

**REPORT TO CABINET 27 SEPTEMBER 2012**

**HILLINGDON LOCAL PLAN: PART ONE – STRATEGIC POLICIES (FORMERLY CORE STRATEGY)**

<b>Cabinet Member</b>	Councillor Keith Burrows
<b>Cabinet Portfolio</b>	Planning, Transportation & Recycling
<b>Officer Contact</b>	Jales Tippell – Planning, Environment, Education and Community Services
<b>Papers with report</b>	Appendix 1 - Text of Hillingdon Local Plan: Part One – Strategic Policies (revised Core Strategy) Appendix 2 - Proposed Policies for Hillingdon Local Plan: Part Two <b>(DOCUMENTS CIRCULATED SEPERATELY)</b>

**1. HEADLINE INFORMATION**

<b>Purpose of report</b>	This report: (i) informs Cabinet of the outcome of the Examination in Public held earlier this year on Hillingdon’s Submission Draft Core Strategy; (ii) seeks approval to adopt the revised text shown in Appendix One as the “Hillingdon Local Plan: Part One – Strategic Policies”; and (iii) seeks approval to adopt the 2007 Saved Unitary Development Plan policies as the “Hillingdon Local Plan: Part Two” with the exception of the policies to be deleted shown in Appendix Two, pending the preparation and adoption of site specific allocations, development management policies and a policies map.
<b>Contribution to our plans and strategies</b>	The Hillingdon Local Plan: Part One – Strategic Policies (previously referred to as the Core Strategy) aligns closely with the Sustainable Community Strategy and contributes to delivering key plans and strategies, in particular the Transport Strategy, Economic Development Strategy and Housing Strategy.
<b>Financial Cost</b>	The cost of adopting the Hillingdon Local Plan: Part One – Strategic Policies and of preparing and consulting on the Hillingdon Local Plan: Part Two can be met from existing revenue budgets for 2012/13 and 2013/14.
<b>Relevant Policy Overview Committee</b>	Residents’ and Environmental Services Policy Overview Committee.
<b>Ward(s) affected</b>	All

## **2. RECOMMENDATION**

### **That Cabinet:-**

- 1. Notes the outcome of the Examination in Public held earlier this year on Hillingdon's Submission Draft Core Strategy.**
- 2. Recommends to the next full Council meeting that it adopts the revised text shown at Appendix 1 as the "Hillingdon Local Plan: Part One – Strategic Policies".**
- 3. Recommends to the next full Council meeting that it adopts the 2007 Saved Unitary Development Plan policies as the "Hillingdon Local Plan: Part Two" with the exception of the policies to be deleted shown at Appendix 2, pending the preparation and adoption of site specific allocations, development management policies and a policies map.**
- 4. Grants delegated authority to the Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services to agree, in conjunction with the Cabinet Member for Planning, Transportation and Recycling to make any further minor editing and textual changes to the Hillingdon Local Plan: Part One – Strategic Policies and Hillingdon Local Plan: Part Two, before they are adopted at full Council.**

### **Reasons for recommendation**

Following the Cabinet meeting in July 2011, Council agreed at its meeting in September 2011 that the Local Development Framework Pre-Submission Draft Core Strategy and its associated documents be submitted to the Secretary of State for formal examination.

The hearings for the Examination in Public were held between 13 – 15 March and on 30 May 2012. Following these hearings, the Inspector published his Report on the Examination in Public on 26 July.

These recommendations are sought to inform Cabinet of the outcome of the Examination in Public and to enable the council to make meaningful progress on the Hillingdon Local Plan (formerly the Local Development Framework) in order to meet targets previously approved in the council's Local Development Scheme.

It should be noted that the Hillingdon Local Plan will in due course replace the Unitary Development Plan Saved Policies, 2007. The Part 1 Strategic Policies in the Hillingdon Local Plan will provide an up-to-date strategic land use planning policy framework through to 2026 with which to determine planning applications.

Part 2 of the Local Plan will contain the detailed local policies on design and land use required to determine planning applications and appeals. It will comprise sets of borough wide development management policies and site development proposals together with a new proposals map (now known as a "policies map"). Whilst it is in preparation, Members need to decide upon those existing adopted policies from the Unitary Development Plan which they wish to continue using for determining planning applications in the light of the adoption of the 2011 London Plan, the introduction by the Government of the National Planning Policy Framework (NPPF) in March 2012 and the findings of the Inspector's Report.

### **Alternative options considered / risk management**

The Cabinet may decline to recommend adoption of the Hillingdon Local Plan: Part One – Strategic Policies. Alternatively Cabinet may not approve the major changes proposed by the

Inspector or the minor changes brought forward during the Examination in Public and which he has subsequently endorsed in order that the Plan can be considered sound.

It is considered that these alternative options would prejudice progress on the preparation of the Hillingdon Local Plan as a whole, resulting in targets in the Local Development Scheme being missed, the requirements of the Government's National Planning Policy Framework for introducing an updated local planning policy framework not being met and, failing to provide the council with an up-to-date statutory development plan in order to deal with future development proposals.

### **Comments of Policy Overview Committee(s)**

The Residents' and Environmental Services Policy Overview Committee have been involved in the last few years in the wider development of these core planning policies.

## **3. INFORMATION**

### **Supporting Information**

#### **Submission Draft Core Strategy – Summary of Contents and Key Provisions**

1. Following the Cabinet meeting in July 2011, Council agreed at its meeting in September 2011 that the Local Development Framework Pre-Submission Draft Core Strategy and its associated documents be submitted to the Secretary of State for formal examination. The draft Core Strategy was submitted to the Secretary of State for formal examination on 31 October 2011. The format and contents were largely prescribed by the 2004 and 2008 Planning Acts and previous national planning policy guidance (Planning Policy Statement 12 or PPS12). In summary it comprises nine chapters as follows:-
  - An Introduction
  - A Summary of the seven point Vision for Hillingdon
  - A Portrait of Hillingdon – Hillingdon's Characteristics; Key Facts; Main Challenges; and Major Infrastructure Projects.
  - The Vision expanded, including Strategic Objectives to deliver the Vision; the Spatial Strategy; and Key Diagram
  - Chapters 5 to 9 comprise 5 separate chapters organised into distinct spatial topics with Core Policies dealing with The Economy; New Homes; Historic and Built Environment; Environmental Management; and Transport and Infrastructure.
  
2. The headline provisions can be described and quantified as follows:-
  - Housing and employment growth, comprising 5,475 new dwellings and 9,000 new jobs up to 2026.
  - Protection of designated employment land together with the managed release of 17.58 hectares of employment land for other uses.
  - Economic regeneration and employment growth concentrated in the Hayes / West Drayton corridor, anchored by Crossrail.
  - Maximising the economic benefits of Heathrow (with no third runway) and mitigating the negative environmental impacts.
  - The expansion of Uxbridge town centre to accommodate 18, 855 square metres of retail floorspace.
  - Enhanced District Centres with a diversified, community focused role.

- Protection and enhanced accessibility to open spaces, Green Belt and Metropolitan Open Land.
- Preservation of the borough's built heritage and improvement to the built environment.
- Improved north – south public transport routes and enhanced transport interchanges, together with the promotion of walking and cycling.
- Local response to Climate Change achieved through Environmental Management, including biodiversity, air quality, flooding and protection of mineral deposits.

### Examination in Public

3. Following submission of the Core Strategy a preliminary hearing for the Council and Representors was subsequently held with the Inspector on 11th January and first group of seven hearings took place at Uxbridge Civic Centre between 13th-15th March. Each hearing was attended by between 15-35 people. Representors present included local community group representatives, consultants, a local Member of Parliament, Councillors and interested local residents.
4. The Planning Inspector, Douglas Machin, set an intensive programme which included two evening hearings and decided on a series of "key matters" for discussion. The issues which came up in questioning from representors included:
  - whether the Heathrow T5 Green Belt designation should now be deleted from the Core Strategy;
  - whether the Core Strategy concentrates too much on development issues south of the A40 and ignores the north;
  - should there be a more flexible overall approach to new retail provision and should the employment land policy be phrased more flexibly – i.e. to allow a greater release of employment sites in future;
  - should the Strategy be updated to reflect the position with the HS2 proposal;
  - whether there should generally be more detail on site availability in the borough for future retail, housing, hotels, school and other types of development as well as for meeting specialist needs such as for affordable housing, student accommodation and accommodation for Gypsies and Travellers, in order to assess the deliverability of the Core Strategy;
  - whether the emphasis on future development in the south of the borough would lead to more concerns on environmental issues such as excessive traffic generation or low air quality;
  - whether the Core Strategy sufficiently reflects other Council strategies e.g. on air quality, education or biodiversity;
  - does the Strategy give sufficient detail on planned transport improvements or address issues of poor public transport provision in some parts of the borough – e.g. the Heathrow villages.
5. Following the end of the first set of hearings, the Inspector also carried out a set of site visits in the borough on 20th March. Various Representors asked him to view specific sites in connection with the Core Strategy policies. The sites he visited included Tavistock Road, Lake Farm School, the Nestles Factory in Hayes, Millington Road, Heathrow Terminal 5, and the South Ruislip Arla Foods and Sainsbury's store sites.
6. An original proposal to hold a further set of hearings concentrating on retail policies, programmed for 23rd April, had to be deferred following the publication of the Government's Planning Policy for Traveller Sites on 26th March and the final National

Planning Policy Framework on 27th March. The Inspector asked that the Council and Representors consider whether the policies and proposals in the Core Strategy were also consistent with these Government policies.

7. A further set of hearings was then held on 30th May to consider:
  - the retail policies in the Core Strategy
  - its consistency with the Government's Planning Policy for Traveller Sites and final National Planning Policy Framework
  - any other outstanding matters
8. The Council was asked to prepare various sets of proposed changes to the Core Strategy throughout the Examination process in order to ensure its continuing soundness in the light of discussions at the hearings and to meet with the requirements of the National Planning Policy Framework following its publication by the Government. At the end of the Examination hearings the Inspector requested that all the proposed changes be incorporated within a single combined schedule and that this be published on the Council's website. Officers undertook this work in June.
9. At the end of the hearings the Inspector announced that he would provide the Council with a draft report on his findings by the end of July. This was received on 13th July and officers checked it for factual accuracy prior to the Inspector finalising and issuing the report to the Council on 26th July. The Inspector's Report was published on the Council's website on 4th August and all Representors and stakeholders were notified at that time. Copies have been made available at all borough libraries for reference and can also be viewed at the Planning Reception office in Uxbridge Civic Centre.

#### Findings of the Inspector's Report

10. The Inspector's Report includes the following key points:
  1. The Inspector has noted that the Council has been in an unusual position in that during the Examination the Government published its National Planning Policy Framework (NPPF). This replaced much of the previous national framework of planning policy statements and also revised the form and content of local plans. The previous requirement to produce a suite of documents within a Local Development Framework was replaced. Councils are now required to produce a single local plan for their area.
  2. In Hillingdon's case the Inspector has found the Core Strategy to have been prepared to a standard which meets the requirements of the NPPF. He does not support holding up its adoption as planning policy pending the preparation of the other remaining parts of the Plan. These comprise sets of site specific allocations and development management policies together with a policies map (formerly know as a proposals map).
  3. The Inspector has agreed that the Council should adopt the Core Strategy, incorporating the changes specified in his report, and that it should be published as the Hillingdon Local Plan: Part One – Strategic Policies.
  4. The Inspector has further stressed the urgency for the Council to move as quickly as possible to bring forward the remaining Part Two components of the Local Plan, so as to meet with the Government's requirements on local plan policy preparation set out in the NPPF.
  5. The Inspector has supported the overall strategic approach taken in the Part One policies towards development in the borough over the next 15 years e.g. regarding the distribution of future housing development. He has emphasised the need for

regular monitoring and review of its retail and employment land provision, the latter being very much in a state of flux at present due to the current economic recession.

6. Following discussions at the Examination the Inspector has supported the Council in reviewing its current public involvement methods detailed in its Statement of Community Involvement regarding the preparation of local plan documents.
  7. As regards the preparation of Part Two of the Local Plan, the Inspector has noted in particular, that detailed site allocations for housing should take into account local infrastructure provision and public transport accessibility. A detailed site analysis will be required for gypsy and traveller site provision; a borough wide townscape character assessment will be necessary; and there should be an analysis of major developed sites in the Green Belt.
11. The Inspector has found the Core Strategy to provide appropriate and sound policies to guide development in the borough over the next 15 years. He has made his decision based on it being amended to include the changes in the schedule published in June and he also emphasised that it should include two new policies which he regards as major changes. These involve firstly a policy stating a presumption in favour of sustainable development, in order to comply with the requirements of the National Planning Policy Framework. Secondly the Inspector has concluded that a policy (policy T5) should be included that requires developer contributions in future to Crossrail, so as to ensure conformity with the London Plan. These new policies and the associated text have been incorporated after para 4.34 and para 9.33 of the Hillingdon Local Plan: Part One – Strategic Policies (see the text highlighted in red in Appendix 1). Whilst the Inspector views these as major changes, and would therefore normally require further consultation prior to adoption, he has stressed that there has been adequate opportunity to comment on those changes already during the submission and examination process and therefore it is unnecessary for the Council to advertise them before it proceeds to adopt the Plan.

### High Speed 2

12. Whilst the Part One Strategic Policies have been in preparation further steps have been taken by the Government regarding the proposed national High Speed 2 (HS2) project. During the Examination the Inspector recognised that the wording in the submitted Plan relating to HS2 required updating. Officers included a revised section in the consolidated schedule of proposed changes submitted in June. All of these changes were accepted by the Inspector in his report as necessary if the plan was to be subsequently adopted by the Council.
13. In view of the likely impacts of the HS2 proposals, officers propose that this section of the Local Plan Part 1 should be further amended for clarification purposes. The proposed amendments, which are shown in red after paragraph 3.9 in Appendix 1, reflect the views of the Inspector in his Report and do not necessitate any re-consultation on the Plan.

### Adoption of Hillingdon's Local Plan: Part One – Strategic Policies

14. Given the above, officers have incorporated the following amendments into the Hillingdon Local Plan: Part One – Strategic Policies, as set out in Appendix 1:
  - a) the amendments that were agreed by the Inspector during the course of the Examination in Public (referred to in paragraph 8 above),
  - b) the two policies that were included in his Report (referred to in paragraph 11 above)
  - c) the further amendments regarding HS2 (referred to in paragraph 13 above).

15. This report seeks Cabinet's agreement to recommend to the next full Council that the Hillingdon Local Plan: Part One – Strategic Policies as set out in Appendix 1 be formally adopted as planning policy.

#### Hillingdon Local Plan: Part Two – Detailed Policies

16. In light of the proposed adoption of the Hillingdon Local Plan: Part One – Strategic Policies and the publication of the NPPF in March, the Unitary Development Plan (UDP) policies formally saved by the Council in 2007 now require further immediate review, to prevent duplication and to ensure consistency of policies. Officers' recommendations on which of the 2007 saved UDP policies can now be deleted as they are now replaced by the Part One policies or the NPPF are set out in Appendix 2. This report seeks Cabinet's agreement to recommend to the next full Council that the remaining 2007 saved UDP policies be retained and adopted as the Hillingdon Local Plan: Part Two, pending the preparation and adoption of detailed site specific allocations, development management policies and a policies map.

#### Next Steps

17. Officers have completed preparatory work on the site specific proposals and development management policies required for Part Two of the Local Plan. Both the NPPF and the Inspector's Report have highlighted the need to bring forward Part Two as quickly as possible. As noted above, the Inspector has highlighted several items of work which will be required to do this:
- detailed site allocations will need further analysis to ensure that housing proposals fully take into account local infrastructure provision and public transport accessibility;
  - detailed site analysis will be required for gypsy and traveller site provision;
  - a borough wide townscape character assessment will be necessary, which should also involve an analysis of suitable areas for tall building development; and
  - there should be an analysis of major developed sites in the Green Belt.
18. Officers will be carrying out work in-house and commissioning further studies during the autumn to prepare Part Two. This is expected to include:
- liaising with adjoining boroughs and district councils regarding provision for gypsies, travellers and travelling showpeople;
  - commissioning a study to assess townscape character areas across the borough and identify those areas suitable for future tall building development;
  - commissioning a study to assess the current potential for managed release of employment land over the next decade and beyond; and
  - reviewing the need for a further assessment of retail capacity in the borough and commissioning research if required.
19. As work progresses on preparation of the development management policies and site allocations, officers expect they will also request that Members reconvene the Planning Working Group to guide the final drafting of policies and site proposals prior to initial public consultation on the Hillingdon Local Plan: Part Two.

## **Financial Implications**

There are no direct financial implications from adoption of the “Hillingdon Local Plan Part One”. The cost of the Planning Inspector and the process of the Examination in Public (EIP) for Part 1 have been incurred and were budgeted for in the Council contingency.

The cost of the work programme outlined above for the Hillingdon Local Plan Part 2, will be contained within the Local Development Framework Team budget, for both the internal staffing resources utilised and the externally commissioned studies and research work which are estimated to be in the region of £50 – 60k. An allowance in the Council contingency has been made for the cost of further EIP’s for adoption of additional development plan documents, which will now be covered by the proposed Hillingdon Local Plan Part 2.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The Hillingdon Local Plan: Part One – Strategic Policies will provide the overarching development framework for the development of the borough up to 2026. It will be the key delivery mechanism of the Sustainable Community Strategy and will provide the context for the preparation of further parts of the Local Plan, including the detailed site specific allocations, development management policies and a policies map. The Hillingdon Local Plan: Part One – Strategic Policies will therefore have a significant impact, both short-term and long-term, upon residents, businesses, service users and all members of Hillingdon’s communities.

### **Consultation Carried Out or Required**

The preparation of the Hillingdon Local Plan: Part One – Strategic Policies has involved the close and active involvement of Hillingdon Partners through the mechanism of an LDF Working Group. This Group held 5 meetings from September 2009 to January 2010 and was instrumental in defining the Vision, Challenges, Strategic Objectives, Key Diagram and emerging Core Policies of the Core Strategy.

Internal ongoing involvement of key officers has taken place during the preparation of the Hillingdon Local Plan: Part One – Strategic Policies, including the council’s Operational Management Group.

External consultation was carried out at the various stages in its preparation as required by the Council’s Statement of Community Involvement, 2006. If the full Council agree to adopt the Plan it will then be formally published. Members should note that there will be a six-week period during which any final objection on legal grounds can be made to the High Court (i.e. as required by section 113 of the Planning & Compulsory Purchase Act, 2004).

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting that costs associated with implementation of the Hillingdon Local Plan are expected to be contained within existing contingency budgets.

In the longer-term economic development within the borough will have a significant impact upon the financial standing of the Council, in particular through increased tax receipts arising from a larger Council Tax base and the retention of growth in business rates.



## Legal

On 6 April 2012 the Town and Country Planning (Local Planning) (England) Regulations 2012 came into force and they updated how local councils should prepare and consult on their local plans. Not only did the regulations consolidate previous changes but they also simplified the language to be used in plan making, for example 'local plan' has replaced the term 'core strategy'.

Following the Examination in Public, the Inspector submitted a number of recommendations to the Council (some major and some minor changes) that, if implemented, will assist the Inspector in recommending adoption of the local plan pursuant to section 20 (7) of the Planning and Compulsory Purchase Act 2004. Although this section clarifies that local planning authorities are not obliged to implement the Inspector's recommendations, failure to do so may leave the Inspector with little option but to recommend non-adoption, giving reasons for doing so. It is therefore recommended that such amendments are included and adopted as detailed in the report above.

One of the suggested amendments relates to High Speed Rail 2. Although the updated wording is arguably a main modification to the local plan content, such an amendment does not create a substantial change to the local plan overall and therefore does not trigger the requirement for re-consultation. This view was also adopted by the Inspector at the Examination in Public.

Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 details how such recommendations must be made available for inspection and published and officers have ensured that these requirements are adhered to.

It is worthy of note that under the provisions of section 113 of the Planning and Compulsory Purchase Act 2004, a person may challenge the validity of the local plan or document by an application to the High Court on the ground that–

- (a) the document is not within the appropriate power; or
- (b) a procedural requirement has not been complied with.

Such an application must be made within a period of six weeks from the date of adoption of the plan or document.

## Property and Construction

The Hillingdon Local Plan: Part 1 - Strategic Policies does not contain any specific policy or site proposals relating to council land or property. Strategic Policies apply generally to all land and property in the borough regardless of ownership. The strategy, including the Infrastructure Plan, has been prepared within the context of the council's asset management plan. In general terms the Plan aims to safeguard property assets in public service or community use. It also helps to identify opportunities where services need to expand, for example to respond to demographic changes. However in circumstances where community services need to be rationalised, the effect of planning policy may tend towards the retention of community facilities, which may at times restrict sales of surplus Council assets for residential development.

BACKGROUND PAPERS: Cabinet report in July 2011: Hillingdon Local Development Framework Pre-submission Draft Core Strategy; Full Council report in September 2011: Hillingdon Local Development Framework Pre-Submission Draft Core Strategy

**APPENDIX 1 – LOCAL PLAN – PART 1, STRATEGIC POLICIES – NOT REPRODUCED HERE AS NOW REPLACED BY UPDATED VERSION AVAILABLE ON LINE AND IN GROUP OFFICES**