



**Brent Local Plan**  
Examination Stage Proposed Modifications  
Representation Form

**Council  
Reference  
Number:**

**7a**

**Representations on the proposed modifications must be received by the Council by 5pm 19<sup>th</sup> August 2021.**

All the representations should be submitted to [planningstrategy@brent.gov.uk](mailto:planningstrategy@brent.gov.uk) or Paul Lewin, Planning Policy Team Leader, Brent Civic Centre, Engineer's Way, Wembley, HA9 0FJ. Ideally provide your response in Word or similarly editable document formats. This will make it easier for us to summarise representations and speed up the process of reporting to the Inspectors.

### **Data Protection**

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. It may be used by the Council, the Planning Inspectors or the Local Plan Programme Officer to contact you, if necessary, regarding your submission. All representations including all accompanying personal data will be sent to the appointed Planning Inspectors undertaking the Local Plan examination. Please see the [Council's planning](#) and [Planning Inspectorate's](#) privacy notices

Your name, organisation name (if relevant) and comments will be made available for public inspection when displaying and reporting the outcome of the consultation. No other personal data will be displayed. No anonymous representations will be accepted.

If you consent the Council will place your details on our Planning Policy consultation database and inform you of any next stages in the Local Plan adoption process.

I wish / do not wish to be informed of the next stages, such as publication of the Inspectors recommendations or the adoption of the Local Plan - **delete as appropriate**.

If you consent, the Council will also retain your details to inform you of any further planning policy consultations, such as any review of the Local Plan, Community Infrastructure Levy, Supplementary Planning Documents, Article 4 Directions, conservation area/ other heritage asset reviews and neighbourhood planning.

I wish / do not wish to be informed of other planning policy consultations - **delete as appropriate**.

**Please sign and date this form.** Forms signed electronically or with typeset will be accepted.

### **Declaration:**

**By completing and signing this form, I agree to the above use of data submitted in association with my representations.**

Signature:

Date:

19/08/2021

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

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## Part A

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### 1. Personal

Details\*

### 2. Agent's Details (if applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text" value="WSP"/>
Address Line 1	<input type="text"/>	<input type="text" value="70 Chancery Lane"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text" value="London"/>
Post Code	<input type="text"/>	<input type="text" value="WC2A 1AF"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text"/>	<input type="text"/>

(necessary to assist in communicating with you effectively and ensuring the examination process is not subject to delay)

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**Part B – Please use a separate sheet for each representation**

Name or Organisation:

3. To which proposed modification does this representation relate?

Modification  
Reference  
e.g. MM1

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the  
Duty to co-operate

Yes

☐

No

☐

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We submit these representations to the London Borough of Brent Local Plan Consultation on Proposed Main Modifications, on behalf of Marchmont Investment Management.

Staples Corner Growth Area is a designated Strategic Industrial Location (SIL) and therefore forms part of London's "main reservoir of land for industrial, logistics and related uses" (London Plan 2021, paragraph 6.5.1). Staples Corner serves as a key location for a range of employment spaces of different sizes and types of businesses, given its close proximity to the A5, A406 and M1.

Proposed Main Modification MM29 includes an amendment to the 'Planning Considerations' detailed for Site Allocation BEGA2. The first bullet point at the top of page 99 of the Schedule of Main Modifications states

~~Until a masterplan has been completed/ adopted by the council no nonindustrial/ residential will be permitted in the area.~~ **Developments of nonindustrial uses will not be permitted in the growth area until the council has approved a masterplan, which shows how intensification / colocation will achieve an increase in industrial floorspace. Piecemeal development which would prejudice the delivery of a comprehensive masterplan will not be permitted.**

Proposed Main Modification MM29 is ambiguous and could imply that any development, including industrial uses that are entirely appropriate within this area, would not be permitted until a comprehensive masterplan has been prepared. This bullet point of the Council's policy is clearly drafted to restrict non-industrial development coming forward ahead of a masterplan for co-location. Therefore, to avoid misinterpretation, we request clarification and the addition of clearer wording to explicitly address this. If it were interpreted to apply to all types of development, MM29 would unduly restrict industrial development from coming forward in a designated SIL. By its definition, SIL land is designated to encourage industrial

development to come forward with more freedom and in principle support in these areas. We set out below the reason why as drafted the policy is unsound and why it should be amended to clearly refer to non-industrial development, as is the intonation from the overall bullet point, in order to avoid negative implications of the policy when implemented.

The proposed Main Modification MM29 could be interpreted to conflict with London Plan Policy E7, which states that development plans should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land. As currently drafted, proposed Main Modification MM29 could be taken to be preventing even industrial intensification coming forward within the Staples Corner Growth Area until a masterplan has been prepared, which is likely some years away given the complexities in preparing such a masterplan. It is unsound and contrary to adopted Development Plan policy (in the form of the London Plan) to proceed with Site Allocation BEGA2 in its current form, given this ambiguity and potential conflict. The Council need to ensure the pipeline and enhancement of industrial floorspace is supported SIL, to prevent detriment of both the local and regional economy.

On the 12 February 2020, the cabinet delegated the approval of the Local Plan to the Strategic Director Regeneration and Environment. The Report published on the 25<sup>th</sup> 2021 seeking a decision from the Strategic Director Regeneration and Environment on the main modifications, states that the GLA objected to the Council's methodology for identifying how much additional industrial floorspace is required in the borough. The GLA considered that the borough should be more pro-active in showing how the 43(+) hectares of need [industrial floorspace] identified in the London Plan evidence base can be delivered. This highlights the importance of ensuring that the policies as redrafted do not restrict the ability to meet industrial land requirement as the details of what uses will be acceptable in the masterplan have not been confirmed.

Furthermore, there is the matter of national planning policy. Paragraph 82 of the NPPF (2021) sets out that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. As set out above, the proposed wording included in MM29 lacks clarity and does not ensure that industrial intensification and development can come forward as is envisaged by its SIL designation. This does not 'positively and proactively encourage sustainable economic growth'. The Council must be cognizant of the potential to deter developers and businesses from investing in this SIL of key importance to Brent and London.

To clarify this ambiguity, and remove the potential risk to industrial development throughout the Plan period, Policy BEGA2 should be amended. This will align it with adopted London Plan policy and ensure a sufficient supply of industrial floorspace within Brent and London. We suggest the following changes MM29 [new text in **bold**]:

*Developments of nonindustrial uses will not be permitted in the growth area until the council has approved a masterplan, which shows how intensification / colocation will achieve an increase in industrial floorspace. **Non-industrial**, piecemeal development which would prejudice the delivery of a comprehensive masterplan will not be permitted.*

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if

you are able to put forward your suggested revised wording of any policy or text.  
Please be as precise as possible.

We suggest the following changes MM29 [new text in **bold**]:

Developments of non-industrial uses will not be permitted in the growth area until the council has approved a masterplan, which shows how intensification / co-location will achieve an increase in industrial floorspace. **Non-industrial** piecemeal development which would prejudice the delivery of a comprehensive masterplan will not be permitted.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspectors, based on the matters and issues they identify for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☒

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To further discuss the points raised in these representations regarding the Staples Corner Growth Area (Site Allocation BEGA2)

**Please note** the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspectors have identified the matters and issues for examination.

## **Guidance Note to Accompany Model Representation Form**

### **1. Introduction**

1.1. The Council has proposed modifications to the Brent Local Plan that it has been submitted for examination by the appointed Planning Inspectors. It is only the proposed modifications and associated documents that are subject to consultation. All previous representations received on the submitted Plan have been considered by the Inspectors as part of the examination process to date and do not need to be re-submitted, or additional points made on them. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspectors will consider all representations on the plan that are made within specified consultation periods.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available and taken into account by the Inspector.

### **2. Legal Compliance and Duty to Co-operate**

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the Council's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the Council proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the Council's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the Council's Statement of Community Involvement [SCI]. The SCI sets out the Council's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The Council is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The Council will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

### 3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy or the London Plan?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

### 4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You



should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.