

	<h2>Policy and Resources Committee</h2> <h3>1 September 2016</h3>
<p style="text-align: center;">Title</p>	<p style="text-align: center;">Local Development Scheme 2016</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director, Growth & Development – Cath Shaw</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Non-key decision</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A: Barnet’s Local Development Scheme 2016</p>
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<h2>Summary</h2>
<p>The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a three year project plan, the Local Development Scheme (LDS), setting out the programme for preparing the Local Plan. This LDS signals the review of the existing Local Plan which was adopted in 2012. It reflects the changing context for planning in particular the revisions to and the proposed review of the London Plan together with national planning reforms. In order to deliver more new homes the assumptions behind the Local Plan have changed.</p>

<h2>Recommendation</h2>
<p>1. That Barnet’s Local Development Scheme, as set out in Appendix A to this report, be approved for publication.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Barnet is a growing and changing borough. Regeneration and development proposals principally in the west of the borough as well as opportunities for infill growth in Barnet's town centres will help change the borough.
- 1.2 In order to effectively manage this change and positively respond to a changing national and London-wide agenda on planning the Council needs to keep the Local Plan up to date. In order to signal to the Government, Mayor of London, strategic partners, developers and local residents the Council's intention to review the Local Plan a revision is required to the Local Development Scheme (LDS).

2. REASONS FOR RECOMMENDATION

- 2.1 Section 15 of the Planning and Compulsory Purchase Act requires local planning authorities to prepare and maintain a LDS specifying a timetable for preparation and revision of Local Plan documents. This is a rolling three-year project plan setting out all the planning documents to be produced by the authority and the timetable for their preparation.
- 2.2 The Localism Act 2011 allows Local Planning Authorities to adopt their own Local Development Schemes without approval from the Secretary of State and Mayor of London. Section 143 (in force from 13 July 2016) of the Housing and Planning Act 2016 also places a new duty on all Local Planning Authorities to maintain their Local Plans and keep their LDSs up to date.
- 2.3 The LDS, set out in Appendix A, provides background information on Local Plan document preparation up to 2019 enabling partners, residents and businesses to know where, when and how the planning policy framework for Barnet is progressing. This is the fifth revision to Barnet's LDS setting out the programmes for the production of the new Local Plan, a single document consisting of strategic and development management together with specific site proposals. This will be illustrated by a Local Plan Policies Map. This LDS covers the period 2016 - 2019 and supersedes the Council's adopted LDS 2015.
- 2.4 The review of the Local Plan is triggered because the context and assumptions behind the Local Plan have changed.
- 2.5 The National Planning Policy Framework (NPPF) which sets out Government planning policy was published in March 2012. The Council's existing Core Strategy and Development Management Policies documents were adopted in September 2012 and remain consistent with the NPPF. However a review of the NPPF is underway and it is therefore expected the Government will publish a revised NPPF in late 2016.
- 2.6 In response to unexpected demographic growth a partial review of the London Plan was completed in March 2015. The partial review still leaves a shortfall in accommodating this growth. A full review of the London Plan's existing

strategy and philosophy is required in order to deliver sufficient homes to meet objectively assessed need. This review is underway and not expected to complete until 2019.

2.7 Other reasons for the review of Barnet’s Local Plan include :

- **Demographic Growth** – Barnet’s population was underestimated in the Local Plan as the baseline figure of 349,800 was modelled before the 2011 Census was published and revealed a figure of 356,000 existing residents. The most recent round of GLA population projections estimates that nearly 370,000 persons live in Barnet in 2016. Looking ahead over 15 years (the lifetime of a Local Plan) the population is projected to reach 419,000 by 2031. Analysis of the elements of demographic growth including in migration and intensification of the way people are occupying properties will form the foundations of the Local Plan evidence base. The 2011 London Plan underestimated London’s demographic growth by 0.4 m people. The gap identified by the 2011 Census was the main premise for the revisions that formed the 2015 London Plan.

- **Further Alterations to the London Plan (FALP) (March 2015)** – Based on an assessment of capacity Barnet’s housing target was increased from **2,255** new homes per annum to **2,349** per annum. This is still the 4th highest in London and largely reflects opportunities in Brent Cross-Cricklewood, Colindale and Mill Hill East. With capacity wrapped up in these major complex regeneration areas Barnet is not meeting this target. It delivered 1,327 new homes per annum in 2014/15. Barnet’s target contributes to a London-wide target of 42,400 homes per annum against an assessed housing need of 49,000 over 10 years. This shortfall of 6,600 new homes is to be filled by maximising opportunities in town centres, surplus strategic industrial locations and opportunity areas.

- **London Plan Review 2016** - The Further Alterations to the London Plan (FALP) Inspector was not convinced that the existing strategy will deliver sufficient homes to meet London’s objectively assessed need but recommended adoption on basis of immediate review. The issue of building even more new homes at a faster rate in London rests with the new Mayor and a significant review of the London Plan is expected. Evidence gathering has commenced. The provisional timetable for London Plan review is :

• 100 Days – early proposals for review	Autumn 2016
• Draft London Plan	Spring / Summer 2017
• Examination in Public	Spring / Summer 2018
• Publication	Spring 2019

- **Relaxation of Planning Use Classes Order** – In order to remove barriers to housing delivery the Government relaxed certain provisions in the Use Classes Order. The main change was in 2013 which enabled offices to be converted to residential without planning permission but through a Prior Approval There has been a major take-up of Prior Approval with around

20,000 m² of former office floorspace lined up for residential conversion. Prior Approval has now been extended to other forms of business space including warehouses. Understanding the impact of these revisions to the Use Classes Order on small to medium enterprises and formulating a policy framework that helps to better manage change will be a key role for the Local Plan review.

- **The Housing and Planning Act 2016:** The Act introduced Starter Homes as a new form of affordable housing for purchase. The Act has introduced the concept of 'Permission in Principle', allowing sites to be identified in planning document that firmly establish the principles for development prior to more detailed proposals known as 'technical details consent' being submitted for approval. Secondary legislation is awaited on most elements of the Act.

2.8 The Local Plan Core Strategy 2012 highlights that if progress is not made with the implementation and delivery of regeneration in Brent Cross - Cricklewood (BXC) the Council will, through a revision to the LDS, instigate a review of the existing planning policy framework for the BXC area. Progress with the delivery of the 2010 planning consent (and Section 73 revisions approved in 2014) is highlighted in the Barnet's most recent Authorities Monitoring Report published in March 2016 and the Council is satisfied that a review to the BXC planning policy framework is not required at present. .

2.9 The revised LDS also takes into account revisions to the charging schedule underpinning Barnet's Community Infrastructure Levy (CIL) which was introduced in May 2013. The revised standard charge for CIL will contribute to the costs of infrastructure arising from development across the Borough; therefore the timetable for the revision of CIL will run parallel with the review of the Local Plan.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is not to revise the LDS and not signal the intention to keep the Local Plan up-to-date. This option sends out a negative message to residents, businesses and the development industry that we are not prepared to manage new challenges and opportunities facing the Borough.

4. POST DECISION IMPLEMENTATION

4.1 LDSs are prepared through powers contained within the Planning and Compulsory Purchase Act 2004 and the associated Town and Country Planning (Local Planning) Regulations 2012. Within a reasonable time period from the decision to adopt the LDS, the required statement confirming the new LDS being in place will be published.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan for 2015 - 2020 highlights that "Barnet is changing and the Council is embracing this through growth and regeneration of the

borough's infrastructure. This is essential, not just to cope with an increasing population but, ultimately, so that the borough continues to be a place where people aspire to live. Growth is an essential part of the council's strategy, as *we become less reliant on Government funding and more financially independent by growing the level of income we generate locally.*"

5.1.2 The Corporate Plan's objectives are embedded within the documents that are identified in the LDS. In particular Barnet:

- is a place of opportunity where people can further their quality of life; and where people are helped to help themselves, recognising that prevention is better than cure; and where responsibility is shared, fairly, the LDS sets the programme for a review of the Local Plan and CIL that:
 - provides increased housing choice in mixed communities;
 - supports social infrastructure delivery including new schools that enables children and young people to develop skills and acquire the knowledge to lead successful adult lives;
 - targets unhealthy lifestyles and health inequalities through planning policy;
- where services are delivered efficiently to get value for money for the taxpayer the LDS addresses the need to revise the charging schedule for CIL, the primary source of development contributions to infrastructure provision.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 There are no financial implications arising from the LDS itself, it is a requirement that Council publish one setting out their plan production schedule. Any financial implications arise from the cost of developing a new Local Plan and potentially from any slippage in the timetable that delays Local Plan production where this impacts on development management decision-making, housing land supply and infrastructure funding.

5.2.2 The preparation of the LDS document is part of core specification and all costs are included in the Strategic Planning Core Fee budget for 2016/17.

5.2.3 Use of IT, Barnet's website and existing community events for publicising the Local Plan, North London Waste Plan and SPDs will be maximised in order to reduce process, consultation and production costs whilst optimising channel change and access by planning customers.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. The Act is not applicable in the context of this report as it does not concern a procurement process.

5.4 **Legal and Constitutional References**

5.4.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country

Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of the Local Plan. The Localism Act 2011 allows Local Planning Authorities to adopt their own Local Development Schemes without approval from the Secretary of State and Mayor of London

5.4.2 It is a legal requirement to publish a Local Development Scheme (LDS) containing the timetable for the Local Plan. It is also a legal requirement for the Local Plan to be prepared in accordance with the LDS, and for the LDS to be revised at such time as the local planning authority considers appropriate.

5.4.3 Upon adoption the LDS becomes a statutory document that forms part of Barnet's planning policy framework. Barnet's Local Plan documents should be prepared in accordance with the LDS.

5.4.4 The Council's Constitution, [Annex A \(Responsibility for Functions\)](#) details that the Policy and Resources Committee has a responsibility to consider the Local Development Scheme for approval and adoption.

5.5 Risk Management

5.5.1 The LDS timetable for preparing Local Plan and CIL documents is based on the current legislative and regulatory context, together with assumptions about the availability of resources and the work involved in compiling a robust evidence base. The following are the main sources of uncertainty and mitigation measures:

- **National planning reforms:** Further detail is awaited in the form of secondary legislation with regards to the Housing and Planning Act 2016 for which the main implications for Barnet's Local Plan are: the review of the NPPF, Starter Homes and Permission in Principle. Working with the Planning Advisory Service, London Councils and Planning Officers Society will help ensure early awareness of the implementation of national changes to planning.
- **London Plan:** The new London Mayor is required to conduct a full review of the London Plan, with the direction of travel in terms of planning policy being determined by the new Mayor's priorities. This may affect timelines, particularly for the Local Plan review. In common with other London Boroughs this risk will be mitigated by working with the Mayor on the review of the London Plan.
- **Consultation and stakeholder engagement:** Risks apply both in terms of stakeholder and public consultation. In terms of stakeholder consultation, the Council must ensure it meets the requirements of the 'Duty to Cooperate', whilst in terms of public consultation the Local Plan review may raise issues that had not been fully anticipated and give rise to the need for further research or re-drafting. An emphasis on early consultation and engagement will mitigate this risk.
- **Staff resources and technical expertise:** Meeting timetables is dependent on appropriate and timely resources being made available to

ensure all aspects of the Local Plan review including evidence gathering, public consultation and examination are appropriately funded and delivered according to the project plan. Mitigation of this risk is to be managed through a project board and appropriate process.

- **Ensuring the Local Plan is deliverable, viable, realistic and flexible:**
To manage the complexity and challenges associated with a review of the Local Plan, various governance arrangements are being put into place including: a Project Board to manage the detailed programme and risks, a working group to discuss evidence and agree content / policy proposals and draft wording of documentation, together with a cross-party member steering group to review proposed content and shape emerging policy changes at each stage of the Local Plan review. An emphasis on early dialogue / engagement and timely input / feedback will mitigate the risk of any delays.

5.5.2 The Local Plan programme remains challenging. The most fundamental mitigation measure is to ensure the Project Board designs a realistic programme from the outset and then to ensure appropriate resources are available throughout the programme. The timescales reflected in the LDS represent the outline programme and what is currently believed to be realistic and achievable provided sufficient funds are in place.

5.6 Equalities and Diversity

5.6.1 The Local Plan as identified in the LDS is subject to an Equalities Impact Assessment (EqIA). EqIAs are not a legal requirement under the Equality Act 2010 but the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 requires public authorities to have due regard to a number of equality considerations when exercising their functions and are a way of ensuring that the Public Sector Equality Duty has been complied with.

5.6.2 For Barnet's Local Plan an Integrated Assessment (IA) will be undertaken. The Integrated Assessment includes elements of an Equality Impact Assessment and Health Impact Assessment as well as a Sustainability Appraisal and Strategic Environmental Assessment. This integrated approach will assess the impact of the Plan on social, economic, environmental, health and equality objectives. This assessment will be a continuous work in progress and will be carried out during all stages of the Plan preparation. The initial IA scoping document will be consulted on by the three statutory authorities as the SEA Directive requires that the Scoping Report should be referred to the three statutory consultation bodies with environmental responsibilities, which are Natural England, English Heritage and the Environment Agency to comment on the scope and level of detail of the environmental information to be included in the IA Report for a period of 5 weeks.

5.6.3 Once the document is finalised it will be available on Barnet's website and submitted to Secretary of State at Regulation 22 stage of the development plan preparation. Barnet will ensure that a proportionate, timely approach is taken to equality assessment at the outset of the policy making process and that an audit trail is kept to ensure that due regard has been paid to the

issues, if any. The Local Plan EqIA will ensure that policies developed and implemented through the Local Plan process contribute to improving the lives of local communities.

5.7 **Consultation and Engagement**

- 5.7.1 There are no external consultation requirements on the LDS except for publishing the adoption version on Council's website. This is Barnet's most concise version of the LDS and it is hoped that such conciseness will make it a more publically accessible document.

6. **BACKGROUND PAPERS**

- 6.1 Committee, 2 June 2015 (Decision item 10) approved the Local Development Scheme for adoption.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8345&Ver=4>
- 6.2 Council, 11 September 2012 (Decision item 4.1) approved the Local Plan Core Strategy and Development Management Policies for adoption.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=6671&Ver=4>
- 6.3 Cabinet, 6 September 2010 (Decision item 4) approved the Local Development Scheme 2010
<http://barnet.moderngov.co.uk/Data/Cabinet/201009061900/Agenda/Document%207.pdf>
Followed by Cabinet Member for Housing, Planning and Regeneration's Delegated Powers (Executive Function) report 27 May 2011
<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=3768>