

Meeting:	Cabinet
Date:	18 June 2009
Subject:	Local Development Scheme - Revision
Responsible Officer:	Andrew Trehern Corporate Director for Place Shaping
Portfolio Holder:	Cllr Marilyn Ashton - Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix 1 – Recommendation of the LDF Panel meeting of 1 June 2009 Appendix 2 – Revised Local Development Scheme

Section 1 – Summary and Recommendations

In January 2009 the Council submitted its revised Local Development Scheme (LDS) to Government Office for London (GOL) and the Greater London Authority (GLA) for formal approval. GOL and the GLA raised concerns with the long timetable proposed for preparing the Harrow Core Strategy. Following a series of protracted discussions with both GOL and the GLA, and in response to their concerns, the Council has further amended its LDS to substantially bring forward delivery of the Harrow Core Strategy.

Recommendations: (to Cabinet)

That the draft revised Local Development Scheme be approved for resubmission to the Secretary of State and the Greater London Authority.

Reason: (For recommendation)

The Council is required, under the Planning and Compulsory Purchase Act 2004, to maintain an up-to-date Local Development

Scheme, the purpose of which is to keep the public informed as to the LDF documents the Council is intending to prepare and when, and at what stage the public can get involved in that process. Without gaining the formal approval of the GLA and GOL for a revised LDS, the Council will not be able to meet this requirement. To overcome the objections of GOL and the GLA, amendments to the revised LDS have been made to bring forward delivery of the LDF and, in particular, the Core Strategy. For Council officers to meet the new timetable for delivery of the Core Strategy requires that preparation of the Core Strategy take precedence over other Priority Level 1 and 2 documents and the streamlining of Council's Committee procedures.

The revised LDS and the proposed timetable for delivery of the Core Strategy, including the matters regarding its priority and the streamlining of Committee procedures, was reported to and recommended by the LDF Panel at their meeting of 1 June 2009. The recommendation of that meeting is provided at Appendix 1 to this report.

Section 2 – Report

The purpose of this report is to address the pivotal issue of the timetable for the continued production, submission and adoption of Harrow's Core Strategy DPD. This matter has been the subject of much discussion with the Government Office for London (GOL) and the Greater London Authority (GLA).

A number of factors, including staff resources and continuity, along with changes in planning legislation and Government guidance, which have implications for the scope, content and evidence base required for LDF documents, has meant that the timetable for preparing a number of key LDF documents had slipped against that set out in current November 2007 adopted Local Development Scheme (LDS). A revised LDS was therefore prepared and reported to Cabinet at its meeting of the 18th December 2008. With regard to the preparation of the Harrow Core Strategy, the December 2008 revised LDS proposed the following timetable:

Preferred Option consultation: October – December 2009
Draft Submission consultation: October – December 2010
Submission to Secretary of State: June 2011
Examination in Public: December 2011 – February 2012
Adoption: June 2012

The revised LDS also updated the list of LDF documents the Council is intending to produce, to include the following three Supplementary Planning Documents (SPD):

- Harrow Town Centre Design Guide SPD (listed as a priority 1 document programmed for adoption by December 2009)
- Accessible Homes SPD (this is a revision to the existing 2006 SPD and is included as a priority 1 document programmed for adoption by January 2010); and
- Allotments and Trees SPD (as a priority 3 document programmed for adoption by October 2011).

In January 2009, the revised LDS was submitted to GOL and the GLA, both of whom raised significant concerns with the long timetable proposed for preparing the LDF, in particular, the Core Strategy. A series of meetings were then held in February 2009 with GOL and the GLA. The focus of these meetings was on the risks and benefits of both the proposed timetable as well as options for bringing forward delivery of the Core Strategy.

As a result of these protracted discussions, the Council has further revised the LDS, bringing forward the date for Submission of the Core Strategy to the Secretary of State by 14 months on that proposed in the December 2008 revised LDS. However, in light of the work that remains to be done on the Core Strategy, to deliver upon this new timetable requires that preparation of the Core Strategy must take precedence over other Priority Level 1 and Level 2 document targets within the LDF. It will also be necessary to streamline the Council reporting procedures, to ensure production time is maximised. A resolution is therefore sought from Cabinet to approve the draft revised Local Development Scheme for submission to the Secretary of State and the Greater London Authority for final approval. Cabinet is requested to recommend to full Council to resolve to hold two Extraordinary meetings in order to facilitate approval of the draft Core Strategy for publication in October 2009 and submission to the Secretary of State in March 2010 in terms of regulations 27 and 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

It is envisaged that full Council will consider and approve the Core Strategy without first having been reported to the LDF Panel, Overview and Scrutiny, and Cabinet. Whilst it is acknowledged that these committees represent an important governance process, it is anticipated that Members will be heavily involved, and take a much more hands on approach (i.e. through interactive forums with

officers), in assisting the LDF Team in preparing the Harrow Core Strategy. As such, it is expected that Members will have a fairly sound knowledge of the document, including how decisions regarding strategic issues and key policies areas have been made.

It is hoped that this much more ambitious programme to progress the Core Strategy will secure the GLA's approval of the LDS so that the LDF team's resources can be focused on timely delivery of a sound, spatial development framework for Harrow. The current proposal, to bring forward the submission and adoption of the Harrow Core Strategy, would also enable the LDF Team to begin preparation of the Development Management Policies and Site Specific Allocations DPDs much sooner.

The further revision to the LDS has also provided the opportunity to again update the list of LDF documents to be produced, to include Conversions from Houses to Flats SPD, a flagship action that has also been programmed for adoption by December 2009.

The remainder of this report details the following:

- A. Background and chronology;
- B. Summary of further proposed amendments to the local development scheme;
- C. Implications and risks of the recommendation;
- D. Financial issues;
- E. Legal comments;
- F. Environmental impact; and
- G. Performance issues.

A. Background & Chronology

1. The Local Development Scheme (LDS) sets out the documents that the Council intends to prepare to form the Harrow LDF and the timetable for the preparation of those documents. This report is concerned primarily with the proposed timetable for the preparation of the Core Strategy.
2. Harrow's LDS was first adopted in 2005. A second version of the LDS was adopted in November 2006; this version envisaged consultation on preferred options in 2007 with submission and examination during 2008 and adoption of the Core Strategy by May 2009. A third version of the LDS was adopted in November 2007 and this remains in-force as the current timetable. The third version revised the timetable for the Core Strategy by moving back the target date for consultation on preferred options to mid-2008, a target which has been met. However it then proposed submission &

examination during 2009 with a view to adoption of the Core Strategy by February/March 2010.

3. It became apparent over the summer last year that the LDS (version 3) commitments relating to the submission, examination and adoption of the Core Strategy would not be met. The reasons for this slippage were, in part, to address the issues identified in the Government Office for London's (GOL) response to the Core Strategy draft preferred options consultation in July 2008:
 - changes to regulations concerning local development and updates to national planning policy statements;
 - a greater Government emphasis given to the accommodation of growth, being able to prove that the strategy is deliverable and demonstration of on-going engagement with those whose input will be needed to deliver the strategy (infrastructure providers, landowners, neighbouring boroughs, etc); and
 - the need for a thorough, up-to-date evidence base.
4. A report was taken to the LDF Panel at its meeting on 2nd September 2008. In relation to the Core Strategy the report recommended that the timetable for production be extended to allow for a preferred option consultation stage in June/July 2009 with submission and examination in 2010 and adoption in 2011. That report was considered by the LDF Panel.
5. A further report concerning the LDS was considered by the LDF Panel on 29th October 2008. That report sought approval of the formal, revised LDS document with amended timescales in line with those agreed on 2nd September. However, at the meeting, an officer tabled an amendment of the published recommendation. It was reported that staffing changes within the LDF Team would impact upon the proposed timetable and, in relation to the Core Strategy, it was now anticipated that the date for further public consultation would not be until 2010 with consequent implications for the dates of submission, examination and adoption. The tabled proposal, to report back to the LDF Panel with a more realistic LDS timetable, was noted.
6. A further, revised LDS was reported to the LDF Panel at its meeting on 27th November 2008. In relation to the Core Strategy the following specific dates were proposed:
 - preferred option consultation 30th October to 4th December 2009
 - publication consultation 22nd October to December 2010

- submit to Secretary of State 10th June 2011
 - examination in public 2nd December 2011 to 27th April 2012
 - adoption 29th June 2012
7. Prior to the meeting, during November, Council officers met with GOL representatives following which a letter from GOL dated 18th November was received. Concern had been expressed about the resulting slippage of the proposed revised LDS particularly in relation to the Core Strategy.
 8. On 18th December 2008 Cabinet approved the LDS revision for submission to GOL and the GLA.
 9. Concern was again expressed in a letter from GOL dated 11th February 2009 and annexed to the letter were a number of proposed revisions to DPD milestones which included the following in respect of the Core Strategy:
 - to reduce the gap between publication consultation and submission of the Core Strategy from six months to three; and
 - to reduce the time allowed for between submission and adoption, so that adoption could be achieved by January 2012.
 10. A tripartite meeting was then held on 16th February 2009 between Harrow officers, GOL and the GLA. Despite Council officers putting forward a reasonably strong case for the timetable being proposed (staff changes and resources, Council elections and the need to ensure a sound document) both the GLA and GOL felt there were equally strong arguments to bring forward the Core Strategy, including the need and cost of maintaining an up-to-date evidence base and the benefits an adopted Core Strategy would provide to planning and development in general within Harrow. A further meeting was then held with the GLA in March, where an offer to fund further staff was also made to overcome the resource concerns of the Council. The overall outcome of these meetings, was that the Council would take account of the various issues raised by GOL and the GLA and would give further consideration to whether it was feasible to bring forward production of the Harrow Core Strategy.

B. Summary of further proposed amendments to the local development scheme

11. It has become plain through continued dialogue with GOL and the GLA, including a subsequent meeting between the Council's Portfolio Holder for Planning and the Mayor of London in March 2009, that approval for the Council's revised

LDS is unlikely to be achieved based primarily on the proposed, extended timetable for the progression of the Core Strategy to adoption. To resolve this and draw the now protracted matter of the LDS review to a close a further, final and radical change to the timetable for the Core Strategy is now proposed.

12. Subject to confirmation from the Planning Inspectorate regarding the availability of an Inspector to examine the Core Strategy next year, the proposed timetable changes are as follows:
 - Reduce the number of remaining Core Strategy consultations from two to one. Last year a substantial consultation exercise was carried out which put forward two preferred growth options for the Borough, drawn from the original four put forward in the issues and options consultation of 2006. The revised LDS retains the provision for a consultation at the end of this year (November/December 2009) but it is now intended that this would be the 'publication consultation', i.e. a draft version of the document that will be submitted to the Planning Inspectorate. The 'publication consultation' document will set out which of the growth options, or any alternative in light of last year's consultation, is to be put forward.
 - Following consultation at the end of this year it is then proposed to submit the Core Strategy to the Planning Inspectorate no later than March 2010. Subject to satisfactory pre-examination discussions with the Planning Inspectorate, it is anticipated that an examination in public can be scheduled for September/October 2010. The Council would then be in a position to adopt the Core Strategy by April 2011.
 - This would bring the date for Submission of the Core Strategy forward by 14 months, representing a significant improvement on the timetable which has been the subject of discussion with GOL and the GLA to date, and would see the Core Strategy being adopted 14 months earlier.
13. However, in view of the work that remains to be done to produce a 'sound' Core Strategy in time for consultation later this year and submission early next year, it should be noted that flexibility will need to be sought, in the form of more streamlined Council reporting procedures, to ensure production time is maximised. It will not be possible to produce the document in time for consultation and comply with the current reporting mechanism for LDF documents – to LDF Panel, CSB, Cabinet and finally Full Council – and

support is therefore sought, in particular for extraordinary meetings, of Full Council to which the Core Strategy will be reported for consultation approval (October 2009) and submission approval (March 2010) without reference to any other meeting. It must be emphasised that without such a flexible approach to the Council's reporting structure it is unlikely that the more ambitious timetable proposed could, in reality, be achieved.

14. As a consequence of the revised timetable for the Core Strategy it is also possible to 'bring forward' the proposed commencement and preparation dates for other key DPDs: the Development Management Policies, Site Allocations and the replacement proposals map. It is now proposed that these be as follows:

- Preferred Options consultation March/April 2011;
- Publication of Submission draft October/November 2011;
- Submission to Secretary of State April 2012;
- Examination in March 2013; and
- Adoption in May 2013.

15. The proposed timetable for other documents (Joint Waste DPD, and SPDs) remain unchanged, save for the adoption of the revised Accessible Homes SPD which was reported to the Panel at its previous meeting on 28th April. There is one addition to the LDS, which is the preparation of a further supplementary planning document to address conversions of houses to flats. This has been added to reflect the introduction of the SPD as a flagship action for the Council during 2009/10.

C. Implications and risks of the recommendation

16. The main implications of the revised LDS are threefold. Firstly, it improves the probability that the LDS will not be rejected by the GLA (in consultation with GoL), ensuring that the Council can publish an up-to-date LDS against which LDF document production performance can be assessed. Secondly, to ensure that the revised timetable is met, it will be necessary to streamline the Council's procedures for considering and approving both the Publication and Submission versions of the Harrow Core Strategy. Such an approach has been successfully adopted in other London authorities by means of holding a 'Special' Council meeting. This would remove the need for the Publication and Submission drafts of the Core Strategy being referred to the LDF Panel Board, Overview and Scrutiny, Cabinet and Full Council. A resolution to this effect is therefore required from the appropriate committee of

Council. While this will allow staff significantly more time to prepare the iterations of the Core Strategy, it will result in a much shorter lead in time for Members to consider the draft versions. However, it is anticipated that members will be heavily involved, and take a much more hands on approach (i.e. through interactive forums with officers), in assisting the LDF team in preparing the Harrow Core Strategy. As such, it is expected that Members will have a fairly sound knowledge of the document, including how decisions regarding strategic issues and key policies areas have been made.

17. Lastly, and most importantly, this revised LDS timetable increases the likelihood that the Council will have in place a clear spatial development strategy and will be at an advanced stage of preparation on the other key DPDs in readiness for the return of property development activity following the demise of the current economic recession.
18. The principal risk of the revised LDS is that the timetable for the adoption of the Core Strategy will prove to be too ambitious and could potentially compromise the 'soundness' of the document. However, it is now customary for the Planning Inspector to hold a pre-examination meeting with the local planning authority after submission and, if it appears to the Inspector that the Core Strategy does not meet the tests of 'soundness'¹ then it will be open to the Council to withdraw the document. Such a scenario would mean a slippage from the timetable but, importantly, would allow the Council to then address any shortcomings identified by the Planning Inspector, before being in a position to re-submit the Core Strategy. Brent Council, by way of a example, found themselves in this exact position with their Core Strategy at the end of last year, and are expecting to re-submit their Strategy this month, having addressed the potential soundness issues.
19. The following tables summarise the key implications and risks of the recommendations:
 - Risk included on Directorate risk register? Yes

¹ The tests of soundness are: (i) the DPD has been prepared in accordance with the LDS; (ii) the DPD has been prepared in compliance with the SCI or minimum regulatory requirements; (iii) the plan and its policies have been subject to sustainability appraisal; (iv) it is a spatial plan which is consistent with national planning policy and in general conformity with the London Plan, and proper regard has been had to other plans, policies & programmes relating to the area or adjoining areas; (v) it has had regard to the Authority's community strategy; (vi) the plan policies/strategies are coherent and consistent within and between DPDs prepared by the authority and, where cross boundary issues exist, those of neighbouring authorities; (vii) the plan policies/strategies are the most appropriate in all the circumstances having considered the relevant alternatives and they are founded on a robust and credible evidence base; (viii) there are clear mechanisms for implementation and monitoring; and (ix) it is reasonable flexible to enable it to deal with changing circumstances.

- Separate risk register in place? Yes

A. Specific Planning Implications	
<p>1. Evidence base</p>	<p>Issue: Potential for evidence base to become out of date</p> <p>Comment: One of the criticisms made by GoL and the GLA of earlier proposals to extend the timetable for the Core Strategy's production was the inherent risk that, by the time of submission, the evidence on which it would be based would be out of date. The adoption of a more challenging timetable would overcome this concern, but of course needs to be balanced against the need to ensure that all relevant evidence has been collected to inform the document's production. To this end work to extend & update the Council's employment land study and retail study has been commissioned, and other work is also in the pipeline and programmed for delivery in August 2009 at the latest.</p>
<p>2. Revised LDS Timetable</p>	<p>Issue: Potential for revised LDS not to be approved by the GLA.</p> <p>Comment: The proposed timetable for better progress on the preparation of the Core Strategy reflects the wishes expressed by GOL and the GLA and is it therefore anticipated that the latest iteration of the revised LDS should be met with approval. Failure to adopt a new LDS would leave the existing, out of date LDS as the basis for assessing the Council's LDF performance.</p>
<p>3. Spatial Planning Policies</p>	<p>Issue: Potential for up-to-date and locally distinct spatial planning framework for Harrow.</p> <p>Comment: In 2007 a number of Harrow's UDP policies were deleted. The remaining 'saved' policies and the London Plan form the development plan for Harrow, but as the UDP ages and the London Plan undergoes</p>

	<p>review this risks uncertainty and lack of local direction in planning policy in the Borough. The timely adoption of Core Strategy and commencement of other DPDs will provide a framework for decision making that reflects Harrow's specific needs. Conversely however, more timely progress on the Core Strategy should result in its adoption in advance of a new London Plan (planned for adoption Autumn 2011) with the consequent risk that the Core Strategy becomes very quickly out of date following adoption. However, there is potential for such matters to be subsequently addressed through the Development Management Policies DPD.</p>
<p>4. Housing and Planning Delivery Grant (HDPG)</p>	<p>Issue: Potential funding from the 'plan making' element of the Housing & Planning Delivery Grant (2008).</p> <p>Comment: The Government has made over £34million available in 2009 and a further £30million for 2010 to aid the delivery of Core Strategies and other DPDs which allocate sites for more than 2,000 dwellings. Progress is measured against the LDS; claims can be made for commencement and for achieving each submission and adoption milestone set out in the LDS. Where milestones are not achieved the level of award can be reduced accordingly. The revised LDS therefore offers the opportunity to claim for the Core Strategy's submission & adoption and for the commencement of the site allocation DPD (provided sufficient allocations are made) in 2010. Failure to adopt the revised LDS or to achieve the new, more ambitious timetable will adversely affect the availability of a share of this funding to Harrow.</p>

<p>B. Wider Council Implications</p>	
<p>1. Financial</p>	<p>Issue: High up-front costs of 'frontloading' significant elements of LDF work in this and forthcoming years.</p>

	<p>Comment: More rapid progress may require additional funding for staff posts, evidence collection and the costs associated with document production, publication and consultation. Also the time-cost of the examination in public for the Core Strategy during which other LDF team activities may be limited.</p>
2. Staffing/ workforce	<p>Issue: Recruitment and retention of LDF team staff.</p> <p>Comment: As noted above there may be a requirement to increase LDF team staffing in the short term as a result of the ‘frontloading’ of significant elements of LDF work in the early years of the revised LDS.</p>
3. Equalities impact	<p>Issue: Ensuring the Core Strategy meets the Council's equality commitment.</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>
4. Impacts of changes to legislation etc	<p>Issue: Ongoing changes to national planning legislation and guidance.</p> <p>Comment: The changes to national 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 requirement.</p>
5. Community safety	<p>No specific implications arise out of this report.</p>

D. Financial Issues

20. Costs will need to be met from existing budgets, but as noted above there will be opportunities to secure additional funding through the Housing & Planning Delivery Grant.

E. Legal Comments

21. 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.
22. The LDS (and any revisions to it) must be submitted to the Secretary of State and the Mayor of London for approval.
23. 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.

F. Environmental Impact

24. There are no major environmental implications resulting from the proposed revision to the timetable.

G. 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?		There is no National Indicator that deals specifically with plan making, but NI 159 measures the supply of ready to develop housing sites. A five-year housing trajectory is included in Harrow's Annual Monitoring Report and this demonstrates a five-year supply of deliverable sites to meet the Borough's housing targets as set-out in the London Plan.		
What impact will the proposal have on those indicators and key lines of enquiry?		The Core Strategy will provide a long-term strategy for the creation of sustainable communities in Harrow. Once completed, the LDF team will be in a position to commence work on the Site Allocations DPD which will allocate sites for different types of development which will include housing and should therefore help to contribute towards future performance of this national indicator.		
How much will the current performance be improved or other negative effects be mitigated?		The Core Strategy will help to mitigate negative effects by providing a basis for resisting inappropriate housing developments.		
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 Thacker	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer Myfanwy Barrett
Date: 11 June 2009		
Name: Izindi Visagie	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer Hugh Peart
Date: 10 June 2009		
Name: Liz Defries	<input checked="" type="checkbox"/>	on behalf of the Divisional Director of Strategy and Improvement
Date: 10 June 2009		
Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director of Environmental Services
Date: 8 June 2009		

Section 4 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Policy Planning,
Development and Enterprise, phone 02087366082

Background Papers: Local Development Scheme
Previous LDF Panel Reports