

17 August 2021

Paul Lewin
Planning Policy Team Leader
Brent Civic Centre
Engineer's Way
Wembley
HA9 0FJ

Dear Mr. Lewin,

Brent Local Plan Main Modifications Consultation Representations on behalf of Universities Superannuation Scheme

Deloitte is instructed by Universities Superannuation Scheme (USS) to advise on planning matters in respect of its commercial assets at Falcon Park Industrial Estate, Neasden Lane, London, NW10 1RZ ('Falcon Park') and Units 22-34 & 70-75 Capitol Park, Capitol Way, Colindale, London ('Capitol Park'). USS therefore has an active interest in the formulation of planning policy at the London Borough of Brent ('the Council') and welcomes the opportunity to respond to the Brent Local Plan Main Modifications Consultation. The consultation is being carried out from 8 July 2021 to 19 August 2021.

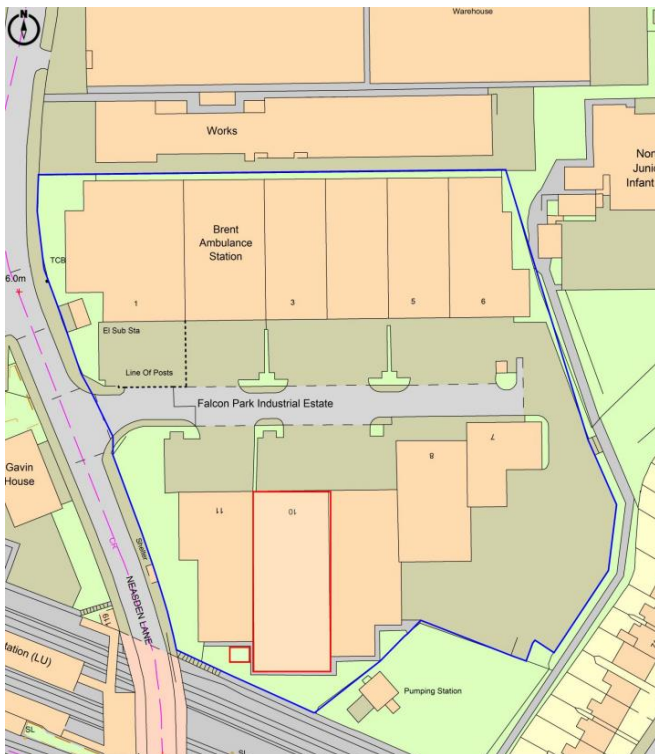
The Sites

Falcon Park

Falcon Park is situated in Neasden within the London Borough of Brent, approximately 10km north of Central London, see Figure 1 below. Falcon Park consists of 11 units with associated parking and yard space. The units comprise a mixture of B1 (Now E), B2, B8 and Sui Generis uses and are occupied by several companies.

Falcon Park is accessed from Neasden Lane / B453 which provides links to the North Circular Road providing key links to inner London. In terms of environmental considerations, the Governments Flood Map for Planning identifies that Falcon Park is in Flood Zone 1. There are no listed buildings within close proximity to Falcon Park and it is not in a conservation area.

Figure 1: Falcon Park (outlined in blue).



Falcon Park Current Planning Policy Position

Falcon Park is protected as a Locally Significant Industrial Site under policy CP20 Strategic Industrial Locations and Locally Significant Industrial Sites of the London Borough of Brent Core Strategy (2010). Falcon Park is also subject to an Article 4 Direction, as identified on the London Borough of Brent Policies Map which removes permitted development rights and ensures that planning permission for the change of use of B1a (offices), B1c (light industry) and B8 (storage or distribution centre) to residential is required.

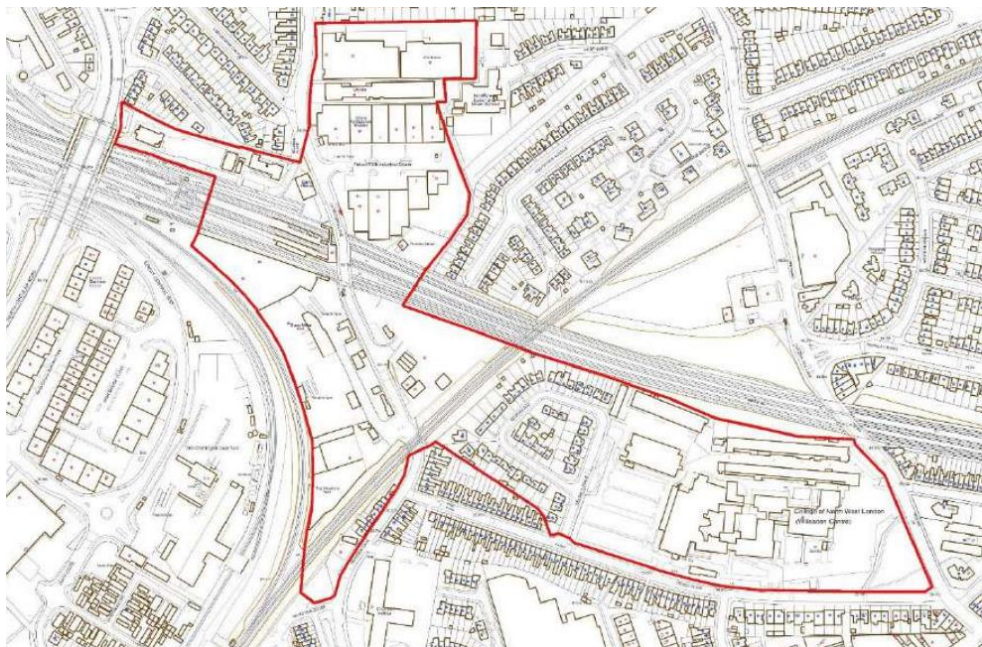
Falcon Park Emerging Planning Policy Position

Falcon Park is located within the 'East Growth Area' in the emerging Local Plan that was submitted for Examination on 17th March 2020, see figure 2 below. More specifically it has been proposed for allocation under draft policy 'BEGA1 - Neasden Stations Growth Area'. Draft policy BEGA1 proposes to allocate Falcon Park as part of a Locally Significant Industrial Site, subject to co-location and intensification and a new passenger railway line infrastructure and residential development.

On behalf of USS, Deloitte submitted representations to the Local Plan Preferred Options Consultation on 3 January 2019. The representations generally supported the proposed allocation and in particular its focus on retaining and potentially increasing employment floorspace and the principle of ensuring successful co-location / intensification to allow the area to prosper as an employment location.

The representations also requested that the proposed allocation supported flexibility between existing uses to ensure that employment units can adapt to different market demands should this change in the foreseeable future; and to ensure the redevelopment of Falcon Park will not preclude the existing employment use.

Figure 2: BEGA1 Site Plan.



Capitol Park

Capitol Park is situated in Colindale within the London Borough of Brent, approximately 13.5km north of Central London, see Figure 3 below. Capitol Park consists of 18 industrial units with associated parking and yard space. The units comprise a mix of B1 (Now E), B2, B8 and Sui Generis uses and are occupied by several companies.

Capitol Park is accessed from the A5 / Edgware Road to the east and Stag Lane to the west, providing key links to inner London. In terms of environmental considerations, the Government's Flood Map for Planning identifies that Capitol Park is in Flood Zone 1. There are no listed buildings within close proximity to Capitol Park and it is not in a conservation area.

Figure 3: Capitol Park (outlined in blue).



Capitol Park Current Planning Policy Position

Capitol Park is protected as a Locally Significant Industrial Site under policy CP20 Strategic Industrial Locations and Locally Significant Industrial Sites of the London Borough of Brent Core Strategy (2010). Capitol Park is also subject to an Article 4 Direction, as identified on the London Borough of Brent Policies Map which removes permitted development rights and ensures that planning permission for the change of use of B1a (offices), B1c (light industry) and B8 (storage or distribution centre) to residential is required.

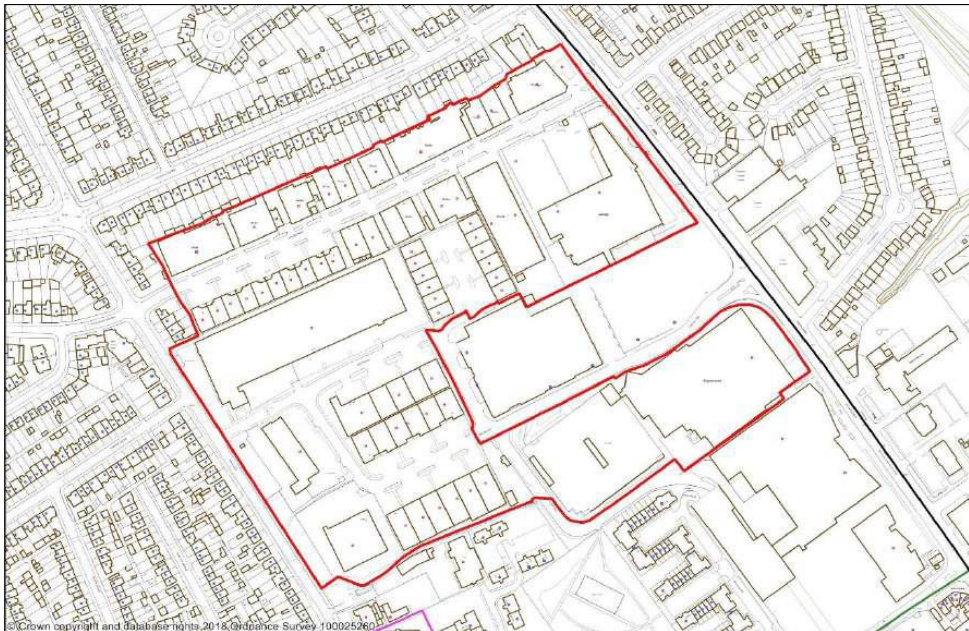
Capitol Park Emerging Planning Policy Position

Capitol Park is located within the 'North Growth Area' in the emerging Local Plan that was submitted for Examination on 17th March 2020, see figure 2 below. More specifically it has been proposed for allocation under the draft policy, 'BNSA1 – Capitol Way Valley'. Draft policy BNSA1 proposes to allocate Capitol Park for mixed-use development comprising areas of industrial intensification and co-location with other uses, retention of superstore of same size, or less, residential development and any associated required social infrastructure subject to a future masterplanning process involving site owners/occupiers and other stakeholders.

On behalf of USS, Deloitte submitted representations to the Local Plan Preferred Options Consultation on 3 January 2019. The representations generally supported the proposed allocation and in particular its focus on retaining and potentially increasing employment floorspace and the principle of ensuring successful co-location / intensification to allow the area to prosper as an employment location.

The representations also requested that the proposed allocation supported flexibility between existing uses to ensure that employment units can adapt to different market demands should this change in the foreseeable future; and to ensure the redevelopment of Capitol Park will not preclude the existing employment use.

Figure 4: BNSA1Site Plan.



USS Response

USS is generally supportive of the draft Local Plan, including its vision for the future of the Borough and the key aims for how this will be achieved. USS is also generally supportive of the Main Modifications that have been proposed. However, USS has a number of comments on specific Main Modifications that will impact Falcon Park and Capitol Park and requests that these are addressed to ensure that the Local Plan is deliverable and therefore sound.

Industrial Uses

Main Modification 3 proposes to add the following sentence to the Development Vision:

“Make better use of Brent’s industrial land and overall increase its industrial floorspace through a structured approach to deliver industrial intensification and land release, where appropriate and also where possible support additional housing/ community facilities through co-location.”

USS supports this addition and the Council’s ambition to increase industrial floorspace, where appropriate but recommends that the sentence is updated to state *“where appropriate and viable...”* to ensure decisions can reflect changes in the market.

Policy BE2 identifies that for the Neasden Lane and Colindale Locally Significant Industrial Sites *“on these sites intensification through co-location will be supported, subject to a comprehensive masterplan approach produced with or agreed by the council”*. Main Modification 108 proposes to change the criteria to achieve this from net increase in employment to a net increase in industrial floorspace resulting in a minimum 0.65 plot ratio or the existing floorspace total, whichever is greater, across the masterplan area. USS supports the principle to intensify industrial floorspace in these areas, however it is concerned that the 0.65 plot ratio is too prescriptive and may not be appropriate and viable when a masterplanning

exercise is undertaken. It is also concerned that this could have implications if any existing units need to increase floorspace in the interim before a comprehensive redevelopment of the site comes forward.

Main Modification 109 adds a criterion to Policy BE3 which requires the maximum viable replacement of existing employment floorspace when sites are redeveloped where continued wholly employment use is unviable. USS supports this requirement for the maximum viable re-provision of existing employment floorspace when sites are redeveloped.

Compulsory Purchase Orders

USS is concerned by the addition of references to the potential for Compulsory Purchase Orders in the Local Plan and stresses that it is made clearer that would only be used for sites within areas where ownership is fragmented. As a site owner, USS has a long-term interest in the success of its assets. USS is therefore keen to work with the Council to ensure its assets are optimised, whether that be in their current form or potentially as redeveloped assets in the future.

Falcon Park and Capitol Park are of a scale to be dealt with as standalone sites or as phases which do not have to rely on other parts of a masterplan to come forward, or which impacts on other parts of the Growth Areas coming forward. Falcon Park and Capitol Park are also fully owned by USS. USS does not consider it necessary to include an overarching reference to Compulsory Purchase Orders in the draft allocations and requests that it is made clearer that this only relates to the smaller fragmented parts of the allocations where Compulsory Purchase could help bring these forward comprehensively. USS would support this approach. It also requests that this is replaced with a commitment to work collaboratively with landowners to ensure the future success of the area on the larger parts of the allocations such as Falcon Park and Capitol Park.

Policies BEGA1 & BEGA1A

Main Modification 25 proposes the following changes to paragraph 5.2.16 (additions underlined, and omissions shown by strikethrough):

“The proposed Growth Areas of Staples Corner and Neasden Stations will provide the opportunities for new mixed use communities with a significant amount of ~~employment~~ industrial and residential floorspace. A masterplanning exercise will be undertaken involving key stakeholders, landowners and developers to help shape the masterplan from conception to completion. This will ~~to~~ identify the appropriate mix of uses and form of development with a view to improving employment opportunities as well as homes. Such large scale areas are also likely to require some on site social infrastructure which will need to be identified, taking account of needs of the proposed population and capacity/ ability to meet needs in existing or extended facilities.”

The Council recently consulted on a draft Neasden Stations’ Growth Area Supplementary Planning Document (the ‘SPD’). Falcon Park is included within the area covered by the SPD. Deloitte submitted representations to the consultation on 9 August 2021 on behalf of USS. The SPD representations should be read in conjunction with this letter of representations, see Appendix A.

USS questions the timing of the SPD and considers it premature in the representations. USS would normally expect the SPD to follow the adoption of the Local Plan. USS supports the addition of the commitment to involving landowners in Main Modification 25, however, this has not yet happened

meaning USS has not been able to commit to any of the options set out in the SPD. USS recognises that the preparation of the SPD gives more certainty to the allocation and in demonstrating what can be achieved on site. We would welcome the Council's engagement with USS and other landowners in order to work together to prepare a masterplan/SPD to support the proposed allocation.

Main Modification 26 proposes adding Policy BEGA1A which sets out a vision for the future of the Neasden Station's Growth Area to provide consistency with the format of policies for other Growth Areas in the Local Plan. USS supports the principle of Policy BEGA1A. However, whilst USS does not object to the principle of potentially redeveloping and intensifying Falcon Park in the longer term, there needs to be recognition that Falcon Park already provides good quality industrial units that are fully let offering a range of jobs and services for the Council. On the basis that the key aim of the Growth Area is to retain and potentially increase industrial uses, the current use of Falcon Park will be an important factor in how it is brought forward.

The Main Modification should reference this, and it should support switching to alternative employment uses on Falcon Park in the interim before it is redeveloped. It should be clear that when the site is ready to be redeveloped that it should aim to increase employment provision as well as consider co-location with residential. This will remove an expectation that Falcon Park will be coming forward in the short term.

Whilst USS supports the approach to developing a high-level masterplan, it should be made clear that each landowner is able to bring forward their part of the allocation in a phased manner which should be agreed. USS does not want to be in a position where it precludes development of the wider masterplan by not developing its site first or at the same time as the wider masterplan, for example. It should also be clear that each landowner will be responsible for the detailed masterplanning of its site which would follow the general principles of the overarching masterplan.

Providing flexibility to retain the existing industrial uses would be in line with Policy E2 'Providing suitable business space' of the London Plan (2021) which states:

"Boroughs should include policies in local Development Plan Documents that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand."

USS therefore requests that the following clarification is added to Policy BEGA1A:

"The Falcon Park Industrial Estate is a good quality, functional and fully occupied industrial estate. As this site is separate from the main area of the Neasden Stations Growth Area it could continue to operate in its existing use without contributing to piecemeal development. It could also be redeveloped in the longer term to include a mix of industrial and housing should the demand for industrial uses change."

Main Modification 28 sets out a number of modifications to Policy BEGA1 Neasden Stations Growth Area. The most relevant changes to Falcon Park include changing the indicative capacity from not yet known to 2,000 dwellings, subject to a masterplanning process; adjusting the timeframe for delivery; adding a commitment to undertake the masterplanning exercise with key stakeholders, landowners and developers to help shape its content from conception to completion; and adding a reference to the Council considering Compulsory Purchase where necessary. As outlined earlier in this letter, USS supports the

inclusion of working with landowners and has responded in relation to the reference to Compulsory Purchase powers.

USS acknowledges that the Council has indicated the Growth Area has an indicative capacity of 2,000 homes. This should be seen as a minimum across the whole allocation and the Council should not use this to prevent new homes coming forward once this has been met. USS acknowledges the changes to the timeframe for delivery and supports the alteration of 10+ years to 11+ years for the longer-term development sites.

Policy BNSA1

Policy BNSA1 states that the area will be subject to a masterplan process. Main Modification 35 proposes to add the following sentence to the policy:

“Developments of non-industrial uses will not be permitted on LSIS until the council has approved a masterplan, which shows how intensification / co-location will achieve an increase in industrial floorspace. Piecemeal development which would prejudice the delivery of a comprehensive masterplan will not be permitted.”

USS acknowledges that the Council is intending to bring forward a masterplan for the area and it is important that USS is engaged in this from conception to completion. USS notes that the commitment to work with landowners to develop the masterplan that is included in BEGA1 is not included in BNSA1. USS therefore requests that the following commitment is added to BNSA1:

“A masterplanning exercise will be undertaken involving key stakeholders, landowners and developers to help shape the masterplan from conception to completion.”

As with Policy BEGA1, Policy BNSA1 should also acknowledge that the site is good quality and will support change of uses across employment uses in the interim period before a masterplan has been prepared and the site is ready to come forward for redevelopment.

Conclusion

In summary, USS continues to support the principle of the East and North Growth Areas and Policies BEGA1, BEGA1A and BNSA1. However, to ensure the Local Plan is sound USS requests that flexibility is added to the policies for Falcon Park and Capitol Park to retain their existing industrial uses, recognising however that they could be redeveloped in the longer term to include a mix of industrial and housing should the demand for industrial uses change. These changes will alter the way in which the sites are considered in relation to redevelopment and therefore will ensure the draft policies discussed are deliverable.

USS is pleased to have the opportunity to comment on the Main Modifications requests to be kept informed of the progress of the Local Plan. In the interim, if you have any queries, please contact Jonathan Hoban on 02070076831 or at jhoban@deloitte.co.uk.

Yours sincerely



Deloitte LLP

Appendix A

9 August 2021

Regeneration Team
Engineers Way
Wembley Park
Wembley
HA9 0FJ

Dear Sir/Madam,

Neasden Stations' Growth Area Supplementary Planning Document Consultation Representations on behalf of Universities Superannuation Scheme

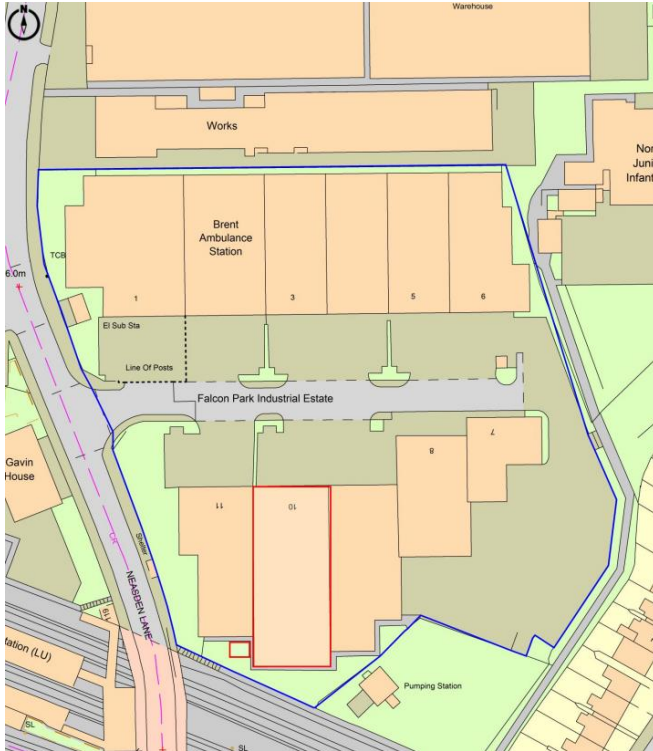
Deloitte is instructed by Universities Superannuation Scheme (USS) to advise on planning matters in respect of its commercial asset at Falcon Park Industrial Estate, Neasden Lane, London, NW10 1RZ ('the Site'). USS therefore has an active interest in the formulation of planning policy at the London Borough of Brent ('the Council') and welcomes the opportunity to respond to the Neasden Stations' Growth Area Supplementary Planning Document ('the draft SPD') Consultation. The consultation is being carried out from 21 June 2021 to 9 August 2021.

The Site

The Site is situated in Neasden within the London Borough of Brent, approximately 10km north of Central London, see Figure 1 below. The Site consists of 11 units with associated parking and yard space. The units comprise a mixture of B1 (Now E), B2, B8 and Sui Generis uses and are occupied by several companies.

The Site is accessed from Neasden Lane / B453 which provides links to the North Circular Road providing key links to inner London. In terms of environmental considerations, the Governments Flood Map for Planning identifies that the Site is in Flood Zone 1. There are no listed buildings within close proximity to the Site and it is not in a conservation area.

Figure 1: The Site (outlined in blue).



Surroundings

The Site is bound by low-density residential uses to the east and west. Directly north of the Site, there is permission for a five-storey hotel comprising 196 rooms although it is unclear if this permission has been implemented (Planning Permission ref. 19/4268). North of the proposed hotel a new four-storey commercial building and 121 affordable homes in a three to five-storey building are currently under construction (Planning Permission ref. 17/2477). To the north east of the Site is a school. The south of the Site is bound by a railway line with large commercial units beyond.

The Site is in a sustainable location (PTAL 3-5) directly north of Neasden London Underground Station which is served by the Jubilee line providing access to Central London in approximately 19 minutes. There are also several bus stops nearby including immediately outside the Site on Neasden Lane. There is a large supermarket 15 minutes' walk away as well as local amenities in the surrounding residential areas.

Planning History

Planning permission was granted on 26 January 2000 (Planning Permission ref. 99/0164) for:

“Redevelopment of site to provide 11 industrial/warehouse buildings with associated parking and servicing (variation of planning permission 98/2115).”

Since then there have been several minor planning permissions across the Site for signage, air conditioning units, mezzanine floors and roller shutter doors. Units 2 and 3 have also been subject to a change of use to Sui Generis (Ambulance Station).

Current Planning Policy Position

The Site is protected as a Locally Significant Industrial Site under policy CP20 Strategic Industrial Locations and Locally Significant Industrial Sites of the London Borough of Brent Core Strategy (2010). The Site is also subject to an Article 4 Direction, as identified on the London Borough of Brent Policies Map which removes permitted development rights and ensures that planning permission for the change of use of B1a (offices), B1c (light industry) and B8 (storage or distribution centre) to residential is required.

Emerging Planning Policy Position

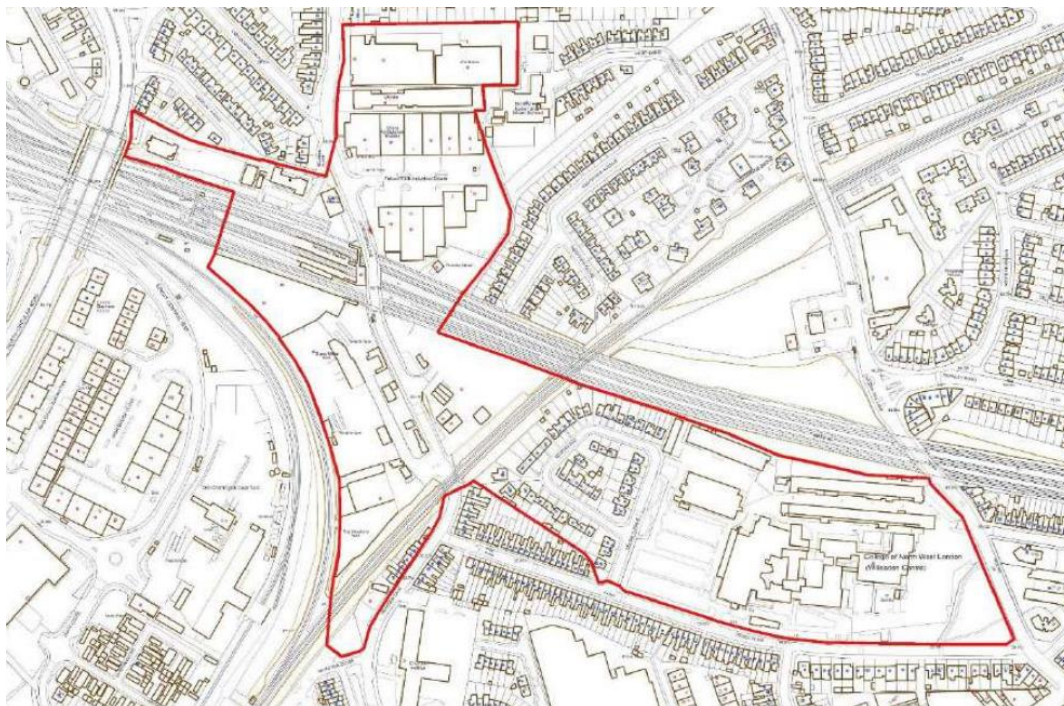
The Site is located within the 'East Growth Area' in the emerging Local Plan that was submitted for Examination on 17th March 2020, see figure 2 below. More specifically it has been proposed for allocation within the new policy, 'BEGA1 - Neasden Stations Growth Area'. Policy BEGA1 proposes to allocate the Site as part of a Locally Significant Industrial Site, subject to co-location and intensification and a new passenger railway line infrastructure and residential development.

On behalf of USS, Deloitte submitted representations to the Local Plan Preferred Options Consultation on 3 January 2019. The representations generally supported the proposed allocation and in particular its focus on retaining and potentially increasing employment floorspace and the key design principle of ensuring successful co-location / intensification to allow the area to prosper as an employment location.

The representations also requested that the proposed allocation supported flexibility between existing uses to ensure that employment units can adapt to different market demands should this change in the foreseeable future; and to ensure the redevelopment of the Site will not preclude the existing employment use.

Following the outcome of the hearing sessions the London Borough of Brent is currently consulting on Main Modifications which the Inspectors examining the emerging Local Plan consider necessary for soundness. The consultation closes on 19 August 2021 and USS reserves the right to submit representations to this consultation separately. If a representation is submitted, then it should be read in conjunction with this representation.

Figure 2: BEGA1 Site Plan.



Neasden Stations' Growth Area SPD

The draft SPD is being prepared in response to policy BEGA1 of the draft Local Plan which states that the Growth Area is subject to a masterplan process. We would normally expect this process to follow adoption of the draft Local Plan in order to ensure that it properly addresses the adopted policy requirements.

USS is concerned that this is premature and as the draft SPD hinges on the site allocation, it could prejudice the direction of the draft SPD if the emerging Local Plan is found unsound by the Planning Inspector during the current examination or if there are changes to the draft allocation policy BEGA1.

USS continues to support the principle of BEGA1. This remains subject to ensuring that any forthcoming masterplan exercise engages with local stakeholders as set out in BEGA1. To date, USS has not had these discussions and had expected that these would take place following the adoption of the draft local plan and in advance of any consultation on the draft SPD.

The draft SPD is an important document which will guide future planning applications across the growth area, and it sets out a series of scenarios for comment, including the Council's preferred option. Whilst USS recognises that this is an overarching masterplan and further detailed studies will inevitably be required later, there is concern that the options are too prescriptive to be commenting on without having first had discussions on the aims and objectives of the site with the Council.

BEGA1 discusses the need for collaboration with landowners to avoid piece meal development and this will be important as each landowner has their own interests to consider. The scenarios that the Council has considered in the SPD are very different and each have very different implications on the way a site can be developed, making it difficult to support one or the other without having further conversations to

fully appreciate what’s being proposed or without undertaking further technical studies. We discuss specific concerns below.

Masterplan Studies

The SPD identifies that to understand the growth capacity within the area, the following masterplan capacity studies have been undertaken:

1. Horizontal co-location
2. Vertical co-location
3. Optimised co-location

The results of these masterplan studies are presented in the draft SPD and Scenario 3 (optimised co-location) is identified as the preferred option. Scenario 3 proposes the Site being redeveloped with vertical co-location of residential uses (341 dwellings) and 14,000 sqm industrial floorspace, as shown below.

Figure 3: Option 3 proposed layout.



Scenario 1 retains the current industrial uses “given their current good condition and functionality” and Scenario 2 retains the current industrial uses with some vertically stacked residential units above.

USS will support a masterplan that allows flexibility depending on market conditions and demand. The scenarios put forward by the Council have positives and negatives, however, each scenario also has very different implications for the Site in the future should development occur.

The industrial units on the Site are in good condition and are fully occupied, offering a range of jobs and services for the Council. On the basis that the key aim of the Growth Area is to retain and potentially increase industrial uses, the current use of the Site will be an important factor in how the Site is brought forward. USS has to ensure that the current uses are protected in the foreseeable future and are able to switch uses depending on the market.

There is a chronic undersupply of industrial land in London, which is particularly prevalent in the London Borough of Brent. The Regulation 19 Brent Local Plan identifies that “due to large-scale releases of employment land, shortages of space across London are starting to push up demand. At a West London

level, due to predicted demand, the Greater London Authority has identified that Brent should ‘provide capacity’ for industrial floorspace.” It is therefore essential that flexibility is provided in the draft SPD for the successful, high-quality and functional Falcon Park to continue in its existing use. This will allow the Site to continue making a significant contribution to providing high quality industrial space in the London Borough of Brent.

Providing flexibility to retain the existing industrial uses would be in line with Policy E2 ‘Providing suitable business space’ of the London Plan (2021) which states:

“Boroughs should include policies in local Development Plan Documents that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.”

Scenario 1 could provide this however it would prevent the potential for future development should this be more appropriate with future market demands. Scenarios 2 and 3 allow for new housing with retained industrial uses however, USS acknowledges that the high level commercial market and viability evidence presented with the draft SPD indicates that these options may not be viable and relies on an increase in future rates, which might not happen. The Council should be working with USS to determine a masterplan that is viable for the Site.

Whilst USS does not object to the principle of potentially redeveloping and intensifying the Site in the longer term, it is concerned that Scenarios 2 and 3 indicate that the Site will have to be redeveloped when feasibility studies may indicate that another scenario is more appropriate. It is also concerned by the reference to the potential for Compulsory Purchase Orders and stresses that it is made clearer that would only be used for sites within the growth area where ownership is fragmented.

The proposed masterplan and draft SPD should be appropriately flexible to allow further detail to come forward at a later stage. It should set the principle for re-development and the potential number of units it could accommodate should development take place, however it should also explicitly state that this is an indicative figure subject to further feasibility work. Whilst USS recognises the need for an overarching masterplan, the masterplan should be sufficiently flexibility to allow certain parts to come forward at times which are appropriate for the landowner. The Site for example is large enough and independent enough to be dealt with as a standalone Site or a phase which does not have to rely on other parts of the masterplan to come forward, or which impacts on other parts of the Growth Area coming forward.

Neasden Works Character Area

The draft SPD recognises Falcon Park as a “longer term development site.” USS agrees that if the Site is redeveloped, it would be in the longer term and requests that this is further emphasised in the draft SPD. The draft SPD goes on to identify the following as the future vision for the Neasden Works Character Area which includes Falcon Park:

“Street-facing blocks with active uses at the lower floors should be proposed to reinforce the street frontage along Neasden Lane and animate the streetscape. These should primarily include light industrial or ‘maker’ spaces, and should be anchored by a landscaped yard space at the centre of the site. Whilst it is considered that Neasden Works can support building heights up to 14 storeys, the tallest buildings should be consolidated in the southern part of the site adjacent to Neasden station. Again, walking and cycling should be

prioritised along Neasden Lane. Permeability across the site should also be considered, and design teams are invited to test whether a connection can be made to the footpath connecting Southview Avenue and Neasden Lane, with improvements encouraged here in any event. Designated wildlife corridors and greenery at the edges should be intensified with new tree planting across the site. SUDS and other surface water management measure should be incorporated to support flood risk mitigation.”

USS supports the recognition in the Vision that industrial space will continue to be a key part of the Site if it is redeveloped. USS also supports the recognition that tall buildings could be delivered on the Site if it is redeveloped, as this is likely to enable colocation to be viable on this Site. However, USS requests that a recognition is added to note that the Vision is an aspiration for the Site if it is redeveloped and that the existing industrial uses will be retained in the medium term given their current good condition and functionality.

Site Specific Considerations and Requirements

Page 64 sets out site-specific considerations for the Site. This includes provision of affordable workspace and employment opportunities for non or low skilled demographics. USS requests that the draft SPD clarifies that these considerations are subject to viability to ensure they do not impede any future redevelopment of the Site should the viability be marginal. It also includes the adoption of the ‘agent of change’ principle in line with London Plan Policy D13 ‘Agent of Change’ which USS supports.

Page 64 also sets out the following requirements for the Site should it be redeveloped:

- Provision of new multi-functional community facilities at a rate of 370sqm per 1,000 new population (This will be delivered through either on-site facilities or contributions towards existing or new off-site facilities);
- Contributions towards the existing Neasden station;
- Segregation of servicing access and walking and cycling routes;
- Provision of one 0.2ha pocket parks (potentially via a series of formal and informal play areas);
- Retention of the ecological status of the existing SINC Grade I: Dudden Hill line and Jubilee/Metropolitan line corridors; and
- Placemaking in line with the character area set out in the SPD.

Whilst the draft SPD has carried out a masterplan capacity exercise, detailed design work and a more detailed masterplan will be required to confirm that the above requirements can be accommodated on the Site should it be redeveloped. USS therefore requests that a clarification is added to the requirements section to state that the requirements are aspirational and will be subject to further detailed design and delivery work should the Site come forward for redevelopment in the future.

Development Principles

Section 6.4 of the draft SPD sets out a series of Development Principles for the area. DP1 ‘Maximising potential for the sites’ requires development in the area to support intensification of building floorspace

and mixed-use development on industrial land. USS recognises that the area is a highly sustainable location and whilst it supports intensification as a strategic aim, it should not be at the expense of existing industrial uses that are high quality and functional.

DP3 'Local employment and affordability' requires development to maximise the re-provision of the existing amount of industrial floorspace. USS strongly supports the ambition to maximise the re-provision of industrial floorspace in any redevelopments in the area. DP3 also requires development in Locally Significant Industrial Sites to provide 10% of industrial floorspace as affordable workspace. USS recognises the benefits of providing affordable workspace but is also aware of its impact on viability and need. The Site is currently fully occupied for example. The potential viability issues of redeveloping the Site are identified in Section 7.1 of the SPD which states that there may be challenges providing policy compliant levels of affordable housing on the Site. Similar challenges will be likely for affordable workspace. USS therefore requests that DP3 is updated to state *"Development in LSIS should provide 10% of industrial floorspace as affordable workspace, subject to viability if the Site is redeveloped comprehensively and if market evidence confirms that this is required."*

It is important that the Council explicitly states that only a comprehensive redevelopment would be required to meet these standards. If USS for example requires the change of use of a number of units, they should not be subject to these requirements.

Compulsory Purchase Orders

Section 7.5 of the SPD states that *"where necessary, the Council will also consider the use of compulsory purchase order (CPO) powers to secure the proper phasing and delivery of development within the growth area."* As a site owner in the area, USS has a long-term interest in the success of its asset. USS is therefore keen to work with the Council to ensure its asset is optimised, whether that be in its current form or potentially as a redeveloped asset in the future. USS does not consider it necessary to include Section 7.5 in the SPD for this part of the Growth Area and recommends this is replaced with a commitment to work collaboratively with landowners to ensure the future success of the area. It does recognise that this may be required where there is fragmented ownership and this is supported provided it is explicit.

Conclusion

In summary, whilst USS does not object to the preferred option in principle, it is concerned that the draft SPD is premature given the status of the draft Local Plan. Given the current good condition and functionality of the Site USS envisages the current industrial uses being retained in the short to medium term however it recognises that circumstances can change and that flexibility to allow for future development is required. USS therefore requests that flexibility is provided in the draft SPD for the Site to retain its existing industrial uses, recognising however that the Site could be redeveloped in the longer term to include a mix of industrial and housing should the demand for industrial uses change, or that USS considers it an appropriate time.

USS is pleased to have the opportunity to comment on the draft SPD and would be keen to discuss the above with the Council in further detail. In the interim, if you have any queries, please contact Jonathan Hoban on 02070076831 or at jhoban@deloitte.co.uk.

Yours sincerely



Deloitte LLP



Brent Local Plan
Examination Stage Proposed
Modifications Representation Form

Council
Reference
Number:

Representations on the proposed modifications must be received by the Council by 5pm 19th August 2021.

All the representations should be submitted to 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:

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	3, 25, 26, 28, 35, 108 and 109
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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.

Please see covering letter.

(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.

Please see covering letter.

(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:

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.