

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	Unitary Development Plan Advisory Panel
<b>Date:</b>	18 March 2004
<b>Subject:</b>	Progressing the HUDP, and preparation for the Local Development Framework in Harrow
<b>Key decision:</b>	No
<b>Responsible Chief Officer:</b>	Chief Planning Officer
<b>Relevant Portfolio Holder:</b>	Portfolio Holder for Planning, Development, Housing & Best Value
<b>Status:</b>	Part 1
<b>Ward:</b>	All wards
<b>Enclosures:</b>	Appendix – Definition of Terms and Illustrative Material Relating to Local Development Frameworks

### 1. Summary

1.1 The Planning and Compulsory Purchase Bill is currently proceeding through Parliament, with Royal Assent still expected in July 2004. The Act will introduce a new approach to development planning, ultimately resulting in replacement of the Unitary Development Plan with what is known as a Local Development Framework (LDF). This report updates the Panel on the progress towards adoption of the replacement HUDP, and the implications of potential delays in its adoption (as a result of the need to be in general conformity with the London Plan), for progressing work on the LDF.

### 2. Recommendations (for decision by the Portfolio Holder for Planning, Development, Housing & Best Value)

2.1 The Panel is recommended to:

- (i) Note the current position in respect of progress towards adoption of the replacement HUDP, and the implications for the approach to, and timetable for, the production of a Local Development Scheme (LDS) for Harrow.

### 3. Consultation with Ward Councillors

3.1 Not applicable.

### 4. Policy Context (including Relevant Previous Decisions)

4.1 The Council has published Proposed Modifications to the replacement HUDP following the receipt of the Inspector's report on objections to the replacement HUDP and the decisions at Cabinet on 13 January. The deposit period ended on 11 March 2004. The London Plan was

published on 10 February 2004. Before the replacement HUDP can be adopted it must be in general conformity with the London Plan (Section 12 (3C) of the Town and Country Planning Act 1990) The Council wishes to proceed to complete the remaining statutory stages in order to secure the plan's adoption as soon as possible, in order that it can then start work on the Local Development Framework.

## 5. **Relevance to Corporate Priorities**

5.1 The proposed Local Development Framework (LDF), when it is produced, will eventually supersede the replacement HUDP. Although the intention is that future development plans are to be less detailed, the government still intends that they will be central to strategic planning in local authorities, and in particular the Community Strategy. Accordingly, the LDF will relate strongly to the Council's strategic corporate objectives, although most particularly those concerning the environment and developing a prosperous and sustainable economy. Importantly, it will continue to provide the local policy context against which planning applications will be determined.

## 6. **Background Information and options considered**

### Progress towards adoption of the replacement HUDP

6.1 Members have previously been advised of the provisional timetable and statutory stages to be undertaken before the replacement Plan can be adopted. The Proposed Modifications were placed on deposit for a period of 6 weeks from 29<sup>th</sup> January –11 March, in accordance with that timetable. In order to expedite adoption of the Plan, a special meeting of the Panel has been convened for 1<sup>st</sup> April 2004 to consider the Council's response to the objections. The timetable envisaged that the decision to adopt would be taken at the Council meeting on 29 April 2004.

### Publication of the London Plan, and General Conformity.

6.2 The Panel was advised in the previous report that once the London Plan had been published, the replacement Harrow UDP would have to be in general conformity with it. Until the Mayor issues his opinion that the Plan is in general conformity, the new HUDP cannot be adopted. The Panel was also advised that there were certain matters in the HUDP which were at odds with the contents of the draft London Plan. In order to minimise the scope for possible delay in the UDP's adoption (and subsequent start of work of the LDF), officers undertook informal discussions with GLA officers to inform the preparation of the Proposed Modifications. It was accepted that GLA officers were offering advice in good faith in advance of the publication of the final London Plan, and were not in a position to comment on the content of the final London Plan. During the deposit period informal contact with GLA officers have elicited that it is likely that the Mayor will be asking for further modifications to the Plan to be made before general conformity with the London Plan will have been achieved. At the time of going to press, the Mayor's formal representations on the Proposed Modifications had not been received – the implications of these will be reported verbally at the meeting.

6.3 What constitutes 'general conformity' is not clearly defined, and in recent months GLA officers have been considering this issue, and have undertaken discussions with other bodies with experience in applying the concept. The GLA published a consultation document on this subject in early March (the consultation period being 6 weeks) and officers will be preparing a response. It is, however, clear from the contents of the consultation paper why the GLA officers offered their informal views on why they have initially advised that the HUDP is not likely to be in general conformity.

6.4 Foreseeing that the issue of general conformity was becoming problematic, your officers alerted both GOL and ALG officers of their concerns. They have also maintained close contact with other Boroughs who are at a similar stage in the production of their replacement UDPs. GOL advised that they were not in a position to act and would await the publication of the GLA consultation document. The ALG has responded by calling a meeting of representatives from the Boroughs (Bexley, Camden, Harrow, Lewisham, Westminster) most affected by this issue for late March. In addition, the ALG Leaders' Committee (9<sup>th</sup> March 2004) was asked to consider a report recommending that Counsel's advice be sought on this issue, as general conformity will affect all Boroughs.

6.5 Clearly the Council will only be in a position to assess what the most appropriate course of action will be when it receives the Mayor's formal representations on the Proposed Modifications. For the reasons set out above, however, it appears highly likely that there will now be delay in the adoption of the replacement HUDP because of the need to publish further modifications in response to the Mayor's concerns. If a re-opening of the Inquiry is deemed to be necessary, that would result in significant delay.

### Preparation of a draft Local Development Scheme (LDS)

6.6 Members of the Panel have considered an initial report on the proposed LDS process, and have received copies of the consultation reports published in October 2003 on Creating Local Development Frameworks, including draft PPS 12. For members' information the Appendix to this report contains the definition of terms of the documents which will need to be produced in the LDF. Officers have not yet been able to assess the detailed implications of the new process, and in particular the resource implications. The 3-year LDS Project Management Plan for producing the Local Development Framework will have to detail all aspects of the process, including community involvement, and identify the necessary resources. Planning Delivery Grant allocation for 2005/6 will be in part dependent upon the Authority's performance against its LDS programme, which will be closely monitored by the Government Office for London.

6.7 In order that rapid progress can be made in operating the new regime set down in the Planning and Compulsory Purchase Bill, Boroughs were first asked in a letter from GOL in August 2003 to try to produce draft LDS's by the end of 2003. Clearly for Boroughs such as Harrow, who are at a critical stage in the programmes for their replacement UDPs, GOL has accepted that this was not a realistic expectation. Notwithstanding that, however, the Act will require all Boroughs to have a Local Development Scheme in place by the end of 2004, and an LDF in place by 2007. Officers advise that whilst this deadline will be met, until all outstanding matters on the replacement HUDP have been satisfactorily resolved, it is not yet possible to assess with any degree of certainty what progress will have been made by the end of the year on any of the documents likely to be included in the local development framework.

## **7. Consultation**

7.1 The Government Office for London (GOL) routinely discusses progress on replacement Borough UDPs with officers, and has continued to appraise Boroughs of the latest situation on the Planning Bill, and the implications of the new regime. Members will be kept informed of any significant changes. Clearly the issue of general conformity will be a focal point of discussions. Discussions with GLA officers, the ALG, and other Boroughs will continue to be undertaken with the aim of expediting the adoption of the replacement HUDP.

## 8. **Finance Observations**

8.1 Whilst there are no financial implications in the current financial year affecting the on-going process to adopt the replacement HUDP, clearly the situation may well change if the Council is required to re-open the Inquiry. No decision on this matter can be made until the representations on the Proposed Modifications have been scrutinised by the Panel. It may also be necessary to seek Counsel's opinion on certain matters. The resource implications emanating from the transition to the new planning regime and its implementation will be considered as part of a future report.

## 9. **Legal Observations**

9.1 These are included in the report.

## 10. **Conclusions**

10.1 The main aims of the government in introducing the new planning regime, the Local Development Framework (LDF),

10.2 are to make the planning system more efficient and effective, and in particular to streamline the development plan process. It is clearly most expedient, and reflecting GOL's advice, for Harrow to adopt the replacement HUDP as soon as possible so that it can commence work on the LDF. It is therefore ironic, to say the least, that completion of the remaining statutory stages may well be significantly delayed as a result of the need for the Plan to be in general conformity with the London Plan. It is particularly frustrating that the issue of defining and agreeing what constitutes general conformity is only now being discussed. The Council will still aim to progress work on the Local Development Framework and its constituent documents as quickly as possible. This, however, will be dependent on how much additional work is required to achieve adoption of the replacement HUDP.

## 11. **Background Papers**

Deposit draft and revised deposit draft Harrow Unitary Development Plans (June 2001 and March 2002)

Planning and Compulsory Purchase Bill

UDPAP report 10 July 2003 – The Changing Approach to Planning

## 12. **Author**

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