

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 07/10/2024

Subject: Local Plan review – timetable, resourcing and community involvement

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: David Gawthorpe, Team Leader - Policy and Spatial Planning

Responsible Director: Bram Kainth – Executive Director of Place

SUMMARY

We want to be bold, brave and ambitious in Hammersmith & Fulham. We're aiming high and want to become the best place to live and work in Europe. The Labour government's commitment to constructing 1.5 million new homes within five years presents a significant opportunity for the borough to address housing needs while also contributing to broader social and economic objectives. Furthermore, the borough's proactive stance on climate change, as evidenced by the adoption of the Climate Change Supplementary Planning Document, aligns with the national goal of achieving zero carbon emissions. The review of the Local Plan in Hammersmith & Fulham is therefore not only timely but essential in ensuring that the borough can meet its bold objectives within the framework of the new national housing agenda and local climate commitments.

The Local Plan is the key planning document for the borough. It provides the framework for meeting the future development needs of the area and will set out policies and guidance to shape our places, plan and manage growth and guide development across the borough over a 15- year period. We will use the Local Plan to guide our decisions on the location, amount, and type of development the borough needs to accommodate growth and the infrastructure required to support it. Ultimately, the Local Plan will be the main document against which we assess planning applications.

As part of the local plan-making process, every Local Planning Authority is required to prepare and maintain a document known as a Local Development Scheme (LDS). This is reviewed periodically and sets out the timetable for the preparation of planning documents such as the Local Plan. The current Local Development Scheme for Hammersmith & Fulham requires updating to reflect the proposed local plan review timetable, as well as the latest guidance and requirements on plan making. This report sets out the revised LDS for approval and subsequent publication.

While there are no direct financial implications from the adoption and publication of a Local Development Scheme, there would be significant resource and financial implications associated with the preparation of a full Local Plan Review. In this report we also detail the resourcing required for the Local Plan review.

Taking a co-produced approach to the design and delivery of community support and services, will help us work together with the community to bring to life our commitment to 'doing things with residents not to them'. As part of this commitment, we intend to update our methods of engaging the community in the preparation of the Local Plan and the planning application process. Post pandemic there is a greater desire from the community to use digital technology to receive information and engage in Council initiatives. We need to ensure our community engagement on the preparation of local plan and for planning application consultations fully utilises digital connectivity. The details of how we will engage interested and affected residents and organisations in planning are required to be set out in the council's Statement of Community Involvement (SCI). This report also seeks approval for consultation on a revised SCI.

RECOMMENDATIONS

1. That Cabinet approves the adoption and publication of the attached Local Development Scheme (Appendix 1) and for this to be brought into effect from 1st November 2024.
2. That Cabinet approves the release of funding from planning reserves for the reasons as described within this report to enable the review of the adopted Local Plan during the remainder of financial year 2024/25 and continuing in 2025/26 and 2026/27.
3. That Cabinet approves the draft updated Statement of Community Involvement (SCI) for public consultation (Appendix 2).

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The review of the Local Plan will build on corporate objectives on shared prosperity delivering growth and infrastructure in the borough and encouraging investment.
Creating a compassionate council	It is a priority for us that we will continue to protect our valuable open space and community facilities and deliver new and improved infrastructure for our residents.
Doing things with local residents, not to them	The Local Plan process includes several rounds of public consultation to enable residents to have their say in the future development framework for the borough. A revised SCI will improve methods of engagement with residents.

Being ruthlessly financially efficient	The Local Plan review is an investment in the future growth of the borough and the costs associated are necessary and within budget.
Taking pride in H&F	Giving local businesses and residents an opportunity to contribute towards sustainable growth of the borough.
Rising to the challenge of the climate and ecological emergency	A revised Local Plan would represent a significant step forward in meeting the ambitions and objectives of tackling the causes and impacts of climate change.

Financial Impact

Local Development Scheme (LDS)

There are no direct financial consequences arising from the publication of the LDS. The production of the documents in the LDS, including the Local Plan will continue to be prepared by staff in the Strategic Planning team.

Resourcing the Local Plan review

The cost of resourcing the Local Plan review is estimated to be £1,062,000 (£830,000 for externally procured evidence, £2,000 for consultation costs and £230,000 for examination and legal representation). These costs would be incurred across three years, estimated to be £700,600 in 2024/25, £140,600 in 2025/26 and £220,800 in 2026/27). This can be fully funded from existing planning reserves.

Statement of Community Involvement (SCI)

The revision of the SCI and consultation on the draft document can be delivered within the existing planning policy budget. The package of measures in the updated SCI aim to put in place changes to service delivery to enable greater resource efficiency, and to deliver greater outcomes and leaner delivery. The cost of implementing the SCI commitments as proposed are not anticipated to exceed those of the existing SCI (estimated to be on average £700 per year) can be fully funded from the existing Planning revenue budget. If members are minded to pursue consultation approaches over and above those proposed then there may be additional financial and resource implications. Any requirement for additional unbudgeted funding will need be considered as a separate decision report in accordance with the Council's governance thresholds.

*Completed by Will Stevens, Finance manager (Place), 20 August 2024.
Verified by James Newman, Assistant Director Finance, 20 August 2024.*

Legal Implications

Local Development Scheme (LDS)

Section 15 of the Planning & Compulsory Planning Act 2004, as amended, requires each local planning authority to prepare and maintain a document setting out the

programme for the preparation of planning documents, which is the Local Development Scheme (“LDS”).

The LDS must specify broadly:

- (i) the local development plan documents which are to be development plan documents.
- (ii) the subject matter and geographical area to which each development plan document is to relate;
- (iii) which development plan documents are to be prepared jointly with other local planning authorities; and
- (iv) the timetable for preparation and revision of the development plan documents.

If a local planning authority fails to prepare an LDS, the Secretary of State may do so and direct that the same is brought into effect. To bring an LDS into effect, a local planning authority must resolve that the scheme is to have effect and specify the date from which the scheme is to have effect.

A local planning authority must:

- (i) revise an LDS as such time as they consider appropriate; and
- (ii) make the following available to the public and publish this on their website: (a) the up-to-date text of the LDS, (b) a copy of any amendments made to the LDS, and (c) up-to-date information showing the state of the authority’s compliance (or non-compliance) with the timetable for the preparation and revision of the development plan documents.

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. However, it makes provisions for certain interventions by the Secretary of State or Mayor of London.

To bring the LDS into effect, the local planning authority must resolve that the scheme is to have effect and, in the resolution, specify the date from which the scheme is to have effect.

Statement of Community Involvement (SCI)

The Council has a legal duty to have an adopted SCI. Section 18 of The Planning and Compulsory Purchase Act 2004 (as amended) requires a local planning authority to produce an SCI to set out how the Council intends to achieve community involvement in the preparation of plans and decision making for planning applications. The SCI must set out the local planning authority's policies for giving advice or assistance under—

- (a) advice or assistance on proposals for making of neighbourhood development orders, and
- (b) advice or assistance on proposals for modification of neighbourhood development plans.

Mrinalini Rajaratnam, Chief Solicitor Planning and Property, 19 July 2024.

DETAILED ANALYSIS

Proposals and Analysis of Options

Why do we need a new Local Plan?

Our borough is changing, and our population is growing. Like the rest of London, we face the challenge of accommodating new growth and development. We need a clear strategy for bringing sufficient land forward, to address objectively assessed needs for housing, employment, leisure, and retail. Key priorities are allocating strategic sites for housing and finding new ways to deliver affordable housing for those on lower incomes. We need to carefully plan for this growth to ensure the infrastructure is there to support our existing and new communities.

The Mayor of London has also commenced a review of the London Plan. Our Local Plan has to be in general conformity with the Mayor's London Plan. The Mayor's current London Plan sets out the strategic spatial framework for the City. It prioritises building the homes, particularly the genuinely affordable homes, that Londoners need to support sustainable economic growth. The new London Plan will provide us with a new housing target which will likely be substantially higher than the current target. Using Government's Standard Method, our Strategic Housing Requirement will likely rise from 1,609 homes pa to approximately 2,500 homes pa as a result of us having one of the highest Affordability Ratios nationally. We need to be ready to show how new housing and other new requirements emerging from the London Plan can be delivered whilst maintaining the special character of the borough.

Delivering a sustainable built environment is crucial for Hammersmith and Fulham's long-term sustainability and prosperity. We need to ensure that the borough is prepared for the adverse impacts of climate change. A key priority for the new Local Plan will be set out a clear path to zero carbon standards for all types of developments, provide guidance for retrofitting of properties in the borough, and signalling to the work we are doing on adaptation.

The new Labour government have hit the ground running with their ambitions for planning reform. This has already manifested in a revision to the National Planning Policy Framework (NPPF) which is out for public consultation until September 2024. We can expect to see changes to the plan making system in the medium term but as it stands the most significant change is an extension of 18 months to the current submission deadline for Local Plans, affording Local Authorities a more realistic timeframe to progress their plans to the point of submission. For Hammersmith & Fulham this is a welcome change, and our proposed Local Development Scheme (LDS) timetable has been drafted in accordance with this.

Local Development Scheme (LDS)

The Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011, requires each local planning authority to prepare and maintain a document setting out the programme for the preparation of planning documents. This is known as the Local Development Scheme (LDS). If the council wish to pursue a review of the Local Plan there is no alternative option to bringing into effect a new and revised LDS.

The LDS is a project plan for preparing planning documents, but it is not a policy document itself. It provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the Council and the timetable for when these documents will be produced. In particular, it sets out the timetable for the review and update of the Council's Local Plan and outlines the dates when there will be formal opportunities for interested parties to get involved with the plan making process.

The Local Development Scheme (LDS) has been prepared to cover the period spanning from 1st November 2024 to 31st December 2027. The full documentation is attached at Appendix 1 to this report. It should be noted that there are potential uncertainties around the Council's Planning Policy timetable. This is due to expected changes to the planning system that may be brought about by the new government. Such changes may include updates to the plan making process which the new H&F Local Plan would need to comply with.

Proposed Local Plan Review Timetable



Subject to being agreed for adoption and publication, the LDS will be monitored. A dedicated webpage on the Council's website will update residents on progress towards the production of the Local Plan. The Council's performance against the LDS timetable will also be published as part of the Council's Annual Monitoring Report, which is published in December each year. The reporting of progress against the LDS is also a legal requirement of the Planning & Compulsory Purchase Act 2004 (PCPA) (as amended by the Localism Act 2011).

Resourcing the Local Plan review

Cabinet Members are already aware that local planning authorities are legally obliged to maintain an up-to-date Local Development Plan. It is a significant undertaking, and it requires an effective and resourced programme of project management, often set against continually changing real-world circumstances to ensure that the plan is properly prepared and informed by relevant and proportionate evidence.

Officers have considered the types of evidence that would be required to support the preparation of a new Local Plan. Some of the evidence which is required for the Full Review will be undertaken internally by officers within the Planning Service. However, some elements of evidence will require appropriately qualified external experts to provide independent and objective advice. The independent and objective

advice provided is then considered by the Council's planning professionals in the context of all other evidence during the preparation of development plan policies.

The range of evidence which will require external assistance includes:

- Employment Land Study update
- Retail needs assessment
- Town Centres and High Streets review
- Student Housing Demand and Supply Study
- Hotel and Visitor Accommodation Demand and Supply Study
- Strategic Housing Market Assessment
- Strategic Housing Land Availability Assessment
- House Conversion Policy Analysis
- Strategic Flood Risk Assessment
- Open Space Audit
- Carbon Offset Cost Viability Study
- Climate Change Assessment
- Heights and Densities Assessment
- Design Codes
- Infrastructure Delivery Plan (IDP)
- Playing Pitch Strategy
- Leisure Needs Assessment Study
- Parks and Open Space Strategy
- Urban Greening - Green and Blue Infrastructure Study
- Waste Study
- Gypsy and Travellers Needs Assessment
- Surface Water Management Strategy
- Full Local Plan Viability Study

During its preparation the evolving Local Plan must also be subject to ongoing Sustainability Appraisal, Habitats Regulation Assessment, and Equalities Assessment.

Co-production with residents and a thorough governance programme with officer and member steering groups will be undertaken at key stages in the preparation of the Local Plan.

Finally, the Local Plan will need to be submitted to Government for Independent Examination in Public. The substantial cost of the Independent Examination process is borne by the Council. The Council will also incur costs for any legal advice it needs to seek during the preparation of the Local Plan and then at the Examination Stage.

The preparation of a Local Plan is not a linear and predictable process; consideration of representations can mean that further evidence is required, and alternative options may need to be identified and assessed. The overall cost and time period for preparing a plan is subject to continual re-appraisal.

Officers advise that the total cost of externally procured evidence is in the order of £830,000 and the cost of Examination and legal representation is estimated at

£230,000. The total projected estimate of cost for the Local Plan review process would therefore be around £1,062,000, spread over 3 financial years.

Summary of Expenditure – Local Plan review 2024 -2027

	2024/25	2025/26	2026/27	Total (£)
Local Plan review expenditure (externally procured evidence)	700,000	110,000	20,000	830,000
Local Plan Consultation expenditure (including post examination main mods)	600	600	800	2,000
Local Plan Examination and Legal Representation		30,000	200,000	230,000
Gross Expenditure	700,600	140,600	220,800	1,062,000

There are two clear options to consider:

- Option 1 - resolve to resource the preparation of the revised Local Plan.
- Option 2 - resolve not to resource the preparation of the revised Local Plan.

If we decided not to resource the Local Plan review, then it would become increasingly difficult over time for the Council to maintain confidence in the relevance of the strategic policies of its current Local Plan and it would struggle to effectively assess planning applications in the borough.

The officer recommendation is Option 1; to resolve to approve the recommendation of this report and thereby resource the preparation of the revised Local Plan.

Statement of Community Involvement

The Council has a legal duty to produce a Statement of Community Involvement (SCI) under the Planning and Compulsory Purchase Act 2004 (as amended). The SCI sets out how the Council will consult the public and other stakeholders in preparing any new statutory development plan documents and how it will consult on planning applications. It is essentially a procedural planning document.

The Council's current SCI was adopted in 2015 and requires an update to reflect more recent ways of community engagement and advancements in digital consultation methods. In preparing an update to the SCI, officers have generally sought to avoid re-providing content that will date the document in forthcoming years, and to shift the emphasis of the SCI away from prescribing appropriate techniques to establishing broad consultation principles that will continue to apply even if there are shifts in the regulatory framework or operational procedures. The proposed revisions exceed the minimum requirements for consultation and strive for best practice consistent with the efficient use of Council resources and Council's strategic objectives.

The updated SCI must itself be subject to community consultation, with the SCI amended as appropriate to take account of comments received prior to its formal adoption by Cabinet. It is proposed to consult widely on the draft SCI and to report back to Cabinet on the findings, alongside bringing an updated document for adoption.

The alternative option the council have is to retain the existing SCI and not provide an update. The disadvantage to this is not keeping up with advancements in digital technology and not reaching out as widely as possible to residents and businesses when we consult on planning applications and Local Plan updates. Therefore, officers advise that the option of consulting on a revised SCI is approved.

Equality Implications

The Council has had due regard to its Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. The LDS will have no specific impacts on Equalities or Human Rights. The revised SCI has had regard to equalities and persons with protected characteristics and seeks to ensure all residents have the ability to engage in the Local plan making process and in the consideration of individual planning applications.

A separate Equalities Impact Assessment will be carried out to consider the impact of the Local Plan on persons with protected characteristics throughout the preparation of the Local Plan.

Risk Management Implications

As a Local Planning Authority, the Council is required to prepare and maintain a Local Development Scheme (LDS). The LDS document sets out the timetable for the preparation of planning documents including the Local Plan. The Local Plan guides the Council in taking decisions regarding the location, amount, and type of development the borough needs to accommodate forecast growth and the infrastructure required to support it. Planning applications are then determined in line with the Local Plan. Local plans are subject to independent examination by Government. Given the complexities involved in developing the Local Plan, a range of internal and external expertise is required to carry out this work. The Council has a duty to consult with the public and other stakeholders to ensure that the local planning documents protect against legal challenge on future planning decisions made.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 30 July 2024.

Climate and Ecological Emergency Implications

Approval of the timetable to review the Local Plan is important progress in the collective effort to address climate change. A revised Local Plan will provide a strategic approach to climate change, integrating the latest environmental research and sustainable practices into the fabric of local governance. By updating policies to reflect current challenges and scientific insights, such a plan will help to reduce carbon emissions, enhance green infrastructure, and promote renewable energy sources.

Implications completed by Hinesh Mehta, Assistant Director for Climate Change, 31 July 2024.

Local Economy and Social Value

By approving the publication and adoption of the Local Development Scheme and Local Plan review, the Council will retain confidence in the strategic policies of the Local Plan, continue to effectively assess planning applications that build on objectives to deliver sustainable growth and infrastructure in the borough and encourage inward investment.

Implications completed by: Sam Ridley (Place Shaping Officer, Economic Development – 30 July 2024.

Section 106

There are no Section 106 implications arising from the recommendations to adopt and publish a new Local Development Scheme or to publish an updated Statement of Community Involvement for consultation.

Implications completed by: Matthew Paterson, Head of Spatial Planning – 6 August 2024.

Consultation

The council will consult on the Statement of Community Involvement for a period of four weeks. There is no requirement to consult on the proposed Local Development Scheme.

Other considerations

There are no direct impacts on matters such as GDPR/Data Protection; Crime & Disorder arising from the publication of the LDS.

LIST OF APPENDICES

Appendix 1. Draft Local Development Scheme (LDS)

Appendix 2. Draft Statement of Community Involvement (SCI)