

REPORT FOR: **CABINET**

Date of Meeting:	20 June 2012
Subject:	Revised Local Development Scheme
Key Decision:	Yes
Responsible Officer:	Andrew Trehern, Corporate Director Place Shaping
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Planning and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – 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 The revised Local Development Scheme is intended to replace the current outdated LDS published in January 2011.

Recommendations:

Cabinet is requested to:

1. Approve the revised Local Development Scheme (LDS) at Appendix A for publication and resolve that the scheme is to have effect from the 1st July 2012.

Reason: (For recommendation)

Under the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to maintain an up-to-date LDS. The revised LDS, attached at Appendix A, 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.

Options considered

The option of not updating the LDS has been considered but dismissed. Section 19 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) requires all Development Plan Documents (DPDs) be prepared in accordance with the LDS. This includes complying with the timetable contained in the LDS for each of the relevant DPDs. If the project timetables for preparing a DPD and that in the LDS differ significantly, this is likely to lead to a finding of non-compliance with the statutory legal test at the independent examination of the relevant DPD, making the document 'unsound'.

Therefore, the only valid option available is to revise the project timetable in the LDS to satisfy the legal requirements of the Act.

Current Situation

The Council's current LDS was adopted in January 2011. Since its publication, the Core Strategy DPD and the Residential Design Guide SPD have both been adopted. However, the timetable for preparing the remaining LDF documents has changed.

Changes to the project timetable for the Harrow & Wealdstone Area Action Plan are necessary to take account of the additional round of consultation undertaken on a Preferred Option document in January 2012 and the impact of this on the timeline for subsequent stages.

The Site Allocations DPD and the Development Management Policies DPD are programmed to be progressed in tandem the Area Action Plan, for reasons of cost and resource efficiency. The additional round of consultation on the Area Action Plan has therefore delayed the project timeline for these two documents. The changes to the revised LDS therefore bring the timeline for the subsequent stages of all three DPDs back into alignment.

The preparation of the joint West London Waste Plan (WLWP) has been the subject of significant delays. The reasons for the delays are detailed in a separate report to this Cabinet agenda. Changes to the WLWP timetable are required to take account of the revised programme for this document which has been agreed by all six partner boroughs.

Other changes made to the LDS include an update to the list of LDF documents now adopted; an update to the ever increasing list of evidence base documents that underpin the LDF; and a general update to the text to note recent changes to planning legislation and the process for plan-making.

Members should note that the recent changes to planning legislation also affect the requirements for the LDS. The Planning Act 2008 removed the need for the LDS to include a list of the supplementary planning documents the Council was intending to prepare. While the Localism Act 2011 removed the need for the LDS (and any revisions to it) to be submitted to the Secretary of State and the Mayor of London for approval before it could be formally adopted by the Council.

Implications of the Recommendation

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.

Financial Implications

The documents to be prepared under this LDS have been budgeted for, and are covered under existing LDF budgets. However, any reduction in funding over the LDS timetable will necessarily have an impact upon the timely production of these documents.

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. In preparing LDF documents, regard is had to the implementation of Council strategies alongside national and regional policy requirements and the findings from consultation and evidence base studies. Each document includes a detailed monitoring strategy that monitors the performance of individual policies and the delivery of strategic objectives. The results from monitoring are analysed and reported in the Annual Monitoring Report. This also includes monitoring of delivery against the LDS programme and timetable. The latest monitoring report is available on the Council website:

http://www.harrow.gov.uk/downloads/download/3217/harrow_annual_monitoring_report_2010-2011

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 “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. Since the last LDS was prepared significant legislative changes have taken place and new national and regional planning frameworks have been published. In preparing Harrow’s LDF it will be necessary to ensure that Harrow’s documents continue to take account of changes as and when they occur to ensure that they remain applicable come adoption and implementation.

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.

Implementation and Delivery – For plans to be found 'sound' they must be considered to be deliverable. The implications of the current and going economic climate mean that many policies need to be more flexible in their application than some would want them to be, and that expectations will need to be lowered with regarding delivery targets or delivery timelines. Such implications will be managed through justification in the supporting text to policies but may also require other corporate plans and strategies to clearly articulate the reasons for this. As noted in the performance section of this report, the LDF policies are subject to monitoring and reporting and the policies can be reviewed to take account of changes in circumstances, including an improving economic outlook

Equalities implications

Was an Equality Impact Assessment carried out? No

The LDS merely establishes the programme and timetable for preparing LDF documents and therefore does not give rise to equalities impacts.

Corporate Priorities

The establishment of a new planning policy framework for the Borough will not only enable the Council to better control development but will assist in the delivery of the following corporate priorities:

- Keeping neighbourhoods clean, green and safe by preventing the loss of further open space; resisting development on garden land; implementing the Harrow Green Grid; and ensuring new development incorporates designing out crime principles.
- Supporting and protecting people who are most in need through securing affording housing, including supported accommodation and by securing new and enhances social and physical infrastructure;
- Supporting our town centre, our local shopping centres and businesses by promoting new development opportunities within our town centres and securing new business and employment through enabling development.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 28 May 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 28 May 2012		

Section 4 – Performance Officer Clearance

Name: Liz Defries	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 24 May 2012		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker

on behalf of the
Divisional Director
(Environmental
Services)

Date: 24 May 2012

Section 6 - Contact Details and Background Papers

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

Background Papers: Local Development Scheme (January 2011)
Previous LDF Panel & Cabinet Reports

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

NOT APPLICABLE

[Call-in applies]