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Our ref: NE/2006/100633/CS-03/SB1-L01

Date: 05 December 2019

Dear Paul,

London Borough of Brent (LBB) Local Plan (2020 – 2041) Submission Version – Regulation 19 Consultation.

Thank you for consulting us on your above proposed Local Plan submission. We received your consultation email on the 23 October 2019 and we have reviewed the LBB Local Plan Regulation 19 Consultation version.

We note that we provided comments in our letter dated 8 January 2019, in response to the Regulation 18 consultation, where we raised concerns regarding the lack of evidence for the sequential test being applied to the proposed site allocations and methodology of the associated *Draft Local Plan Integrated Impact Assessment (IIA) November 2018*, in relation to the flood risk assessment methodology.

For clarity we have completed your representation forms commenting on the specific policies in the LBB Local Plan Submission Version relevant to our remit, along with providing further details within this cover letter. In this letter we provide you further points of soundness not within a policy representation form, as well as points of accuracy and clarity, where we are suggesting an improvement but we do not think the matter makes the document unsound.

Points of soundness

We welcome and support a number of changes that have been incorporated into the LBB Local Plan since we last provided comments to the Draft version back in January 2019. However, we consider the London Borough of Brent Local Plan Regulation 19 Consultation version to be **UNSOUND** in its current form due to issues relating to:

1. Sequential Test - Site Allocations
2. Integrated Impact Assessment- Flood Risk Assessment Methodology
3. Policy BSUI3 Managing Flood Risk

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Sequential Test - Site Allocations

A robust flood risk evidence base, including a sequential test document, have not been provided to support your local plan and justify the promotion of certain sites within areas that are at risk of flooding. **Without this evidence the LLB Local Plan is not justified.**

In our previous letter, dated 8 January 2019, in response to the Regulation 18 consultation, we raised concerns over the lack of evidence demonstrating the proposed allocated sites within the LBB Local Plan had passed the Sequential Test. The proposed amendment stated in the *Brent Local Plan Preferred Options Consultation Responses, October 2019* was,

“Progress a sequential test of all sites that encroach into Flood Zone 3 prior to publication.”

Please note that the sequential test must be applied to any sites you wish to allocate while your plan is in preparation and not prior to publication or submission. Paragraph 22 Reference ID: 7-022-20140306 of the National Planning Policy Guidance states that “A local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. This can be undertaken directly or, ideally, as part of the sustainability appraisal. Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk...”

Upon review of the current *Local Plan Regulation 19 Consultation* it has not been adequately demonstrated that the Sequential Test has been carried out, and that the sites allocated in the Local Plan and assessed within your Level 2 SFRA have been sequentially tested. We therefore find that the plan is not in line with national policy or justified in terms of site allocations.

Integrated Impact Assessment - Flood Risk Assessment Methodology

Our comments in our previous letter, dated 8 January 2019, in response to the *Brent Local Plan Preferred Options Consultation Responses, October 2019*, have not been addressed. In particular, we raised concerns regarding the methodology for determining the impacts associated with sites located in Flood Zone 2. The table contained in paragraph 3.6 of your current *Local Plan Integrated Impact Assessment (IIA) October 2019*, does not adequately assess and categorise certain sites at risk of flooding. In particular sites that are:

1. <50% within FZ2.
2. <50% within ‘moderate’ groundwater flood risk area.

Sites with the above criteria are currently ranked as 0 or ‘neutral’, which is the same classification for sites located wholly in FZ1 or low risk respectively. This is incorrect, as any site that falls partly in FZ2 is at a higher risk of flooding than a site wholly in FZ1 and should be assessed accordingly. In line with national policies and guidance on the Sequential Test, a site wholly in FZ1 should be prioritised for allocation over a site which is partially (between >0% and <50%) in FZ2. **Following this methodology the evidence for the LLB Local Plan is not justified.**

Policy BSUI3 Managing Flood Risk

We find Policy BSUI3 to be unsound. Please see the corresponding representation form for our comments regarding this policy.

Points of Accuracy and Clarity

Policy BD2 Tall Buildings in Brent

In our previous Regulation 18 response to Policy BD2 we recommend the inclusion of an additional height restriction directly adjacent to watercourses due to detrimental impacts on ecological value through increased shading. We also suggested such development may require greater than the standard 8 metre buffer adjacent to a watercourse depending on the height of the proposed building. If this is not possible, shading or encroachment impacts must be mitigated for, either on the site or elsewhere. There has not been a substantial amendment to this policy to address our concerns.

There is a proposed amendment in the *Brent Local Plan Preferred Options Consultation Responses, October 2019*, states,

“The design criteria in the Tall Buildings Strategy are now expanded and are also included in the Local Plan policy justification. Included the following sentence in the Wembley Park search area text in the Tall Building Strategy: “Waterside development should be sufficiently set back and avoid overshadowing of the watercourse”.

We have been unable to locate this text or changes in the current *LBB Local Plan Regulation 19 Consultation* document or *Brent Tall Building Strategy, Local Plan Evidence & Design Guidance, October 2019*, and would expect further clarity on where these amendments are contained.

Policy BGI1 - Green and Blue Infrastructure in Brent

We are in general agreement with this policy and we are pleased to see sections addressing enhancement of blue infrastructure, landscaped setback, biodiversity net gain, water quality and seeking enhancements under the Water Framework Directive and Thames River Basin management Plan. We find this policy sound but do however have some minor comments and recommendations below.

Section g)

We welcome the inclusion of Section g) of Policy BGI1, however we recommend the statement is strengthened to ensure development does not impeded achieving the future goals of the environmental improvement objectives of the Water Framework Directive and Thames River Basin Management Plan.

Set-back

We welcome the inclusion of Paragraph 6.6.30 and note that it references the requirement for a minimum 8 metre minimum set-back of development from main river watercourses and that if larger set back exist this should be maintained. For clarity we recommend that the 8 metre set back requirement is referenced in the main policy text to ensure it is clear for users.

Invasive Non-Native Species (INNS)

As part of our Regulation 18 response we highlighted our desire for the plan to specifically address the risk of INNS. In the Brent Local Plan Preferred Options Consultation Responses, October 2019 stated this matter is addressed in relation to policy BGI1 Green and Blue Infrastructure in Brent. We however do not believe the policy does directly address this issue and we recommend it is amended to include additional wording to combat the potential harmful impact of INNS on people, places and the environment. We recommend Policy BGI1 is amended to include how developments will manage and if possible eradicate invasive non-native species for the safe enjoyment of green and blue spaces.

We are pleased to see section d) including the requirement for development to achieve a net gain in biodiversity is included. We recommend that as part of this policy or supporting statements, the DEFRA Biodiversity Metric on net gain is referenced. The DEFRA [Biodiversity Metric 2.0](#) provides a way of consistently measuring and accounting for biodiversity losses and gains resulting from development or land management change.

Paragraph 6.6.10

We recommend that this paragraph is amended as follows to accurately reflect the watercourses in LBB:

“6.6.10 Brent’s existing blue infrastructure or Blue Ribbon Network, includes the ~~River Lower Brent~~, ~~Welsh Harp~~, Grand Union Canal - ~~Uxbridge to Hanwell Locks~~, ~~Slough Arm~~, ~~Paddington Arm~~, Wealdstone Brook, Brent Feeder Canal and Dollis Brook ~~and Upper Brent~~.”

Paragraph 6.6.34

This paragraph states,

“The Water Framework Directive is a European Union Directive which commits all member states to achieving a ‘good’ status’ for all water bodies by 2027.”

This statement is incorrect and should be amended to specify all member states are required to achieve ‘Good’ status or ‘Good Ecological’ status by 2021, or if an extension is granted, then 2027.

Paragraph 6.6.36

Whilst we are pleased to see reference to deculverting and naturalising watercourses as mitigation measure against development that could negatively impact water quality. We however strongly recommend that this wording is amended to state that these **measures are desirable for all development** adjacent to watercourses and should be considered wherever possible, not just as a mitigation measure. This is important in achieving the requirements of Policy BGI1 in meeting the objectives of the Water Framework Directive and Thames River Basin Management Plan.

In addition to the above there appears to be a formatting error and the first line of paragraph should be point a), and not a new numbered paragraph.

Final Comments

Thank you again for consulting us. We would welcome the opportunity to work with you to address our concerns so that you may produce a robust, effective and justified plan that is reflective of national planning policy and based on a strong local evidence base.

If you have any queries please feel free to contact me.