

Meeting:	Cabinet
Date:	18 December 2008
Subject:	Local Development Scheme – 2008 Revision
Key Decision:	Yes
Responsible Officer:	Andrew Trehern Corporate Director Place Shaping
Portfolio Holder:	Cllr Marilyn Ashton - Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix 1 – Revised Local Development Scheme Appendix 2 – Recommendation from the LDF Panel

Section 1 – Summary and Recommendations

This report identifies the need to amend the existing Local Development Scheme (LDS) to specifically reflect: (i) the new timing for producing the Joint Waste Development Plan Document, (ii) the introduction of a Harrow Town Centre Design Guide SPD; and (iii) recent changes to planning legislation and allow more time to prepare a robust evidence base for the Core Strategy.

Recommendations:

That Cabinet approve the revised Local Development Scheme for submission to the Government Office for London and the Greater London Authority.

Reason: (For recommendation)

1. To allow more time to prepare a robust evidence base for the Core Strategy and ensure the Council stands the best possible

chance of the Core Strategy being found sound by the planning inspectorate at an examination in public and avoid unnecessary delays in the adoption of the Core Strategy.

2. To ensure the LDS accurately reflects the key milestones and delivery targets for development plan documents (such as the Joint Waste DPD and Core Strategy DPD).

3. To ensure interim design guidance is developed to help manage development pressure on Harrow Town Centre, whilst the LDF core strategy is being prepared for submission to the Secretary of State.

4. To ensure the Council receives the maximum possible amount of funds from the Government through the Housing and Planning Delivery Grant for the plan-making, by having an up to date Local Development Scheme.

Section 2 – Report

1. The report details the following:
 - A. Background
 - B. Summary of proposed amendments to the local development scheme
 - C. Implications and risks of the recommendations
2. This report has been amended to include recommendations by the LDF Panel at the meetings on the 2 September, 29 October 2008 and 27 November 2008. As well as an earlier report to Cabinet on the 18 September 2008.
3. The earlier draft reports recommended the LDS be amended:
 - a) to reflect the new timing for producing key development plan documents (DPDs) and supplementary planning documents (SPDs)
 - b) to introduce the intention to carry out a Harrow Town Centre Design Guide SPD
 - c) to reflect recent changes to national planning legislation made by the Government and the impact this will have on the Council's Local Development Framework process.
4. The final LDS is subject to the approval of both the Government Office for London and the Greater London Authority.

A. Options Considered

5. Given the changes to national legislation and planning guidance the existing LDS (2007) time line is not

achievable. This report has not identified any other options to assist the Council to achieve the development of sound local plans. Updating the LDS is a statutory requirement and this report proposes the Council amend the existing LDS (2007).

B. Background

6. In a recent meeting between Council officers and GOL (November 2008), GOL reinforced the need for the Council to focus on the delivery of the Core Strategy above all other local development documents (specifically to ensure SPD documents are not prioritised over the Core Strategy). Additionally, GOL reinforced the need to ensure that the Council's evidence base was up-to-date, complete and takes account of the government's recent guidance, prior to submitting the final core strategy to PINS.
7. GOL recognised the importance of ensuring that more time is allocated to the development of the core strategy. However, GOL stressed that any lengthy delays in submitting the core strategy could mean that the evidence base becomes out of date. This would lead to considerable additional cost for the Council to update. Any extension to the production of the core strategy needs to be balanced against this requirement.
8. Over the last year the Council has been working hard to progress the development of the Local Development Framework (LDF), specifically the Core Strategy Development Plan Document and various Supplementary Planning Documents, within the current LDS timetable. The Council has successfully consulted on:
 - Core Strategy Draft Preferred Options (6 June – 25 July 2008)
 - Draft Sustainable Building Design SPD (16 October – 13 November 2008)
 - Draft Accessible Homes (Revision) SPD (16 October – 13 November 2008)
9. In addition significant progress on developing the Planning Obligations SPD has also been made. As well as, early consultation on the West London Joint Waste DPD.
10. To support the development of the Core Strategy, considerable progress has been made on completing the evidence base, such as:
 - engaging Mouchel (the Council's preferred supplier) to carry out a strategic transport assessment (to be finalised)
 - engaging Sport England to carry out an assessment of swimming pool and indoor sports facilities (to be finalised)

- engaging MWH in liaison with the Environment Agency to carry out a Strategic Flood Risk Assessment (to be finalised)
- carrying out a borough wide built character assessment (officer assessment)
- carrying out an initial study into strategic sites within Harrow (to be finalised)

Why change to the key LDS timeframes is needed?

11. Recent changes to the planning legislation and national guidance are having a significant impact on the scope and detailed information required before plans can be adopted, particularly the Core Strategy and other development plan documents.
12. Previously, national planning guidance for the Core Strategy directed Local Authorities to produce a succinct dynamic document that set out a long-term strategic vision and spatial options for where future growth would be promoted. However through recent changes to the planning system, the Government has given a very clear steer that it expects local plans (particularly Core Strategies) to demonstrate:
 - viable growth areas - GOL considers the Council's two growth options identified in the Core Strategy Preferred Options are viable. However, greater detail is required to demonstrate the level of growth expected, services , facilities and infrastructure needed to support growth within strategic sites for delivery in the borough.
 - that growth is deliverable – particularly that strategic locations for future development are clearly identified and information is provided on the amount and mix of growth that could be accommodated, as well as the necessary infrastructure required to support growth
 - that the Council has actively engaged with delivery stakeholders including private land owners, developers, stakeholders and infrastructure providers (TfL, PCT, Police, Three Valleys, Thames Water, etc) and neighbouring boroughs to ensure sites for development are available, the necessary infrastructure is assessed and provided for in future plans and cross boundary issues are taken into account
13. To avoid unnecessary delays in the adoption of the Core Strategy and other planning documents, it is essential that the Council ensures it is able to demonstrate delivery, both development within the borough in areas where people want

to live and work, as well as the necessary infrastructure and services needed to support this growth.

14. The amendments to the LDS are intended to ensure the delivery of a robust planning framework for the borough. Supplying greater detail to ensure a more complete evidence base to inform the Core Strategy is slowing down progress. This is because the Council is required to prepare new and update existing evidence. However the result of this extra work on the evidence base will be policies that are more deliverable. Ultimately this will ensure that the Core Strategy and subsequent DPDs have a better chance of being found sound by the PINS Inspector¹.
15. There is always the risk that the Core Strategy may be found 'unsound' and the Council directed to restart the process. However as noted above, the in-house work currently underway should reduce the risk of this happening.

C. Summary of proposed amendments to the local development scheme

16. To ensure the Council stands the best possible chance of the core strategy and other planning documents being found sound by the Planning Inspectorate at an examination in public, the following changes to the LDS are proposed:
 - a) it is revised to ensure more time is provided to prepare the evidence base to prove the core strategy is robust, according to recent changes by the government to planning legislation and guidance
 - b) it is amended to include the revised timeline for the production of both DPDs and SPDs (specifically the core strategy, the joint waste DPD the planning obligations SPD as well as the future start date for the development management policy, site allocation and proposal map DPDs)
 - c) it is amended to include two new SPDs for the Harrow Town Centre Design Guide SPD and an Allotments and Trees SPD
 - d) other changes to the format and content of the LDS document have included a focus on clarifying and simplifying sections of the document to avoid confusion or

¹ The Planning Inspectorate (PINS) acts on behalf of the Secretary of State and assesses the quality of planning documents, at a 'hearing' referred to as an Examination in Public (EIP). An EIP is a public process and a Planning Inspector considers issues raised in public responses, the quality of the evidence base and conformity with legislation and other plans. At the end of the examination, the Inspector makes a binding recommendation to the Secretary of State, either to approve (find a plan sound) or not.

repetition. Care has been taken to make this document more succinct and user friendly.

- e) to provide an update on progress on documents produced or currently in production.

17. The revised LDS is enclosed as appendix 1

D. Implications and risks of the recommendation

18. The following tables summarise the key implications and risks of the recommendations:

- 1. Risk included on Directorate risk register?
Yes
- 2. Separate risk register in place? Yes

19. To mitigate the risk of the core strategy being found unsound, the following tables summarise the key risks & issues and achievements & comments that are anticipated to arise from recommendations:

A. Specific Planning Implications	
1. New SPDs	<p><i>Issue: Producing new supplementary planning documents (SPDs).</i></p> <p>Comment: In officer level discussions with the GOL, GOL are extremely concerned with the impact any new SPDs will have on:</p> <ul style="list-style-type: none"> 20. the delivery of the Core Strategy, 21. the diversion of resources (officer time and financial) from delivering the Core Strategy. <p>The approval of GOL is highly recommended prior to the development of any new SPDs. GOL have already identified that any new SPDs, should support existing policies in the UDP, and ideally be consulted on at the same time or after the Core Strategy (in order to demonstrate the deliverability of proposed core strategy policies).</p>
2. Locally distinct policies	<p><i>Issue: Policies not considered locally distinct.</i></p> <p>Comment: The revised LDS timetable will allow officers more time to better develop local distinct polices for the final growth option areas, specifically strategic growth</p>

	<p>sites, Harrow Town Centre and identified district centres in the core strategy.</p>
<p>3. Clarifying the evidence base</p>	<p><i>Issue: Need to investigate wider implications of growth options on the Borough.</i></p> <p>Comment: Officers will have more time to ensure the evidence base is comprehensive and robust to withstand the scrutiny by the planning inspectorate at the core strategy examination in public. This will enable the Council to defend its plan and provide the necessary evidence to prove it is deliverable, in line with new Government guidance.</p>
<p>4. Revised LDS Timetable</p>	<p><i>Issue: Not updating the existing LDS.</i></p> <p>Comment: Taking action to revise the timetable will ensure the submitted core strategy better complies with the national planning guidance.</p> <p>The examination in public is likely to take place late in 2011/early 2012 (subject to approval by the Planning Inspectorate). Once submitted, the Core Strategy cannot be amended, unless by the inspector at the conclusion of the examination in public.</p>
<p>5. Reliance on the existing UDP</p>	<p><i>Issue: Continuing to use the existing policies in the UDP² to manage the impact of development in Harrow.</i></p> <p>Comment: By adopting the core strategy it will provide greater guidance within the future growth areas to enable the Council to better manage the impacts of development.</p> <p>However, until the core strategy is adopted detailed control policies cannot be introduced to replace the UDP in its entirety. Therefore, the production of a Harrow Town Centre Design Guide SPD will assist with managing the aesthetic impacts of development during the interim period.</p>

² On the 28 September 2007, the Secretary of State directed the Council to delete 56 policies listed in the UDP, because they either repeated and / or are inconsistent with national or regional policy. The remaining policies are referred to as 'saved policies'. These policies are saved for a 3-year period (up to September 2010). The Council will continue to rely on policies in the London Plan to fill any policy gaps in the UDP, as per the deleted policies in 2007, or any updated national policy guidance.

6. Housing and Planning Delivery Grant (HDPG)	<p><i>Issue: Maximising the financial grant (HDPG) available to the Council based on the existing LDS.</i></p> <p>Comment: To maximise the amount of grant available to the Council through the national HDPG, it is essential that plans are developed in accordance with the LDS. Failure to deliver planning documents within the agreed LDS timeline will mean a reduction in the amount of the HPDG.</p> <p>In the 2008/09 provisional HPDG allocation, Harrow Council has been awarded £132,000. Therefore, to continue to maximise the future amount of funding available to the Council through the HDPG, the LDS needs to be updated to reflect the Council's new updated timeline.</p>
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B. Wider Council Implications	
1. Financial	<p><i>Issue: Increasing costs to fund robust evidence base.</i></p> <p>Comment: Given ongoing budget constraints, the ongoing costs of preparing the core strategy (including the evidence base) need to be contained within the current and future approved Planning Budget, given the high costs involved in preparing a robust evidence base.</p> <p>Given the credit crunch and ongoing cost saving measures, the full cost of producing any new SPD will need careful consideration, to ensure the budget needed to prepare the Core Strategy is not negatively affected.</p>
2. Staffing/ workforce	<p><i>Issue: Retaining policy-planning staff.</i></p> <p>Comment: Retention of experienced staff</p>

It is implied that plans under the 'new' planning system would be implemented as soon as possible, replacing existing UDP policies. However, given the timeframe to introduce new planning controls, it is likely that the remaining UDP policies will need to be saved for a further 3-year period. Therefore, to save policies beyond the expiry of the 3-year period, Harrow Council will need to seek the Secretary of State's agreement to issue a direction to save them.

	<p>continues to remain a national challenge.</p> <p>The Planning Policy team is currently significantly understaffed (with 1x team leader and 1x team member). The recruitment of 2x team members is currently underway and it is hoped any new staff will be able to join the team early in 2009.</p> <p>In addition, the existing team leader has resigned and recruitment for a suitable replacement is underway. It is hoped that an appointment will be made prior to Christmas and that there may be a short hand over period to minimise any delay to the LDS timetable.</p>
3. Equalities impact	<p><i>Issue: Ensuring the core strategy meets the Council's equality needs.</i></p> <p>Comment: The production of the documents included in the Local Development Framework will involve all sections of the community, and the documents will address the needs of the different groups within Harrow's diverse community in line with the Statement of Community Involvement.</p> <p>Additionally, the Council will continue to engage with all sectors of the community to attempt to ensure their issues and concerns are reflected in the final Core Strategy.</p>
4. Impacts of changes to legislation etc	<p><i>Issue: Ongoing changes to national planning legislation and guidance.</i></p> <p>Comment: The changes to national and regional planning legislation and guidance are outside the control of the Council. As changes occur, the Council will need to assess the impact and whether any additional work is needed to ensure existing documents comply with national and regional requirements.</p>
5. Community safety	There are no specific implications.

C. Planning Policy Opportunities

1. Updates to	<i>Issue: Review of the London Plan</i>
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the London Plan	<p>Comment: The new Mayor of London has identified that he intends to change the London Plan to:</p> <ul style="list-style-type: none"> - reduce the emphasis on regional targets - setting a regional amount of affordable housing to be delivered (as opposed to a percentage) - support historic landmarks and local character - reduce crime through better built design - stretch the targets to reduce London's carbon footprint, introduce carbon reduction targets (as opposed to specify technologies) <p>The revised LDS timetable will allow officers more time to better develop local polices to take account of the regional planning direction change.</p>
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i. Financial Issues

22. Costs will need to be met from existing budgets for the preparation of the Core Strategy. The cost implication relating to the preparation of any additional SPDs will need to be carefully considered to ensure it does not negatively impact on the budget for the delivery of the Core Strategy. Any additional costs that may arise from policy changes will need to identify an additional budget.

i. Legal Comments

23. 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.
24. The LDS (and any revisions to it) must be submitted to the Secretary of State and the Mayor of London for approval.
25. Both the Secretary of State and the Mayor of London can direct that changes be made to the LDS and until these changes are effected the LDS cannot be implemented.

i. Performance Issues

The following table summarises relevant planning performance indicators;

Performance Check Key Questions				
Which performance indicators will be impacted by the proposal?			Current performance of indicators 08/09	Comments on the potential impact of how the core strategy can impact relevant indicators
Planning Performance		Description		
Indicator type	Ref			
Housing and Planning Delivery Grant		Plan making, joint working, housing delivery	2008/09 - £132,000 2007/08 - £55,000 Money awarded to Harrow on basis of HPDG for policy plan making categories.	Updating the LDS will ensure that the Council receives maximum funds from the HPDG.
What is the current performance of these indicators?		The Core Strategy will not improve the performance of the borough against the national indicators alone, but will help to better integrate borough policies from other directorates within planning policy. Thereby, helping to promote a positive spatial planning outcome.		
What impact will the proposal have on those indicators and key lines of enquiry?		By carrying out a Harrow Town Centre Design Guide SPD the Council will be able to introduce more specific planning controls to better manage the potential visual impact of new development on the town centre and address the relevant corporate priority. Additionally, to ensure the core strategy is robust and complies with recent government planning guidance, more time is required to gather a stronger evidence base. The preparation of a SPD would help to strengthen the core strategy by demonstrating local distinctiveness and deliverability, as well as helping to mitigate the visual impact of new development, until the core strategy is adopted.		
How much will the current performance be improved or other negative effects be mitigated?				
What is the potential impact on the CAA position?		The LDS is the timeline that identifies how the Council will achieve the Government's place shaping agenda. Amending the LDS will enable the Council to prepare the necessary plans on a realistic time scale and continue to achieve well against the national 'place shaping' targets in the Housing and Planning Delivery Grant.		

Section 3 - Statutory Officer Clearance

Name Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer Myfanwy Barrett
Date: 8.12.2008		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer Hugh Peart
Date: 3.12.2008		
Name: Tom Whiting	<input checked="" type="checkbox"/>	on behalf of the Divisional Director of Strategy and Improvement
Date: 9.12.2008		

Section 4 - Contact Details and Background Papers

Contact: Deborah Ganley, Senior Professional Policy Planning,
Development and Enterprise, phone 02087366082

Background Papers:

Cabinet report on;

- 18 September - refer to Agenda Item 18 on web link -
[http://www2.harrow.gov.uk/Published/C00000249/M00004135/\\$ADocPackPublic.pdf](http://www2.harrow.gov.uk/Published/C00000249/M00004135/$ADocPackPublic.pdf)

LDF Panel reports on;

- 2 September - refer to Agenda Item 6 on web link -
[http://www2.harrow.gov.uk/Published/C00000784/M00004214/\\$ADocPackPublic.pdf](http://www2.harrow.gov.uk/Published/C00000784/M00004214/$ADocPackPublic.pdf)
- 29 October 2008 - refer to Agenda Item 6 on web link -
[http://www2.harrow.gov.uk/Published/C00000784/M00004545/\\$ADocPackPublic.pdf](http://www2.harrow.gov.uk/Published/C00000784/M00004545/$ADocPackPublic.pdf)
- 27 November 2008 - refer to Agenda Item 7 on web link -
[http://www2.harrow.gov.uk/Published/C00000784/M00004216/\\$ADocPackPublic.pdf](http://www2.harrow.gov.uk/Published/C00000784/M00004216/$ADocPackPublic.pdf)