

REPORT FOR: **CABINET**

Date of Meeting:	28 October 2010
Subject:	Revised Local Development Scheme
Key Decision:	Yes – affects all Wards
Responsible Officer:	Andrew Trehern, Corporate Director for Place Shaping
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – Minutes of the LDF Panel meeting of 18 October 2010 Appendix B – Revised Local Development Scheme

Section 1 – Summary and Recommendations

This report sets out the revised content and timetable for the LDF documents the Council is intending to prepare over the coming years. The revised Local Development Scheme is intended to replace the current outdated LDS published in November 2007.

Recommendations:

Cabinet is requested to:

1. Approve the draft revised Local Development Scheme (LDS) at Appendix B for submission to the Secretary of State and the Greater London Authority for final approval.
2. Resolve that the revised LDS shall have effect from the 1 January 2011, subject to the Secretary of State and the Greater London Authority approving the Scheme by that date.
3. Resolve that if by 1 January 2011 the revised LDS has not been approved by the Secretary of State and the Greater London Authority, the LDS shall have effect from whatever date the Secretary of State and/or the Greater London Authority confirm approval of the LDS (whichever one is the later).

Reason: (For recommendation)

Under the Planning and Compulsory Purchase Act 2004, the Council has a statutory duty to maintain an up-to-date LDS. The revised LDS, attached at Appendix B, is intended to fulfil that requirement.

Section 2 – Report

The Local Development Scheme (LDS) is the Council's published timetable for preparing documents in its Local Development Framework (LDF). The LDF will guide the quantity, quality and spatial distribution of new development in Harrow, replacing the current Unitary Development Plan. The completion of key LDF documents is a corporate priority for Place Shaping that will not only enable the Council to better control development in the Borough but will assist in the delivery of other corporate priorities relevant to the Directorate, including:

- securing inward investment through the development of key strategic sites, including the Kodak site;
- ensure Harrow town centre fulfils its potential as a thriving and distinctive centre;
- securing and sustaining the vitality and viability of our District and Local Centres;
- enhancing the quality and capacity of public transport in Harrow; and
- developing a green infrastructure grid for the Borough to support future investment in public realm, spaces and parks.

The LDS is important because it is intended to keep the public and other stakeholders informed of the LDF documents the Council is intending to prepare and when, and at what stage people/organisations can get involved in

that process. Furthermore, an element of Housing and Planning Delivery Grant is based on performance against key milestones in the LDS, although it is currently unclear whether such grant will continue to be made available over the coming years.

Current situation

Council's current LDS was adopted in November 2007 and set out a programme to prepare four Development Plan Documents and a raft of Supplementary Planning Documents (SPDs). While the vast majority of SPDs have been prepared, that Scheme is now significantly out of date.

Cabinet considered a revised Scheme on 18 December 2008 but the timetable proposed did not gain the support of either Government Office for London or the Greater London Authority. As a result, a further revised Scheme was put to Cabinet on 18 June 2009. However, that LDS was never formally brought into effect due to the imminent publication of the draft replacement London Plan and the Planning Inspectorate's advice to the Council of July 2009 on the need for a further round of consultation on the Core Strategy to introduce the proposal of a Harrow and Wealdstone Intensification Area. Further revisions to the LDS are also required to introduce one of the Council's flagship actions - the production of a new DPD for the Harrow Wealdstone Intensification Area, in place of a town centre design guide, and to account for recent changes to the S106 regulations – which affect the ability of the Council to continue with production of a Planning Obligations SPD.

Why a change is needed

The Council is required, under the Planning and Compulsory Purchase Act 2004, to maintain an up-to-date Local Development Scheme. The existing published LDS is out of date. The draft revised LDS at Appendix B has been prepared in light of a fresh look at priorities and capacity within the Council to deliver the LDF. In particular, it takes account of:

- the revised programme for preparing the joint West London Waste Plan, which has been the subject of significant delay;
- the timetable for the replacement London Plan and the need for the Core Strategy to be in general conformity with this document once it is formally adopted in early 2011;
- the need for an Area Action Plan, providing a greater level of policy detail on the future management of development and land uses within the Harrow and Wealdstone Intensification Area;
- the timetable for completion of key evidence base studies;
- the requirement on the Council to prepare a delivery plan and asset management strategies in support of the Core Strategy.

In addition to the Area Action Plan, the revised LDS also introduces one further addition to the Harrow LDF – a supplementary planning document (SPD) on residential design. While this SPD was initially proposed to address the conversion of houses to flats, the scope of the document has been

widened to ensure that all new residential development in the Borough results in a higher quality built form and better living environment.

Other options considered

The fact that the existing LDS is significantly out of date means that the Council has little option but to bring forward a revised LDS. However, the Council does retain options over the LDF documents it intends to prepare and the timetable for doing so. The following options have therefore been considered but dismissed for the reasons outlined.

Option 1: delay production of the LDF

Given the coalition Government has signalled its intention to revise the plan-making process, a more cautious timetable might be appropriate. However, such change requires existing primary legislation to be repealed and new legislation to be enacted and therefore will take a substantial period of time to put in place and will require provision for transitional arrangements. From previous experience, the Planning and Compulsory Purchase Act 2004 took four years to receive royal ascent and contained a transitional period of three years.

Given that much of the Council's existing local development plan, the Harrow Unitary Development Plan 2004, is outdated, the timely delivery of a new planning policy framework for the Borough is therefore crucial. A new development plan for the Borough will look to the future state of the environment, ensuring future development and land use is appropriately managed and better meets the needs of our changing community. It will also provide certainty to developers, residents, our LSP partners and others about how we see Harrow developing and growing over the next fifteen years and beyond. For this reason, delaying the production of the LDF is not considered appropriate.

Option 2: reduce the number of LDF documents we intend to prepared

The November 2007 LDS focused on preparing a raft of Supplementary Planning Documents deemed necessary to address issues arising as a result of outdated UDP policies. This approach stretched the limited resources of the LDF Team and has contributed to the slippage experienced with the timetable for key Development Plan Documents, such as the Core Strategy.

With the exception of the Residential Design SPD, the revised LDS contains only core LDF documents – i.e. that required to provide a robust policy framework to manage future growth and development in Harrow. There is little opportunity therefore to reduce the number of LDF documents further, without impacting on future policy coverage.

Implications of the Recommendation

Members, officers, stakeholders and the public all have a desire to see the Core Strategy and supporting DPDs adopted as quickly as possible, but Harrow has a small LDF Team and limited resources. The timetable set out in

the attached revised LDS is considered to be ambitious but achievable, provided the process receives support across directorates. However, there remain significant risks to its delivery, not least budgetary constraints, the ability of directorates to understand and advise on key elements of the policy framework, and the significant time burden imposed by the rigid and lengthy reporting procedures. Such risks are addressed in more detail in the sections on Financial and Risk Management Implications below along with the proposed actions required to reduce or mitigate them.

Legal comments

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.

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

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.

Community safety

The LDS does not in itself contain any policies. Issues regarding community safety are to be considered in the context of preparing the LDF but are not relevant to the LDS, which merely establishes the LDF timetable.

Financial Implications

The cost of preparing an LDF is significant and is spread over a number of years. The annual estimated funding required to deliver the programme set out the revised LDS is as follows and included in the MTFs proposals:

	2011/12 '000	2012/13 '000
Core Strategy	£80	-
Harrow and Wealdstone Area Action Plan	£90	£40
Joint West London Waste Plan	£65	-
Site Specific Allocations DPD	£20	£30
Development Management Policies DPD	£15	£25
Annual costs (Limehouse, Proposal Map, travel, training etc)	£12	£12
Total	£282	£107
Minus Annual LDF Budget	- £63	- £63
Total shortfall	£219	£44

Significant areas of cost within the Core Strategy relate to the examination in public. The costs for the Harrow and Wealdstone AAP reflect the need for

consultants to progress the masterplan in tandem with the AAP, as well as publication and consultation costs.

The cost of the Waste Local Plan reflects the commitment made by the six West London boroughs to this plan and the appointment of consultants to prepare the document and take it through an examination in public.

The majority of the budget shortfall identified in the table above will be met through proposed revenue budget savings within Place Shaping being secured through the Directorate's current programme of fiscal review and prioritisation, with the balance being provided by Planning Delivery Grant. Where possible, the LDF Team will continue to seek to secure efficiencies or additional external funding and resource through careful alignment of work – notably the concurrent examination of documents and through partnership working.

Performance Issues

There is no national or local performance indicator that deals specifically with plan making. Nevertheless, the purpose of the LDF is to plan for the future land use of the Borough, guiding the quantity, quality and spatial distribution of growth and development in Harrow. It is intended to implement elements of the Sustainable Community Strategy and other Council strategies, and as such, is likely to give effect to, and impact on, the vast majority of the Council's corporate priorities and the measures put in place to monitor their performance. The statutory requirements placed upon LDF preparation, including Sustainability Appraisal, Equalities Impact Assessment and a robust evidence base, will ensure that the impacts of the proposed policies are identified and assessed against relevant national and local targets, and that the final documents are amended accordingly to mitigate negative impacts and enhance positive impacts.

With regard to the delivery of corporate priorities, this is further detailed at the end of this report.

Environmental Impact

The LDS does not in itself contain any policies or proposals. The consideration and assessment of environmental impacts are comprehensively dealt with through the requirement to undertake Sustainability Appraisal, incorporating Strategic Environmental Assessment, in the course of preparing Development Plan Documents but are not relevant to the LDS, which merely establishes the LDF timetable.

Risk Management Implications

Risk included on Directorate risk register? Yes

The process of preparing the LDF is not free from risk. The following is a summary identifying the main risks likely to be faced by the Council in the preparation of the LDF documents:

Getting the LDS Approved – There is a risk that the Secretary of State or the GLA find issue with the proposed timetable and determine not to approve the revised LDS. Failure to adopt a new LDS would leave the existing, out of date LDS as the basis for assessing the Council's LDF performance, which is not ideal. However, the Council has been working closely with the GLA, and has maintained a dialogue with the Government Office, regarding the content and timetable for the Harrow LDF. These partners are also aware of the current uncertainty that surrounds local planning policy, the broader financial issues facing the Council and our desire to progress with the LDF. As such, it is anticipated that the latest iteration of the LDS will be met with approval.

The “soundness” of DPDs – to be found sound, LDF documents are to comply with statutory process, government policy and be in general conformity with the London Plan. The new coalition Government has signaled its intention to revise all current Government Planning Policy Statements and the LDF system. Such changes will take time to bring into effect and, in the interim, the Council will need to press on with the Core Strategy and other documents but will need to remain flexible to take account of changes as and when they occur. Given this uncertainty, and the current direction of Government policy towards localism, it is likely that the Planning Inspectorate will take this into account and apply greater flexibility in their application of the 'soundness' tests. However, again this will need to be monitored.

With regard to the London Plan, a replacement London Plan is currently the subject of an Examination in Public and will be adopted in February next year. The Council has been engaged in the consideration of regional policy and will continue to ensure that Harrow's LDF keeps pace with the changes proposed by the new London Plan and remains in general conformity.

Committee process – The lead in times for key DPD's is significant, and involves significant staff resource. Earlier attempts to revise the process to reduce the burden associated with the democratic process have proved unsuccessful. Officers will however continue to explore how greater flexibility in the political process can be achieved to ensure that members get sufficient opportunity to influence plans, while the lead in time for the political reporting processes are minimised. In some instances it may be necessary to hold additional meetings of LDF Panel or Full Council to ensure reporting timeframes and ultimately DPD milestones are met.

Evidence base – A key requirement of all DPDs the Council prepares is that they be based on a robust and up-to-date evidence base. Significant resource has been invested in compiling a robust evidence base in support of the LDF. Where necessary, this has required the Council to undertake a review of evidence base studies due to changing circumstances (e.g. to take account of the impact of the recession on employment and retail growth projections). However, if the timetable for preparing the LDF slips or is slowed, there is a risk that, by the time of submission, the evidence on which the document is based would be out of date. A further risk arises where reforms to the planning system are proposed, and prior to primary legislation being enacted, such changes are given effect through amendments to national planning policy. Such changes often result in requirements upon

local planning authorities to prepare new studies to assess and address relevant national issues at the local level.

Neither of the above risks are new to planning policy, and the Council will need to manage the LDF timetable whilst ensuring the supporting evidence base remains as up-to-date and robust as is necessary.

Engagement with Internal / External Partners – A key requirement of the Core Strategy is that it has to be realistic and deliverable. In support of this requirement, Government guidance in PPS12 requires that the Council prepare, in co-ordination with its partners, a delivery plan that sets out the infrastructure and services need to support future development and growth and a programme for delivery, including responsibilities, funding and timing.

However, in the current economic climate, internal and external agencies are undertaking wide ranging and comprehensive reviews of operating and delivery models and funding. This is making it very difficult to prepare the Infrastructure Assessment and Delivery Plan in support of the Core Strategy, based upon clear, robust and adopted strategies and service delivery plans. Officers have sought to secure clarity on corporate plans for the future having regard to the Better Deal for Residents programme as well as from external partners. The LDS timetable set out in this report is predicated upon Directorates within the Council having a coherent medium term delivery strategy by January 2011 and being able to agree this with the emerging Core Strategy so that it may be reflected in the supporting Delivery Plan, currently being drafted by LDF officers. Without clear strategies and the engagement of Directorates, it remains unlikely that the Core Strategy will be found 'sound'.

The Council, along with the five other West London waste boroughs, is preparing the joint West London Waste DPD. A memorandum of understanding has been signed by all parties, which details the working arrangements. However, careful planning will be necessary to ensure that individual borough issues and concerns, political sensitivities, community involvement and decisions making processes are consistent to ensure the plan is developed in accordance with the revised LDS timeframe.

Equalities implications

Was an Equality Impact Assessment carried out? No

The LDS does not in itself contain any policies. Issues regarding equalities and diversity are to be considered in the context of preparing the Equalities Impact Assessment of the LDF but are not relevant to the LDS, which merely establishes the programme and timetable for preparing LDF documents.

Corporate Priorities

A primary purpose of the LDF is to give effect to the land use requirements of the Council's Sustainable Community Strategy (2009). The LDF will therefore contribute significantly to all of the Council's corporate priorities, in particular, to the building of stronger communities. The aim of publishing an up-to-date Local Development Scheme is to keep the public and other stakeholders

informed of the LDF documents the Council is intending to prepare and when, and at what stage people/organisations can get involved in that process. Community involvement will help to shape the individual documents and ensure the land use and growth promoted through the LDF better meets local needs and results in communities that residents value. The final detail of the policies to be included in the LDF documents will determine how certain corporate priorities may be achieved.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 05/10/10		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 22/09/10		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 20/09/10		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 29/09/10		

Section 6 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Policy
Planning, Development and Enterprise
Tel: 020 8736 6082

Background Papers: Local Development Scheme
Previous LDF Panel & Cabinet Reports

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE