

ADOPTION OF THE LOCAL PLAN PART 2

Reporting Officer: Head of Democratic Services

Summary

At the meeting on 17 December 2019 Cabinet recommended to Council the adoption of the Local Plan Part 2 and Policies map, following consideration of the Inspector's Report which had examined the Local Plan Part 2 and had concluded that the plan was sound, subject to a number of Main Modifications. Cabinet agreed to progress the adoption of the Local Plan Part 2 with both the Inspector's Main Modifications and the Council's Minor Modifications.

Formal adoption by Council will be the final stage in the process of producing the Local Plan Part 2 and, subject to its adoption, would mean that the Council has a complete Local Plan in place to provide the spatial planning framework for the sustainable future growth of the Borough, along with all future development proposals to be assessed against them.

RECOMMENDATIONS: That:

- a) **the Local Plan Part 2 as subsequently amended by the main and minor modifications, and the post examination corrections (Appendices 3&4 available on line and in the Group Offices) be adopted and**
- b) **the revised Local Plan Policies Map as subsequently amended by the main and minor modifications (Appendix 5 available on line and in the Group Offices) be adopted.**

SUPPORTING INFORMATION

Under Article 4 of the Council's Constitution, Full Council has the responsibility for approving the adoption of the Council's statutory Development Plan. The Cabinet has now recommended the adoption of:

- Appendix 3: Local Plan Part 2 Development Management Policies
- Appendix 4: Local Plan Part 2 Site Allocations
- Appendix 5: Revised Policies Map

A copy of the 17 December 2019 Cabinet report, setting out the full background and rationale for Council's adoption of these core planning policies is attached. Hard copies of the following appendices are available in the Group Offices, for Public Inspection and are on the Council's website. Appendix 5: Revised Policies Map is also available to view in large size in Group Offices, for Public Inspection and at the Council meeting

<https://modgov.hillingdon.gov.uk/ieDecisionDetails.aspx?AllId=36138>

Appendix 1: Inspector's Report

Appendix 2: Main Modifications

Appendix 3: Local Plan Part 2 Development Management Policies

Appendix 4: Local Plan Part 2 Site Allocations

Appendix 5: Revised Policies Map

Appendix 6: Local Plan Part 2 Draft Adoption Statement

Appendix 7: Lists of UDP policies and guidance to be withdrawn

Financial Implications

There are no direct costs associated with the recommended adoption of the Local Plan Part 2. Assumptions for future growth in demand for local services and yield from property taxes in the Council's Medium Term Financial Forecast remain consistent with the trajectory for population growth and associated development assumed within the Local Plan Part 2.

Legal Implications

The Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires the Council to prepare development plan documents that will form part of the Council's Local Plan. The Council has adopted its Local Plan Part 1, Strategic Policies. The Local Plan Part 2 ("LPP2"), which is the subject of this report, contains the Site Allocations Policy, the Site Designations Policy and also more detailed Development Management Policies that will guide decision making on applications for planning permission. The LPP2 is now at its final stage of the development plan process and section 23 of the PCPA 2004 gives power to a local authority to adopt a local development plan. Full Council has the following options:

1. Adopt the LPP2 with the Inspector's required main modifications or with the Inspector's main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies in the LPP2 (section 23 (3) PCPA 2004);
2. Defer adoption of the LPP2 whilst asking the Secretary of State to intervene under section 21 of the PCPA 2004 and so overrule the Inspector;
3. Bring judicial review proceedings against the Inspector's report; or
4. Withdrawn the LPP2.

This report recommends that option 1 be followed. The accompanying Cabinet report evidences why option 1 above is the most appropriate option to be taken by Full Council. Once adopted the LPP2 will form part of the development plan and carry full weight in the determination of planning applications. Adopting the LPP2 would also formally supersede the remaining saved UDP policies (adopted as the Local Plan Part 2 in November 2012) and supporting planning guidance which will be formally withdrawn. Adoption requires a resolution by Full Council as per Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) and Article 4 of the Council's Constitution.

As soon as reasonably practicable after adopting a Local Plan the Local Planning Authority must make publicly available a copy of the Local Plan, an adoption statement and Sustainability Appraisal Report (incorporating Strategic Environmental Assessment) and send a copy of the Plan and the adoption statement to the Secretary of State. If the Council resolves to adopt the LPP2, a person aggrieved by this decision may bring an application for judicial review in the High Court within 6 weeks of Full Council's resolution.

Background Papers: None

Appendix - report to Cabinet

ADOPTION OF THE LOCAL PLAN PART 2

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	Julia Johnson, Planning Policy, Residents Services
Papers with report	<p>Appendix 1: Inspector's Report Appendix 2: Main Modifications Appendix 3: Local Plan Part 2 Development Management Policies Appendix 4: Local Plan Part 2 Site Allocations Appendix 5: Revised Policies Map Appendix 6: Local Plan Part 2 Draft Adoption Statement Appendix 7: Lists of UDP policies and guidance to be withdrawn</p> <p>Please note: hard copy appendices are circulated separately to Cabinet and Executive Scrutiny Committee Members only. Reference copies available in the Group Offices and Public Inspection copy upon request from Democratic Services. All appendices are viewable on the Council's website.</p> <p>Appendix 5: Revised Policies Map, will be available as a large poster to view in Group Offices and for Public Inspection.</p>

HEADLINES

Summary	<p>Formal adoption is the final stage in the process of producing the Local Plan Part 2. The Inspector's Report (see Appendix 1), examining the plan's soundness has been published. It concludes that the plan is sound, subject to a number of Main Modifications.</p> <p>This report proposes that the Council adopts the Local Plan Part 2 with the Inspector's Main Modifications (see Appendix 2) and the Council's Minor Modifications. A final version of the Local Plan, which incorporates all of the Inspector's Main Modifications and the Council's Minor Modifications, is included as Appendices 3 and 4. A new policies map has also been included as Appendix 5.</p>
Putting our Residents First	<p>This report supports the following Council objectives of: <i>Our People; Our Natural Environment; Our Built Environment; Our Heritage and Civic Pride.</i></p>
Financial Cost	<p>The costs of the examination and adoption of the Local Plan Part 2 will be met from the relevant earmarked reserve.</p>

Relevant Policy Overview Committee

Residents, Education and Environmental Services

Relevant Ward(s)

All wards

RECOMMENDATIONS**That the Cabinet:**

- 1. Note the content of the Local Plan Part 2 Inspector's Report (APPENDIX 1) and Main Modifications (APPENDIX 2).**
- 2. Recommend to Full Council the adoption of the Local Plan Part 2 as subsequently amended by the main and minor modifications, and the post examination corrections (APPENDICES 3 and 4).**
- 3. Recommend to Full Council the adoption of the revised Local Plan Policies map (APPENDIX 5) as subsequently amended by the main and minor modifications.**
- 4. Note the accompanying Local Plan adoption statement (APPENDIX 6).**
- 5. Note the list of Saved UDP and Supplementary Planning Documents/ Guidance policies being withdrawn (APPENDIX 7).**
- 6. Note the Council's commitment to an early Local Plan Review during the Examination in Public.**

Reasons for recommendation

Under Article 4 of the Council's Constitution, Full Council has the responsibility for approving the adoption of the Council's statutory Development Plan. The Cabinet now has to determine whether they wish to recommend the adoption of the Local Plan Part 2 to Full Council. This will require the Council to accept all of the Inspector's main modifications

The adoption of the Local Plan Part 2 will mean that the Council has a complete Local Plan in place consisting of the Local Plan Part 1 Strategies Policies and the Local Plan Part 2 Development Management Policies and Site Allocations.

Alternative options considered / risk management

The Cabinet may decline to recommend adoption of the Local Plan Part 2. The option of not adopting the Plan or accepting the modifications is not recommended. Adoption of the Plan provides the Council with a comprehensive statutory development plan. The policies and allocations will then be given full weight in determining applications and appeal decisions. If the Plan is not adopted the Council will continue to have to use the Saved UDP policies which were first adopted in 1998 and saved in 2007 which are not consistent with national and regional planning policies creating uncertainty over the planning framework. In turn this could facilitate unplanned development across the Borough and would increase the risk of inappropriate development.

Democratic compliance / previous authority

In March 2016 Cabinet approved a number of recommendations in relation to the Local Plan Part 2. These included agreeing to its submission for public examination subject to the preparation of a Statement of Proposed Modifications, and a requirement to report back to a future meeting of Cabinet on the outcome of the public examination process. The Statement of Proposed Modifications was subsequently approved by a Cabinet Member decision in March 2018 and the Local Plan Part 2 with proposed modifications was submitted to the Secretary of State for examination in May 2018.

Policy Overview Committee comments

None at this stage.

SUPPORTING INFORMATION

Background

1. Following the adoption of the Hillingdon Local Plan: Part 1 - Strategic Policies and Saved UDP policies as Part 2 of the Local Plan, it was agreed that a replacement Local Plan Part 2 with site allocations and development management policies would be progressed. The production of this new Local Plan Part 2 commenced in 2013 and was the subject of three public consultations (April 2013, September 2014 and October 2015) and proposed modifications (March 2018) before being submitted to the Secretary of State for public examination in May 2018.

Examination of the Local Plan Part 2

2. Following the submission of the Local Plan Part 2, an independent Planning Inspector was appointed by the Secretary of State to carry out an examination of the Plan. Through the examination process, the Planning Inspector is charged with assessing whether the Local Plan is 'sound'.

3. Due to the timing of its submission, the Local Plan Part 2 was examined in accordance with the 2012 National Planning Policy Framework (NPPF) and the current London Plan (2016). The 2012 NPPF's tests of soundness (paragraph 182) against which the Plan was assessed are as follows:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5. The examination process primarily consists of the consideration of written submissions together with the more detailed consideration of specific matters through the examination hearings. Both the Council and other interested parties were invited to submit hearing statements on the issues identified by the Inspector to be of crucial importance to the soundness of the plan.

6. The examination hearing sessions ran for three days in August 2018. The hearings covered a wide range of issues including housing capacity allocations, car parking standards, Heathrow airport, the potential expansion of Brunel, the loss of industrial capacity from sites in Hayes and provision for gypsies and travellers. A number of further changes to the Proposed Schedule of Main Modifications were also proposed by the Inspector and the Council throughout the sessions to address the issues of soundness that arose.

7. At the end of the hearing sessions, the Inspector also indicated that there were matters (Heathrow and Green Belt) on which he would need to deliberate further before being able to advise the Council whether any additional changes to the Main Modifications should be considered.

Post Hearing Advice Note

8. The Council received a Post Hearing Advice Note from the Planning Inspector in November 2018. The note stated that at this stage he considered the Local Plan Part 2 was a plan that was capable of being found sound. However, the note also advised the Council of some further modifications required to make the Plan sound. These included amendments to make the Plan consistent with the Airports National Policy Statement and a reduction in the area of land to be removed from the Green Belt following the opening of Lake Farm School.

Main Modifications Consultation

9. Following the receipt of the Inspector's Post Hearing Advice Note, the Inspector and the Council then agreed a final schedule of proposed Main Modifications and these were published for consultation from March to June 2019. Alongside the schedule, the Council also published a Sustainability Appraisal Addendum and a schedule of non-material minor modifications. The proposed minor modifications were not related to matters of soundness and for this reason they were published for information only and were not subject to public consultation.

10. A small number of further representations were received on the proposed Main Modifications and these were passed to the Inspector for consideration as part of the ongoing examination process.

The Inspector's Report

11. The examination of the Local Plan Part 2 concluded with the receipt of the Inspector's final report on 22 October 2019. The Inspector concluded that, subject to a series of Main Modifications, the Local Plan Part 2 is a sound plan that can be adopted. The Inspector's response to all of the main outstanding issues discussed during the examination hearings are summarised as follows:

Heathrow Airport

12. As already outlined within the Post Hearing Advice Note, the Inspector considers that the introduction of the Airports National Policy Statement (ANPS) has created sufficient uncertainty that locations allocated for new employment growth on the Heathrow Perimeter may not be deliverable. As such, the Inspector has proposed that these are deleted. This approach is considered acceptable having already made it clear that these changes will be accepted without prejudice to the Council's ongoing judicial review proceedings to the Airport National Planning Statement (ANPS).

Lake Farm School

13. The Inspector requested a modification to the proposed Green Belt deletion at Lake Farm School in Hayes to reduce the area proposed for deletion to following the new boundary of the school site. The Council's Policies Map will be revised accordingly.

Brunel University

14. Brunel University Limited (BUL) made a number of large representations prior to the submission of the Local Plan Part 2 and participated in the public hearings. BUL were seeking the removal of a large quantum of land from the Green Belt and a specific allocation to facilitate the expansion of the university. The Council's position throughout the process has been that the scale of the development would amount to a strategic issue that would conflict with the adopted Local Plan Part 1 and any such change would need to be considered through the review of this document. The Inspector has outlined that he agrees with this approach and that no main modifications are required.

Douay Martyrs School

15. Douay Martyrs School (DMS) made representations prior to the submission of the Local Plan Part 2 and participated in the public hearings. DMS were seeking the removal of a large quantum of land from the Green Belt and a specific allocation to facilitate the consolidation of their existing sites into one larger site. The Council's position throughout the process has been that the scale of the development would amount to a strategic issue that would conflict with the adopted Local Plan Part 1 and any such change would need to be considered through the review of this document. The Inspector has outlined that he agrees with this approach and that no Main Modifications are required.

Car Parking

16. The Mayor of London objected to the Council's local car parking standards, arguing that they were not restrictive enough and constituted a significant departure from those in the London Plan. The Council's position throughout the examination process has been that the Car Parking standards are in broad conformity with the London Plan and that any variation is justified considering Hillingdon is an outer London borough with restricted access to public transport and high car dependency. The Inspector has outlined that he agrees with this approach and that no main modifications are required to the standards; only that the Council clarifies that they are maximum standards.

Release of Industrial Land

17. The Mayor of London objected to the quantum of industrial land being released within Hayes to facilitate regeneration, arguing that it was inconsistent with the draft London Plan's target for no net loss of industrial land within the London Borough of Hillingdon. The Council's position throughout the process has been that the Mayor of London had overstated the quantum of industrial land actually being released and would address the draft London Plan's target for no net loss of industrial land after this document has itself been found sound by an Inspector and adopted. The Inspector has outlined that he agrees with the Council's approach and supports the release of the industrial sites for new mixed use redevelopment.

Provision of pitches for Gypsies and Travellers

18. It was noted prior to the submission of the Plan that the Council's initial Gypsy and Traveller and Travelling Show People assessment was produced prior to August 2015 and thus did not

take into account the Government's latest guidance. As such the Council undertook a new initial Gypsy and Traveller and Travelling Show People assessment in 2017, which identified a requirement for two additional pitches for travellers within the plan period. It is proposed that these would be provided by allocating a modest extension to the Council's existing Colne Park site. In addition to this allocation, the Inspector has also requested the inclusion of a policy to assess future provision for gypsies and travellers and travelling show people.

Minerals Planning

19. It was noted prior to the submission of the LPP2 that the Council's Local Aggregates Assessment had not been updated since 2014 and did not take into account the Government's latest guidance in relation to minerals planning. As such the Council produced an update to the Local Aggregates Assessment in 2017 and re-categorised sites in line with the latest guidance. Furthermore, a criteria-based policy has been included to assess new applications for mineral extraction and ensure that there would be no significant adverse impacts from these developments. The Inspector has outlined that he agrees with this approach and instructed that the appropriate modifications are made.

Early Review of the Local Plan

20. In reaching his conclusions on a number of matters, the Inspector has stated that these would be more appropriately addressed through an early review of the Local Plan and has highlighted the Council's commitment to undertaking this early review during the examination hearings. A new Local Development Scheme will be presented to Cabinet in early 2020 to approve a timetable for the preparation of the Local Plan review.

Other Policies and Designations

21. Policies and designations that did not raise any main issues and are considered sound were not referred to in the Inspector's report.

Minor Modifications

22. In addition to the Inspector's recommended Main Modifications, the Council has also proposed a number of minor modifications to the plan. These modifications are minor in nature, as they do not go to the heart of the plan and are not matters of soundness. They are designed to aid clarity, consistency and accuracy. Where there was any doubt, minor modifications were shared with the Inspector who has agreed they are correctly described as minor in nature.

Sustainability Appraisal

23 Any Local Plan document or changes and alterations to existing plans are subject to a comprehensive Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment, in compliance with the regulatory requirements for preparing Development Plan Documents. A Sustainability Appraisal / Environmental report, which demonstrated how each proposed policy and site allocations have been assessed against the Sustainability Appraisal framework, and what difference the Sustainability Appraisal has made to the Local Plan, was subject to public consultation alongside the Local Plan Part 2. The proposed Main Modifications were also subject to a Sustainability Appraisal by the Council and an Addendum report to the Sustainability Appraisal was produced. The Sustainability Appraisal Report will be published alongside the adopted Plan.

Adoption of the Local Plan Part 2

24. On the basis of the conclusions outlined above it is recommended that the Council accept all of the Main Modifications proposed by the Inspector and adopt the Local Plan Part 2 and Policies Map as amended (see Appendices 3-5). Further detailed guidance on the adoption process is set in the Legal section of this report.

Financial Implications

25. There are no additional financial implications arising from the adoption of the Local Plan Part 2. Funding for the cost of the Planning Inspector, the examination and publication of the document was included in previous iterations of the Council's Medium Term Financial Forecast.

26. The timetable and resources required to progress an early review of the Local Plan will be set out in a future report to Cabinet seeking to update the Council's Local Development Scheme for the preparation of local development plan documents, alongside any associated financial implications.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

27. The Hillingdon Local Plan Part 2 sits within the broader spatial vision and objectives of the Part 1 Local Plan adopted in November 2012. Together Parts 1 and 2 of the Local Plan provide the spatial planning framework for the sustainable growth of the Borough to 2026 through a set of policies, site allocations and designations. Given that, all future development proposals will be assessed against the Local Plan it will have significant impact both short-term and long-term, upon residents, businesses, service users and all members of Hillingdon's communities.

28. An Equalities Impact Assessment was completed to inform the development of the Local Plan Part 2. The conclusions of this assessment were that no additional measures were required to mitigate against the adverse impact of the policies in the Plan. A copy of the Impact Assessment is available to view on the Local Plan Part 2 Examination webpage. The Inspector also confirms in paragraph 104 of his report that in reaching his conclusions on the soundness of the Local Plan Part that he has had due regard to the aims expressed in S149(1) of the Equality Act 2010.

Consultation carried out or required

29. The preparation of the Local Plan Part 2 has involved a significant amount of engagement with a range of stakeholders. This includes three statutory periods of consultation (April 2013, Sept 2014 and Oct 2015) to inform the preparation of the Plan followed by an Examination in Public in August 2018 and a further consultation on proposed modifications in March 2019. On this basis, the Inspector agreed that the vision and objectives of the Local Plan Part 2 are based on an understanding of community needs and aspirations.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and associated financial implications, confirmation that there are no direct costs associated with the recommended adoption of the Local Plan Part 2. Assumptions for future growth in demand for local services and yield from property taxes in the

Council's Medium Term Financial Forecast remain consistent with the trajectory for population growth and associated development assumed within the Local Plan Part 2.

Legal

The Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires the Council to prepare development plan documents that will form part of the Council's Local Plan. The Council has adopted its Local Plan Part 1, Strategic Policies. The Local Plan Part 2 ("LPP2"), which is the subject of this report, contains the Site Allocations Policy, the Site Designations Policy and also more detailed Development Management Policies that will guide decision making on applications for planning permission.

The LPP2 is now at its final stage of the development plan process and section 23 of the PCPA 2004 gives power to a local authority to adopt a local development plan. Full Council has the following options:

1. Adopt the LPP2 with the Inspector's required main modifications or with the Inspector's main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies in the LPP2 (section 23 (3) PCPA 2004);
2. Defer adoption of the LPP2 whilst asking the Secretary of State to intervene under section 21 of the PCPA 2004 and so overrule the Inspector;
3. Bring judicial review proceedings against the Inspector's report; or
4. Withdrawn the LPP2.

This report recommends that option 1 is followed and the section of 'Alternative options considered / risk management' on page 4 identifies the risks if option 1 is not followed. The report evidences why option 1 above is the most appropriate option to be taken by Full Council.

Once adopted the LPP2 will form part of the development plan and carry full weight in the determination of planning applications. Adopting the LPP2 would also formally supersede the remaining saved UDP policies (adopted as the Local Plan Part 2 in November 2012) and supporting planning guidance which will be formally withdrawn. Adoption requires a resolution by Full Council as per Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Article 4 of the Council's Constitution.

As soon as reasonably practicable after adopting a Local Plan the Local Planning Authority must make publicly available a copy of the Local Plan, an adoption statement and Sustainability Appraisal Report (incorporating Strategic Environmental Assessment) and send a copy of the Plan and the adoption statement to the Secretary of State.

If the Council resolves to adopt the LPP2, a person aggrieved by this decision may bring an application for judicial review in the High Court within 6 weeks of Full Council's resolution.

Asset Management

There are no specific Property and Construction implications arising from the recommendations in this report.

BACKGROUND PAPERS
NIL