

London Borough of Brent

Examination of the Brent Local Plan

Matters, Issues and Questions for the Examination

Response of the Council: Matter 1 – Legal and procedural requirements

Matter 1 – Legal and procedural requirements

Main Issue: Have the relevant legal and procedural requirements been met in the preparation of the Plan and is the Plan legally compliant?

Duty to Cooperate

1.1 *Overall, has the Plan been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004, as amended (the PCPA)?*

1.1.1 Yes, the Council has prepared the Plan in accordance with the duty to cooperate requirements set out within Section 33A of the PCPA. In preparing the Plan, the Council has engaged constructively, actively and on an on-going basis with neighbouring boroughs and other strategic partners on matters of a strategic nature. Strategic matters are largely addressed by the Mayor through the London Plan. To ensure general conformity with this document and the requirements of the 'duty to cooperate', the Council has engaged with neighbouring boroughs on a range of strategic issues. Full details of this engagement is outlined within the Statements of Common Ground (EB_SOCG_01 – 05), and the Duty to Cooperate Statement (Core_Gen_06). The Council is satisfied that it has fulfilled the requirements of the Duty to Cooperate.

- *What are the strategic, cross-boundary issues of relevance to the Plan and how does the Plan's strategy address them?*

1.1.2 Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS), the London Plan, and to keep it under review. London Boroughs also have to be in general conformity with the London Plan.

1.1.3 Local Authorities are also required to produce Statements of Common Ground with strategic partners where matters of a strategic nature have been identified. Brent has produced five statements. These are listed below alongside the strategic, cross-boundary issues which have been addressed:

- The GLA and adjacent London Boroughs
Matters addressed: housing, tall buildings, protected views, industrial land, town centres, transport, green infrastructure and sports facilities, district heating, health, waste, and Gypsies and Travellers.
- Transport for London (TfL)
Matters addressed: West London Orbital, buses, station accessibility, station capacity, cycle network, freight, existing TfL infrastructure, and road network impacts.
- The Canal and River Trust (CRT)

Matters addressed: active transport, open space and biodiversity, heritage, freight, flooding, heating and cooling, boating, and the Welsh Harp.

- The Environment Agency (EA)
Matters addressed: air quality, open space, biodiversity, and flood risk.
- Thames and Affinity Water
Matters addressed: potable water and sewerage infrastructure.

- 1.1.4 Further detail can be found in the Statements of Common Ground (EB_SOCG_01-05).
- 1.1.5 These matters are largely addressed through the London Plan at a high level strategic basis. The Local Plan is in general conformity with the London Plan, and therefore effectively deals with these high-level matters.
- 1.1.6 The Statements of Common Ground outline the Council's approach to assisting the Mayor in the implementation and delivery of these strategic targets in detail. This primarily relates to the delivery of new housing and the accommodation of its associated growth. The Council's approach to housing delivery is outlined in policy BH1. This states that the delivery of new housing should be directed toward Growth Areas, Site Allocations, Intensification Corridors, and Town Centres. This will provide a minimum of 23,250 homes in the period 2019/20-2028/29, as is consistent with the London Plan housing target for Brent.
- 1.1.7 Another key strategic target is that of delivering sufficient industrial land to support the economy of the greater London area. Brent was formerly identified as a 'Provide Capacity' borough, reflecting its identification as a key provider of this type of land. Policy BE2 provides the strategic policy framework within which the Council intends to deliver against industrial floorspace needs. This is in general conformity with London Plan policies E4-7.
- 1.1.8 To support this growth sustainably it is essential that strategic infrastructure projects are delivered. This relates primarily to health, education and transport infrastructures. The Council has produced an Infrastructure Delivery Plan (IDP). This, combined with supporting strategic policies such as BSI1 (Social Infrastructure), BGI1 (Green and Blue Infrastructure), local transport policies (BT1-BT3), will ensure that the Council sees the required infrastructure delivered at the appropriate time over the Plan period. Our approach, outlined in more detail, is in response to MIQ questions 4.8 – 4.15.
- 1.1.9 Where other, lower level strategic matters have been identified, the Statements of Common Ground outline the Council's approach going forward, and how the suite of strategic policies within the Local Plan will be implemented towards achieving these shared goals. As an example, this would include having a coordinated approach with neighbouring boroughs toward the improvement of shared town centres with Camden, Barnet and Harrow. This included discussions with neighbouring boroughs to ensure that they agreed

with our policy approach and that it would complement their existing/intended approach going forward.

- *What has been the nature of the cooperation undertaken and on what issues has this focused?*
- *What actions have been taken in relation to the 'duty to cooperate'?*

1.1.10 Full details of the nature of the cooperation taken are set out in the Duty to Cooperate (DtC) statement (Core_Gen_06). Specifically, this can be found in the Summary of Engagement, and in the appended table 'Schedule of Meetings'.

1.1.11 The cooperation usually takes place face-to-face at group meetings such as those held by the Association of London Borough Policy Officers (ALBPO), and the West London Alliance (WLA) and associated group meetings. The ALBPO meetings covers topics more broadly, as they relate to London as a whole, including national and regional policy. The WLA includes the West London Boroughs of Brent, Barnet, Harrow, Ealing, Hillingdon, Hounslow, Hammersmith and Fulham, and the Old Oak Park and Park Royal Development Corporation (OPDC). The WLA meetings deal with more specific west London issues, and have been very productive in helping produce several notable supporting documents for the west London Boroughs. These include the:

- Strategic Flood Risk Assessment Level 1 2017;
- Strategic Housing Market Assessment 2018;
- Gypsy & Travellers Needs Assessment 2018;
- Small Housing Sites Assessment 2018;
- Employment Land Availability Assessment 2018;
- Affordable Workspace Study 2019; and
- Strategic Infrastructure Delivery Plan (being drafted).

1.1.12 Regular London Waste Plan meetings also take place to discuss waste matters specifically.

1.1.13 In addition to meeting as a group, the Council also meets face-to-face with individual boroughs to discuss specific matters. These have included building height strategies, protected views, employment land and housing densities. All of this is in addition to regular correspondence via email. Specific details regarding dates and topics of discussion are in the appendix of the DtC statement (Core_Gen_06), under Schedule of Meetings.

- *In preparing the Plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues in respect of the 'duty to cooperate'? In asking this question, the Inspectors note the signed statement of common ground with the neighbouring London Boroughs as well as the Old Oak and Park Royal Development Corporation and the Greater London Authority.*

1.1.14 The Council engaged, and continues to engage constructively with neighbouring boroughs and other relevant strategic partners on cross-boundary issues in relation to the 'duty to cooperate'. As set out in the Statement (Core_Gen_06) the Council was pro-active in this engagement. This ensured timely reaching of resolutions, before commitment to any particular policy route was made and entrenched within the plan's overall strategy. This engagement has been ongoing, and continuous. The Council recognises the dynamism of the planning environment, and the need to continually re-evaluate its approach, and how that approach may relate to that of our strategic partners. As noted, the results of this ongoing engagement has been outlined within the Statements of Common Ground, as well as the Duty to Cooperate statement. This evidences the extent of agreement between signatories. It demonstrates how the ongoing communication has enabled the Council to effectively resolve all matters of potential dispute, leaving no outstanding issues to be discharged upon examination of the new Plan.

- *What have been the outcomes of the actions taken in relation to the 'duty to cooperate' and how does the Plan address those outcomes?*

1.1.15 Full details of the actions are set out in the Duty to Cooperate Statement and relevant Statements of Common Ground. Examples of the outcomes have included a consistent approach to development requirements within the River Brent catchment in relation to fluvial and surface water flooding as a result of the Strategic Flood Risk Assessment Level 1 joint commission. This is dealt with strategically through policies BSUI3 and BSUI4. The Plan also provides for a positive planning context for supporting delivery of the West London Orbital (WLO), with Transport for London and the West London Alliance co-ordinating team supportive of the allocations/Growth Area policies. Agreement with TfL on this matter is noted in paragraph 1.9 of EB_SO CG_02. In addition to a coordinated approach to transport within the allocations and Growth Areas, policy BT1 takes a strategic approach and seeks to safeguard land for the WLO. This reflects the potential WLO scheme in terms of not compromising potential land required, plus site capacity identified at levels, which will support additional Community Infrastructure Levy payments to potentially assist in subsidising some of the WLO infrastructure.

In responding to the above questions, the Council is asked to provide detailed evidence to support its position with reference to the timing and preparation of the Plan.

Sustainability Appraisal and Habitats Regulations Assessment (Integrated Impact Assessment)

1.2 *The Council's Integrated Impact Assessment (IIA) includes the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). Are the likely environmental, social and economic effects of the Plan adequately and appropriately assessed by the IIA?*

1.2.1 The Council considers that the likely environmental, social and economic effects of the plan are adequately and appropriately assessed by the IIA. The original scope of the IIA was consulted on in February / March 2018. This

included the proposed IIA framework, consisting of 24 objectives (Table 2) that would be used to appraise policies (par 3.1). These objectives, being of an environmental, social or economic nature, ensure that the likely environmental, social and economic effects of the proposed policies would be adequately and appropriately appraised. The opportunity for statutory consultees to comment on these objectives helped to ensure that such effects would be adequately and appropriately assessed (for example, feedback from Natural England regarding objective EN5 resulted in 'a net gain for biodiversity' being added as a target).

- 1.2.2 Within the IIA, each policy (and reasonable alternatives) has been assessed in relation to each of these 24 objectives. This gives an overview of the likely effect of each policy in relation to the 24 objectives, ranging from major positive to major negative, even if it is acknowledged that such impact might be mixed or uncertain. Where changes have been made to policy, for example, changes after submission stage policies, the policy has then been re-appraised to consider the likely new impacts, if any.
- 1.2.3 The HRA element of the IIA adequately screens the likely environmental impacts of the Plan on designated European sites, but concludes that an appropriate assessment is not required.
- 1.3 *Do the housing figures set out on page 514 of the IIA accord with the figures that the Council now rely upon in the Plan? If not, why?*
- 1.3.1 The figure of 2325 dwellings a year being required by the new London Plan was added to the February 2020 version of the IIA, with the previous publication stage version (October 2019) stating that 2915 dwellings were required. This is due to the fact that after publication of the Brent Local Plan, the London Plan Examination Panel recommended that Brent's 10 year housing target be reduced from 29,150 to 23,250. Par 5.1.4 of Matter 5 proposes a modification to BH1 of the Brent Local Plan so that the 10-year minimum requirement for 2019/20-2028/29 will be 23,250. This would mean that the figure of 2325 set out on page 514 of the IIA would accord with the Local Plan. This is further elaborated on in Matter 5.
- 1.3.2 The figure of 1,680 homes being required between 2016-2041 is an error and refers to an out of date figure from the 2016 version of the SHMA. It is proposed that this specific figure be corrected to 1,920, in line with the figure in the 2018 Brent SHMA (which would also then accord with pages 18, 68, 418 of the IIA). This would also accord with par 6.2.6 of the Brent Local Plan and the figures reported in Matter 5.
- 1.4 *Does the SA adequately and appropriately assess all of the sites in relation to flooding, is this assessment of sites sufficiently robust, justified and sound? In this regard, the Council is requested to clearly set out how precisely the Strategic Flood Risk Assessment has been used to inform the SA.*
- 1.4.1 The Council considers that the SA adequately and appropriately assess all of the sites in relation to flooding. The role of the SA is to assess the suitability

of sites in relation to a number of social, environmental and economic objectives, not only flood risk. This may mean not only looking at sites in relation to how likely that site is to flood, but also to identify where positives may result from development (but which could also have an impact on flood risk) such as naturalisation of river banks, which could fall under other criteria. It should also be added that it is the role of the SFRA Level 2 to robustly assess sites in great detail in relation to all sources of flooding, and not the IIA.

- 1.4.2 The criteria chosen to assess the flood risk of sites (relating to Flood Risk Objective EN12 in Table 2) are EN12a (flood risk from rivers), EN12b (flood risk from ground water), and EN12c (flood risk from surface water), were originally shown in Table 4 and subsequently updated following comments from the EA in Table 5. These sources of flooding are natural sources and relate to the geography of the borough, as opposed to other artificial sources of flooding (such as reservoir breach and sewer flooding). The Council considers that the assessment of sites using these three criteria is sufficiently robust, justified and sound. Feedback was given from the Environment Agency in relation to the methodology of the IIA, on how this could be improved on in order to help inform the Sequential and Exceptions test. The suggested change to the methodology was updated accordingly. As noted above, the SFRA Level 2 assesses sites in more detail.
- 1.4.3 The SFRA Level 1 (April 2018) was used to inform the SA in that sites which had been identified as potential site allocations were assessed against the three criteria outlined above to identify levels of flood risk, and categorised in accordance with the scoring in Table 3. The SFRA Level 2 (October 2018 and updated March 2020) looks at the nature of flood risk in site allocations located in Flood Zones 2 or 3 (fluvial and surface water) in more detail, for example, in relation to resistance / resilience measures and safe egress. Were the SFRA Level 2 to identify that this would not be possible, then this would result in this site being removed as a site allocation and would be reflected in the IIA.
- 1.5 *Has the formulation of the Plan been based on a sound process of SA? Has the SA set out within the IIA provided an adequate consideration and testing of reasonable alternatives? Is it clear how the SA has influenced the final Plan?*
- 1.5.1 Yes, the Council considers that the formulation of the Plan has been based on a sound process of SA. In line with the guidance / flowchart in par. 13 of MHCLG's guidance on "Strategic Environmental Assessment and Sustainability Appraisal", the required stages of the SA process were met as follows:
- 1.5.2 Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope. This took place in 2017, with consultation on the first IIA taking place in February 2018 alongside the Issues and Options for the plan.
- 1.5.3 Stage B: Developing and refining alternatives and assessing effects. This stage included assessing alternative policy options against the sustainability

appraisal framework. Consultation on this took place in late 2018, alongside the Preferred Options version of the draft plan.

- 1.5.4 Stage C: Prepare the sustainability appraisal report. This stage took place from Preferred Options stage, taking into account comments from consultees and proposed changes to policies, up until Publication Stage.
- 1.5.5 Stage D: Seek representations on the SA report from consultation bodies and members of the public. This took place in late 2019. The SA / IIA was further updated following comments from this consultation. The Council is currently between Stage D and Stage E.
- 1.5.6 The Council considers that reasonable alternatives, including in some cases not having a policy or relying on London Plan policy, have been adequately considered and tested. Alternative policies have been considered and tested against the 24 sustainability objectives outlined within the IIA. These were considered at both Stage B (Preferred Options stage) and Stage C (Publication stage). The assessments of these alternative policies are visible within Chapter 6 of the IIA (February 2020), Chapter 6 of the IIA (October 2019) and Chapter 6 of the IIA (November 2018).
- 1.5.7 With regards to reasonable alternative sites, as noted in the Sequential and Exceptions Tests (March 2020), the Council sought to maximise its housing delivery to meet the draft London Plan target for the first 10 years of the draft Plan, taking account of all deliverable capacity. As such all sites which would be considered to have potential for delivery have been assessed in the IIA, and there were no 'reasonable alternatives'. Three sites have been removed from the IIA and the Local Plan throughout various stages (Craven Park Roundabout, 4-9 Gladstone Parade, and Southway Motors / Fourthway Supplies / Midnight Motors) and could be considered as alternatives, but have been removed for various reasons.
- 1.5.8 The Council considers it clear how the SA has influenced the final plan. The baseline data and issues established in the IIA (Appendix 1) are summarised within Table 7 of the IIA. Table 7 provides a summary of implications / opportunities for the Local Plan, which have influenced the policies included in the final plan. Officers drafting the policies have taken into account the objectives and considered the SA outputs identified by someone independent of the policy drafting prior to each of the consultation stages, which has further informed the content of policies on an iterative basis. Issues which are identified within the site allocation assessments within the IIA are also reflected in the site allocation policies in the local plan, particular in the 'planning considerations' section.
- 1.6 *Has the Plan been formulated on a sound HRA process and is the Council's conclusion that a comprehensive appropriate assessment is not required justified? Given the Council's conclusion in the IIA that no mitigation measures are required in response to the Plan and its proposals, and that none are identified, has Natural England confirmed that the information and evidence provided and the assessment set out in the IIA is sufficient, robust and justified and that the conclusions of the IIA in this respect are supported?*

- 1.6.1 The Council considers that the Plan has been formulated on a sound HRA process and that the conclusion that a comprehensive appropriate assessment is not required is justified.
- 1.6.2 There is no statutory or formal guidance on how to undertake an HRA. However, the methodology applied follows best practice guidance set out by the European Commission, DEFRA and the *Habitats Regulations Assessment Handbook*. The following steps were taken within an initial screening to identify whether an Appropriate Assessment would be required:
- An initial screening to identify European sites which may be affected by the implementation of Local Plan policies (par 4.1);
 - An overview of the qualifying features, conservation objectives, current condition, site sensitivities and threats / pressures of each of these five European sites (Table 28);
 - A screening of the policies contained within the Brent Local Plan and the potential effect of these on European sites (Table 29);
 - Identification of possible pathways of impact in which the Local Plan could impact the identified European sites and the potential impact of the Local Plan in relation to these pathways (Section 7);
 - Consideration of possible in-combination effects (Section 8)
 - Through the screening of the above, it was determined that the Local Plan is not likely to have significant effects on the qualifying features and integrity of the identified European sites (par 9.4).
- 1.6.3 Natural England was consulted at each stage of the Local Plan process, including the various iterations of the IIA process. At Preferred Options stage, Natural England agreed with the conclusion within the HRA that the emerging Brent Local Plan was not likely to have significant effects on the qualifying features and integrity of identified European Sites. Natural England was consulted at Publication Stage, but made no further comments in relation to the IIA.
- 1.6.4 Notwithstanding the above, the Council proposes some minor changes and points of clarification for the HRA.
- Par 7.1 currently states that three ways that the implementation of the Brent Local Plan could impact the European Sites. It is proposed that this be amended to "five", as this more accurately represents how many pathways have been identified (although these have been described in three sections).
 - In Table 25, it is proposed that under Stage 1-Screening – Progress Made, a paragraph be added. This will clarify that at Publication Stage, the update of policy screening to take into account new policies or amendments to policies. Additionally, a paragraph to clarify that at Submission Stage, the screening assessment was updated to take into account lower London Plan targets (due to the Intend to Publish

London Plan being published in December 2019) and progress being made to the local plans identified in table 31 will be added.

- In Table 25, it is proposed that the Stage 2 – Description of Stage box is completed to state that the Appropriate Assessment stage looks in more detail at whether there would be any adverse effects on the integrity of sites identified as having likely significant effects at Stage 1.
- In Table 26, it is proposed that reference to Stage 2 – Appropriate Assessment be removed, and all of the tasks identified be merged together under Stage 1. This is due to an Appropriate Assessment not being required to be undertaken with all tasks part of the initial screening exercise.
- Add a point after par 8.6 to state that the Inspectors' Report for the Intend to Publish London Plan confirms that subject to the panel's recommendations, the draft London Plan meets the requirements of the Conservation and Habitats Species Regulations 2017 and relevant policy and guidance. Additionally, the associated Habitats Regulations Assessment Report 2019 confirms that following amendments to London Plan policy, sufficient protective mechanisms are in place to ensure delivery of the growth objectives of the London Plan without adverse effect on the integrity of European sites.

1.7 *Given the concerns raised by a number of respondents, does the IIA and the Plan adequately and appropriately assess and address the identified issues of air quality such as improvements in energy efficiency, net zero-carbon emissions and short-term and long-term health impacts? What evidence is there to support this?*

1.7.1 The assessment and addressing of air quality and the associated improvements is present throughout a number of themes / issues addressed in the IIA and the Local Plan.

1.7.2 Section 6 of Appendix 1 of the IIA outlines the baseline information on Air Quality. Table 7 summarises it. Traffic and transport is the main contributor to poor air quality in Brent. This with local energy generation, construction and traffic and transport are the largest contributors overall. The implications / opportunities for the Local Plan in relation to this are then identified. It then notes that the Local Plan should seek to improve air quality. It acknowledges that this can be through a variety of means such as promotion of renewable energy, modal shift to public transport and sustainable construction. Energy efficiency and carbon emissions are issues linked closely with air quality. Sections 8 and 13 respectively of Appendix of the IIA present baseline information in relation to Climate Change and Transportation. Table 7 summarises them with opportunities / implications identified. These include for example maximising a modal shift towards sustainable transport modes, reducing greenhouse gas emissions, and exceeding local and national targets where possible. Section 3 of Appendix 1 shows health baseline information, although does not specifically relate to air quality.

- 1.7.3 The IIA assesses proposed policies against a number of IIA objectives associated with air quality. IIA Objective EN1 refers to reducing the effect of traffic on the environment through reducing the need to travel and promoting sustainable modes of movement. IIA Objective EN4 refers specifically to aiming to minimise air pollution. IIA Objective EN8 (Climate Change Mitigation) also links into the issue of air quality by aiming to mitigate against the impacts of climate change, predominantly through reducing greenhouse gas emissions.
- 1.7.4 Each of the plan's proposed policies and reasonable alternatives have been assessed throughout the IIA. This includes all policies against the objectives EN1, EN4 and EN8.
- 1.7.5 Because air quality links into a number of areas, numerous Brent Local Plan policies address issues in relation to it. BT1 addresses sustainable travel choice, while BT2 addresses parking and car free development. These will reduce car use, in turn reducing a range of adverse emissions. The matter of Air Quality is addressed in Policy BSUI2 and Energy Efficiency is addressed in Policy BSUI1. As noted in Table 7 of the IIA, the Mayor of London committed to London being zero carbon by 2050. As outlined in 6.7.21 of the Brent Local Plan, to work towards this, a change is required in how energy is supplied and used in developments. As such, Brent Local Plan policy BSUI1 requires major developments to contribute to or connect to decentralised energy systems, and submission of Sustainability Statements. Further justifications of these policies can be found in Matter 8.
- 1.7.6 As noted in IIA par 1.11, a Health Impact Assessment is not compulsory, but has been integrated into the IIA process via the IIA Framework. It touches on human health through looking at relevant baseline data, key sustainability issues and opportunities, objectives and mitigation measures. As such, a specific area of the IIA has not been dedicated towards looking at or distinguishing between the short-term and long-term health impacts associated with air quality. Instead, the general impacts of issues associated with air quality on health are considered in the supporting text of the policy assessments within the IIA.
- 1.7.7 It should be added that aside of the Local Plan, the Brent Climate Assembly was set up in 2019 with the Council declaring a climate change emergency. It will be delivering a new climate strategy in 2020, setting greater clarity on the actions that will be taken in Brent to address climate change.
- 1.8 *Has the IIA been undertaken in accordance with all the relevant Regulations (including SA and HRA) and the National Planning Policy Guidance? Overall, is the IIA adequate in its expression of why the Plan's preferred strategy and policies were selected?*
- 1.8.1 Yes, the Council considers that the IIA has been undertaken in accordance with all relevant Regulations. In line with Section 19 of the Planning and Compulsory Purchase Act 2004, the Council has carried out a sustainability appraisal of each of the proposals in the local plan. Regulation 7 of the Town

and Country Planning (London Spatial Development Strategy) Regulations 2000 also requires a sustainability appraisal of the proposed spatial development strategy, which has also been complied with.

- 1.8.2 HRA Regulations have been complied with, as elaborated on under question 1.6. As noted previously, the HRA screening identified that a comprehensive appropriate assessment is not required. As such, the implementation of the Local Plan, either alone or in combination, will not adversely affect any Natura 2000 sites.
- 1.8.3 The Council considers that the IIA has been undertaken in line with the NPPG. The process outlined in PAR 013 of Strategic Environmental Assessment and Sustainability Appraisal of the PPG (Reference ID: 11-013-20140306) has been followed, as explained under question 1.5 above. Baseline data has been referred to (Appendix 1) in the IIA, in line with PAR 016 of the PPG (Reference ID: 11-016-20190722). Necessary consultation bodies have been consulted on the IIA as required. In line with the NPPG, the IIA has been submitted for examination along with the Local Plan.
- 1.8.4 The Council considers that the IIA is adequate in its expression of why the Plan's preferred strategy and policies were selected. Par 5.3 of the IIA explains that a number of objectives support the Local Plan's vision. These are reflective of the six good growth principles identified within the London Plan, which the Brent Local Plan is required to be in general conformity with. However, these objectives identify locally specific priorities, which are specific to Brent as a borough, to assist in the delivery of the London Plan's good growth objectives. Par 5.4 of the IIA then explains that these proposed objectives were tested against the IIA framework to test how compatible they are with the principles of promoting Sustainable Development (taking into account Economic, Social and Environmental factors). The assessment of these objectives then demonstrates that the implementation of the Brent Local Plan's objectives would achieve positive outcomes, and as such, these are the objectives which are carried forward.
- 1.8.5 Chapter 6 of the IIA appraises the Plan's proposed policies and reasonable alternatives. A conclusion is given after each policy is considered with its associated reasonable alternatives (where applicable), which summarises why the preferred policy was proposed to be taken forward.

Other legal requirements

- 1.9 *Taken as a whole, does the Plan include strategic policies - or a spatial development strategy which contains policies - to address the identified strategic priorities of the Plan area, in accordance with Section 19(1C) and (1D) of the PCPA? If not, why?*
- 1.9.1 Yes. The development plan will comprise the emerging London Plan when adopted and the draft Brent Local Plan. The draft Local Plan identifies in section 4 that it takes forward the draft London Plan's Good Growth objectives. These objectives inform the strategic policies of the London Plan which apply to Brent. They have also informed the strategic priorities identified in the draft Brent Local Plan as outlined in section 4. The draft Local

Plan identifies its strategic policies in Appendix 6. The draft Local Plan has sought to be in general conformity with the draft London Plan. This has an extensive number of strategic policies, which it has not sought to repeat.

- 1.10 *Is the Plan legally compliant in terms of how it seeks to address climate change? Does the Plan include policies designed to secure the development and use of land in the Borough which contributes to the mitigation of, and adaptation to, climate change as required by Section 19(1A) of the PCPA?*
- 1.10.1 The Plan complies with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004. The Plan sets out a range of policies, which will achieve significant benefits in terms of resilience through development that will contribute to the wider sustainability objectives in tackling climate change. Within Chapter 6.7, policies encompass mitigation objectives such as low carbon energy technology and opportunities for reduction and renewable energy consumption in buildings (Policy BSUI1); improvements to air quality (Policy BSUI2); integrating reduction measures to flood risk (Policy BSUI3) and requiring water efficiency and management (BSUI4).
- 1.10.2 Similarly, adaptation to climate change is crosscutting and has implications for a range of policy areas. Requirements for high quality urban design (Policy BD1); adaptation through design and orientation (DMP1); maximising green and blue infrastructure benefits (Policy BGI1 and BGI2); expanding CPZs, promoting car-free development and sustainable transport (Policy BT1, BT2, BT3).
- 1.10.3 Furthermore, following the council's declaration of a climate emergency in July 2019 and the Interim Action Plan (2019), a new climate strategy in 2020 will set out greater actions that will be taken in Brent to address climate change.
- 1.11 *Has the Plan been prepared to be in general conformity with the London Plan?*
- 1.11.1 The Council has sought to prepare the draft Local Plan where possible in general conformity with the emerging London Plan. The Mayor of London has yet to provide a definitive statement on the extent to which the draft Local Plan submitted for examination is considered to be in general conformity. He is awaiting conclusion of agreed changes to be made to the London Plan, following the Secretary of State's directions to amend the 'Intend to Publish' version. Delays are anticipated due to recent Government changes to the Use Classes Order, and permitted development rights related to upward extensions and demolition and redevelopment. Officers are in regular contact the London Plan team on this matter.
- 1.11.2 The main 'general conformity' issue that the Mayor identified at Regulation 19 stage was in relation to industrial land policies. The Mayor did not consider that the draft Local Plan sufficiently addressed future industrial land provision consistent with the quantum identified in the London Plan evidence base, as well as being inconsistent with London Plan policy on 'co-location' in Strategic Industrial Locations. Whilst the Mayor has identified other areas of the Plan

where he is not fully supportive of its content, he has not raised the associated matter of not being in general conformity.

1.12 Has the Plan been prepared in accordance with the Council's Statement of Community Involvement (SCI) and met the minimum consultation requirements in the relevant Regulations?

1.12.1 Yes, the Plan has been prepared in accordance with the Council's Statement of Community Involvement (SCI). This involved undertaking several consultation processes, including for the Issues and Options, Preferred Options, and Publication stage documents. Each of these consultation processes were undertaken in accordance with the Council's SCI. Consultation was for a minimum of 6 weeks at each stage. It involved all interested parties listed within the Council's Planning Consultation database. This includes the statutory consultees identified in Appendix 1 of the SCI.

1.12.2 Details of the consultation, including relevant documents and how to make comments, were made available on the Council's website, at the Brent Civic Centre and Brent Council libraries. To make comments the Council produced online surveys and comment sheets. It also held drop-in sessions and workshops, where stakeholders could discuss matters face-to-face with the Council. The Council raised awareness of these consultations through a number of mediums. This included leaflets, E-mail, social media, press releases and others, as is in accordance with the SCI.

1.12.3 The full details of this, and a summary of the consultation results, are within the table on pages 9-19 for the regulation 18 documents, and 19-24 for the regulation 19 process in the Consultation Summary (Core_010). This also demonstrates how the Council has met the minimum consultation requirements in preparing a Development Plan Document. The Consultation Summary serves to meet the regulatory requirements, summarising how they have been addressed through the Plan process.

1.13 Does the Plan accord with the Council's Local Development Scheme (LDS) and has the consultation carried out during the preparation of the Plan been adequate?

1.13.1 The Council's Local Development Scheme (LDS) sets out its process for the production of a Development Plan Document (DPD), and the proposed timeframe in which key milestones will be met. Prior to amendment in 2019, the last update of the LDS was in 2017 prior to the commencement of regulation 18 stage. Due to delays in the plan-making process, it was necessary to update the LDS in 2019 to better reflect timescales. Appendix 2 (supported by a Gantt chart in appendix 3) of the LDS outlines the timeframe within which these key milestones were to be reached. They were reached as follows: publication October 2019; submission March 2020; and examination June-November 2020. The final stage, subject to the Plan being legally compliant and sound will be its adoption. The LDS identifies this as December 2020. Given the examination hearings are likely to start at the end of

September, this is now unlikely to be achievable, although early 2021 might be possible.

- 1.13.2 As above, the Council has undertaken consultation of the Plan in line with the Statement of Community Involvement (SCI) at every stage of the process. Produced in consultation with them, all relevant stakeholders agreed the SCI was a reasonable approach to consultation. It also goes beyond the minimum requirements as set out within the regulations. The measures which the Council has taken at each stage is summarised within the Consultation Statement (Core_010) submission document. Therefore, it is considered that the consultation process during the preparation of the Plan has been more than adequate.
- 1.14 *Is the geographical illustration of all relevant policies and proposals within the Plan adequately and correctly shown on the submission policies map?*
- 1.14.1 The policies map includes the polygons of all spatial policies prescribed within the Plan, and those of relevance within other documents such as the London Plan, Neighbourhood Plans and the West London Waste Plan. These polygons are illustrated clearly, being listed in the key for easy identification.
- 1.14.2 At this stage, the map is still a simple A0 PDF. The map includes a number of overlapping layers as the boundaries generally follow similar geographical features such as rivers and roads. To make this clearer, the Council has separated these layers over three separate maps as was appropriate.
- 1.14.3 Upon adoption of the Plan, the Council intends to make an interactive version of this map whereby layers can be filtered and selected, further enhancing its navigation and the users experience/ ease of use.
- 1.14.4 The layers as depicted are all correct, reflecting the policies within the Plan. This is with exception to the Map Modifications listed within the Schedule of Proposed Modifications (Core_04), which the Council intends to rectify as listed.

Appendix A – Proposed modifications to the IIA

Proposed Modifications to the IIA

Document	Paragraph Number or Section	Modification Proposed	Reason for Modification
IIA	Page 504, Table 25, para. 2.4. Stage 1- Screening, under 'Progress Made'	Add a paragraph "At Publication Stage, the policy screening was updated to take into account new policies or amendments to policies."	To account for the intended check and update of the plan in respect of any policy changes, prior to publication.
IIA	Page 504, Table 25, para.2.4, Stage 1, Screening, under 'Progress Made'	Add a further paragraph "At Submission Stage, the screening assessment was updated to take into account lower London Plan targets (due to the Intend to Publish London Plan being published in December 2019) and progress being made to the Local Plans identified in Table 31".	To take into account lower London Plan targets (due to the Intend to Publish London Plan being published in December 2019) and progress being made to the local plans identified in table 31.
IIA	P.504, Table 25, Stage 2, under 'Description of Stage'	Complete the sentence ending 'an' as follows: (an) any adverse effects on the integrity of sites which have been identified as having likely significant effects at Stage 1".	Correction of typo / accidental cut.
IIA	P.505, Table 26, para. 3.3	Remove reference to Stage 2 – Appropriate Assessment, and all tasks to be collated under Stage 1.	Due to an Appropriate Assessment not being required to be undertaken with all tasks that are part of the initial screening exercise.
IIA	Page 514, para 5.1	Amend the figure "1,680" to "1,920"	To reflect the updated housing need figure in the Brent 2018 SHMA.
IIA	Page 525, paragraph 7.1	Amend "three" to "five"	This more accurately represents how many pathways

Document	Paragraph Number or Section	Modification Proposed	Reason for Modification
			have been identified (although these have been described in three sections).
IIA	P.533, paragraph 8.6	Add a point after para 8.6 to state "the Inspectors' Report for the Intend to Publish London Plan confirms that subject to the panel's recommendations, the draft London Plan meets the requirements of the Conservation and Habitats Species Regulations 2017 and relevant policy and guidance. Additionally, the associated Habitats Regulations Assessment Report 2019 confirms that following amendments to London Plan policy, sufficient protective mechanisms are in place to ensure the growth objectives of the London Plan can be delivered without adverse effect on the integrity of European sites."	As the Brent Local Plan is required to be in accordance with the London Plan, it is required to confirm that the London Plan meets legal requirements as described.