test.</p>	

**Planning and Infrastructure Bill (Growth Plan): Risk assessment for producing and adopting the Harrow Local Plan**

**Potential timeframes for the Bill and associated consultations:**

Former Prime Minister Liz Truss Government's Mini Budget proposed a Growth Plan, which included an intention to introduce a new "Planning and regeneration Bill" (PRB) proposing new measures to boost the delivery of major infrastructure projects and economic growth. Experts are unclear as to whether the bill will re-package reforms that are already underway in the Levelling Up and Regeneration Bill, and whether Prime Minister Rishi Sunak will decide to go ahead with the reforms or distance himself from his predecessor. No dates have been set for discussing the measures in Parliament and house of Lords.

**Level of risk for Local Plan timeframes:**

**High:** Potential for long delays; **Medium:** Potential some delay **Low:** Potential for low/no delay

Key changes proposed	Different between existing process/policy	Potential implications	Potential risk to time frames for producing, adopting a Local Plan and potential mitigations
<p><b>Investment Zones (IZ)</b>            These are designated development sites which will release more land for housing and commercial development. They are proposed to be low tax (although 100% of business rates will be paid by gov't for 25yrs), low planning control/regulation to boost development. The detail of the deregulation including streamlined processes for securing planning permission has not been set out. Councils will be responsible for putting forward sites, demonstrating their potential impact on economic growth, including by bringing more land forward and accelerating development.</p> <p>The Chancellor's Autumn Statement confirmed the approach to IZ will change to focus on "leveraging our research strengths by being centred on universities. It seeks to catalyse on the highest potential knowledge-intensive growth clusters. No mention of easing planning controls, environmental standards, or housing.</p>	<p>The NPPF allows Councils to produce a Local Development Order (LDO). This sets the planning framework for areas or categories of development where the impacts would be acceptable (. i.e. grants permission for specific development/ classes of it).</p> <p>The London Enterprise Partnership that Harrow is part of; can designate employment areas as enterprise zones, which are low tax, low planning control area via a LDO (. i.e. like IZ).</p>	<p>Unlikely to impact the timescales for the formulation of a Local Plan. The strategy for promoting economic development is likely to involve the redevelopment or intensification of existing employment land &amp; not the release of greenfield sites due to existing Green Belt constraints. It is unclear if the areas employment sites would meet the criteria for IZ designation.</p>	<p><b>Low:</b> Harrow's future land availability is likely to be confined to the existing built-up area. The delivery of new employment areas is constrained by the Green Belt and metropolitan open land. The Local Plan strategy is most likely going to consist of protecting/enhancing existing employment land, and the redevelopment and intensification of it to attract investment, create jobs, and promote economic growth.</p> <p>It is uncertain whether the potential strategy of promoting the redevelopment/intensification of existing employment land, with multiple owners, within fragmented locations, which may partially/completed developed in the medium/long term time frame (6-10, 11-15yrs) would meet the criteria for designating IZ (bringing forward land, accelerating development and demonstrating its impact on economic development).</p>



Key changes proposed	Different between existing process/policy	Potential implications	Potential risk to time frames for producing, adopting a Local Plan and potential mitigations
<p><b>Infrastructure Delivery:</b> The infrastructure and planning bill seeks to reduce planning restrictions, and EU environmental regulations (. i.e. environmental assessments, proportionate consultation, habitat, and species regulations) to boost infrastructure (including wind farms) delivery and growth.</p> <p>No details are provided in regard to whether these proposals within the bill will be instead of or in addition to the existing proposals in the Levelling Up and Regeneration Bill (. i.e., replace Environmental impact assessments and sustainability appraisals with environmental outcomes assessment).</p> <p><b>Nationally Significant Infrastructure Planning system (NSIP):</b> Intention to review the Development Consent Order Process via the NSIP to speed up the delivery of priority infrastructure and growth. No details provided of what key issues may be investigated and improved.</p>	<p>Proposals for new infrastructure via Local Plan processes are required to assess their environmental impact via a Sustainability Appraisal (including a Habitats Regulation Assessment) and mitigate if required. The SA and HRA require consultation.</p> <p><b>NSIP:</b> Certain major infrastructure projects above a threshold are submitted to the Planning Inspectorate. The Council submits a representation on the impacts of the project. An Inspector makes a recommendation on whether it should be approved (or not) to the Secretary of State. There are legally set timescales for each stage.</p>	<p>It is unclear what measures may be introduced to reduce planning and environmental restrictions to speed up infrastructure delivery. It is uncertain if this refers to measures being proposed under the Planning and Regeneration Bill (environmental outcomes report replacing need for Local Plan Sustainability Appraisal) or new measures to complement this. This may result in some delay in producing and adopting a Local Plan, as the Council would need to assess the full requirements of this key piece of evidence.</p>	<p><b>Low:</b> The Borough is largely made of built-up areas with tight boundaries, surrounded by Green Belt. The scale and location of future growth is likely to rely on existing/enhanced infrastructure rather than strategic new provisions. Although, the review may reduce the risk of a judicial review of Local Plan policies seeking to allocate sites for new/enhanced infrastructure.</p>

Key changes proposed	Different between existing process/policy	Potential implications	Potential risk to time frames for producing, adopting a Local Plan and potential mitigations
<p><b>Judicial Review:</b> The Government intends to examine the Judicial Review System (JRS) to avoid claims which cause unnecessary delays to the delivery of infrastructure. It is unclear whether the scope of the review may be extended to Local Plans.</p>	<p>Currently, stakeholders have a 6-week timeframe, to apply to legally challenge a decision made by the Council and Courts decide if hearing should take place/or not.</p>	<p>This may make it easier to allocate sites or include policies for new/ enhanced infrastructure, as long as process is followed. Unclear if the new measures will apply to Local Plans or mainly decisions on major infrastructure</p>	<p><b>Low:</b> It is unclear whether the review of the JRS will apply to Local Plan proposals for major infrastructure decisions and approvals, or the adoption of all Local Plan policies. It may have a positive impact on the timescales for formulating a Plan, as it could reduce the risk of legal challenges to its content.</p>
<p><b>Disposal of surplus public sector land:</b> Intends to encourage the sale of land and allows greater flexibility to re-invest the proceeds of land sales to public services.</p>	<p>Guidelines are outside the scope of planning policy</p>	<p>Increases the incentive to dispose of Council owned land, depending on the new guidelines.</p>	<p><b>Low:</b> This is unlikely to have any potential impact on the timescales for producing a Local Plan. It may increase the rate at which council owned sites are delivered.</p>