

LOCAL PLAN REVIEW AND REVISED LOCAL DEVELOPMENT SCHEME

Cabinet Member(s)	Cllr Eddie Lavery
Cabinet Portfolio(s)	Cabinet Member for Environment, Housing & Regeneration
Officer Contact(s)	Julia Johnson, Planning and Regeneration
Papers with report	Appendix 1 – Revised Local Development Scheme

HEADLINES

Summary	This report seeks approval to commence a partial review of the Local Plan and endorses the Local Development Scheme (which sets out timescales for the forthcoming Local Plan review) for adoption by Full Council.
Putting our Residents First	This report supports the following Council objectives of: <i>Our People; Our Natural Environment; Our Built Environment; Our Heritage and Civic Pride; and Strong financial management.</i>
Financial Cost	This review is expected to cost up to £998k over a four-year period. £200k funding is available through existing base budgets within Planning and Regeneration and the remaining £798k will be funded through the Local Plan Earmarked Reserve already set up and funded in anticipation of this work and will not therefore impact on the MTFE going forward.
Relevant Select Committee	Environment, Housing & Regeneration
Relevant Ward(s)	All

RECOMMENDATIONS

That the Cabinet:

1. **Agrees to a partial review of the Local Plan for adoption by December 2023.**
2. **Endorses and recommends the revised Local Development Scheme for adoption by Full Council.**
3. **Agrees to drawdown up to £798k over a four-year period from the Local Plan Earmarked Reserve.**

Reasons for recommendation

The Council has a statutory duty to review its Local Plan at least every five years and to prepare and maintain an up-to-date Local Development Scheme (LDS) setting out the timetable for the Local Plan review. The Council's current Local Development Scheme was published in September 2018 and is now scheduled for review. The Government has also set a deadline for the adoption of up-to-date Local Plans by December 2023 and this report sets out how this target will be met.

Alternative options considered / risk management

Cabinet may decline to recommend that the updated LDS at Appendix 1 is referred to Full Council. This option could result in the legal compliance of the Local Plan review being challenged later and cause a delay in its adoption.

The Local Plan review could be progressed with the existing resources in the Planning Policy team, but the Council would not be able to meet the Government's deadline for up-to-date Local Plans. The absence of an up-to-date Local Plan has consequences for the weight given to the Council's planning policies in future planning decisions.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

INTRODUCTION

1. Hillingdon's Local Plan is currently in two parts with a Part 1 adopted in 2012 setting out the strategic policies, and a Part 2 adopted in 2020 which includes development management policies and site allocations. The National Planning Policy Framework requires that the policies in statutory development plans should be reviewed at least every five years and updated as necessary. The policies in Hillingdon's Local Plan Part 1 are now scheduled for review.
2. It is also recommended that this Partial Review of the Local Plan allows for updates to the Local Plan Part 2 where necessary, and that the two documents are brought together into a single Local Plan for the borough.
3. The Local Development Scheme (LDS) is a project plan for the production of the Local Plan and other development plan documents. It sets out the documents that the Council intends to produce and the timescale for their production. In order to be considered legally compliant in accordance with the Planning and Compulsory Purchase Act 2004, the Council's Local Plan documents should be in general conformity with the LDS. This means they should be listed in the LDS and prepared in accordance with the timescales set out in the document. The current LDS was prepared in 2018 and now requires updating following the adoption of the Local Plan Part 2.

THE NEED TO REVIEW THE LOCAL PLAN

4. The key drivers for a review of the Hillingdon Local Plan can be summarised as follows:

Legal Requirement

5. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 provides that local planning authorities must review their plans at least every five years to see if they require updating. Paragraph 33 of the National Planning Policy Framework sets out what the review should cover and when earlier review might be necessary and says that following the review, plans should be updated as necessary. In March 2020, the Secretary of State made an important statement on Planning for the Future which set a requirement for all local planning authorities to have up-to-date local plans by December 2023. The Government has stated its intention to intervene where local authorities fail to meet this deadline.

Examination of the Local Plan Part 2

6. In his Report on the examination of the Local Plan Part 2, the Planning Inspector stated that it was widely accepted that during the preparation of the Local Plan Part 2, there had been material changes in both national and London-wide policies. During the examination, the Council therefore committed to an early review of the Local Plan in response to these changes, and the Inspector accepted this as a 'reasonable and pragmatic approach'.

Planning legislative changes and challenges

7. As noted above, significant changes to the legislative and policy context have taken place with further substantial reforms on the horizon. Whilst the prospect of these further changes could be a potential reason to delay such a review, the Government's Chief Planner stated in her letter to Chief Planning Officers in October 2020 that the 'uncertainty' should not stop the progression of local plans given the importance of a strong planning framework in facilitating the recovery from the impacts of the pandemic. It is considered that there remain significant benefits to the borough in progressing a partial review of the Local Plan and that we can remain mindful of these future changes in the work undertaken.
8. Significant legislative changes have also already been made which have had an impact on the effectiveness of our existing policies. This includes changes to the use classes order particularly in relation to main town centre uses (the amalgamation of a number of A, B and D use classes into a new E class) which has impacted on our ability to manage change within our town centres at a critical point. There have also been other changes to guidance in relation to housing requirements, affordable housing, Heathrow and permitted development rights. Reviewing the Local Plan will enable us to address these changes through a revised planning framework.
9. As a London Borough, the other key component of change is the London Plan. A new London Plan was published on 2 March 2021. It sets out a significant number of new requirements on local planning authorities which will need to be addressed including a new annual housing target of 1,083 for Hillingdon. Additional site allocations will need to be identified to demonstrate that the borough is able to deliver against this target. The review will also provide the opportunity to establish the Council's priorities for the Heathrow and Hayes Opportunity Areas that have been identified by the London Plan.

Delivering the Council's Vision and Coordinating with other Strategies

10. The strategic policies in the Local Plan Part 1 were largely developed in 2010/11. Consequently, they do not reflect the priorities of the current administration or those set out in recent Council initiatives such as the Hillingdon Improvement Programme, the existing programme of town centre improvements, the proposed estate regeneration schemes and the emerging housing and climate change strategies. A partial review of the Local Plan will provide an opportunity to bring our planning policies in line with these priorities and assist with their implementation.

Responding to Opportunities and Challenges

11. Since the Local Plan Part 1 was adopted in 2012, new opportunities and challenges for the borough's built and natural environments have emerged with implications for planning and regeneration in Hillingdon that a review of the Local Plan could address. These include:
- a growing and changing population;
 - increasing housing targets and pressure from surrounding planning authorities to accommodate their needs;
 - the declaration of a climate change emergency by the Council;
 - changes to the planning framework in relation to the proposed third runway at Heathrow;
 - managing and mitigating the impacts of constructing High Speed 2;
 - the Council's proposed estate regeneration programme;
 - building on the opportunities arising from the completion of the Elizabeth Line;
 - the continuing need to secure improved sustainable transport infrastructure particularly north-south connections;
 - the need to secure the provision of early years and school places, health care and other key community facilities required to support a growing and changing population;
 - addressing the economic challenges arising from the COVID-19 pandemic including the impact on town centres and high streets; and
 - responding to the continuous pressure on Hillingdon's Green Belt.
12. The Partial Review will provide the opportunity to put in place a new planning framework to address these challenges and opportunities up until 2038.

Maintaining Control of Planning Decisions

13. Without an up to date Local Plan, there is a significant risk that the Council's ability as the local planning authority to influence and control development will be diminished through the application of the 'presumption in favour of sustainable development'. This would result in a requirement on the Council for new development to be granted planning permission unless it conflicts with the National Planning Policy Framework or the adverse effects would significantly and demonstrably outweigh the benefits. This application of this so-called 'tilted balance' would reduce the ability of the Council to apply its own planning policies to the determination of planning, with the potential consequence of developments coming forward that the Council would have otherwise considered unacceptable. In these circumstances it is also likely that the Council would lose more planning appeals and may be subject to greater influence of the Mayor of London in planning decisions through the increased use of call-in powers.

KEY AREAS OF REVIEW

14. It is proposed that the Partial Review of the Local Plan would cover the following sections of the Local Plan Part 1 and 2:
- The Vision.
 - Core Policies for the economy, housing, historic and built environment, environmental improvement, transport and infrastructure.
 - Development management policies focusing on employment, town centres, housing, design, environmental improvements and transport.

- Site Allocations.
- The Policies Map, as required.

DEVELOPING A ROBUST EVIDENCE BASE

15. The National Planning Policy Framework requires that the Local Plan should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the borough. This will also allow the Council to take the most appropriate approach based on local circumstances in the context of national and regional planning requirements.
16. Given the extensive period of time that has passed since the evidence was developed in support of the current Local Plan and the significant economic, social and environmental changes that have taken place in recent years, the Planning Policy team will need to prepare a suite of new evidence base documents to inform the partial review. The amount of work required is significantly greater than that required for the Local Plan Part 2 as this largely relied on strategic framework set by the Part 1, for which the majority of work was undertaken between 2007 and 2012 when the Planning Delivery Grant was available for plan-making purposes. Given the government deadline of December 2023, the work will also have to be undertaken at speed which will require more external resource than might otherwise be necessary.
17. The work identified for external commissioning includes a Green Belt review, employment land study, open spaces assessment, updates to the Council's needs assessments, a full plan viability assessment and the preparation of a Strategic Infrastructure Delivery Plan.
18. Alongside the above, and in line with Planning Regulations, additional technical assessments will have to be prepared to inform and support the Local Plan including:
 - Sustainability Appraisal
 - Habitats Regulation Assessment
 - Equalities Impact Assessment
 - Health Impact Assessment
19. There is also a requirement on the Council to undertake significant consultation to gather the views of as wide a range of stakeholders as possible during the preparation of new planning policies. The preparation of consultation documentation and delivery of consultation events will also require some limited additional expenditure.
20. It is estimated that the preparation of this evidence and the supporting assessments, much of which will need to be commissioned externally from specialist companies, together with stakeholder engagement, will require additional funding over a three-year period.
21. It should also be noted that a further £100,000 funding will be required when the Local Plan Partial Review reaches the examination stage in the fourth year, to cover the costs of a government appointed Planning Inspector and supporting Programme Officer employed by the Council.

UPDATING THE LOCAL DEVELOPMENT SCHEME

22. The proposed LDS is attached at Appendix 1 of this report. The key milestones for the partial review of the Local Plan are as follows:

- Preparation of the revised Local Plan and consultation – Dec 2021
- Publication of the revised Local Plan – Sept 2022
- Submission to Examination – Mar 2023
- Examination in Public – June 2023
- Adoption – Dec 2023

NEXT STEPS

23. Subject to Cabinet approval, the LDS will go forward to Full Council for adoption. The document will then be made available on the Council's website.
24. The Planning Policy Team will prepare a detailed programme for the partial review of the Local Plan in accordance with the milestones set out in the LDS.

Financial Implications

25. It is recognised that the proposed partial review of the Local Plan has significant financial implications given the scale of the work required to support the development of new planning policies. The government has indicated that additional funding could be made available to local planning authorities to support any change arising from the forthcoming reforms, however; in the interim costs would need to be met from Council resources. Opportunities to maximise grant funding will be sought if such grant funding becomes available. Officers will also look at options as to how tasks are undertaken to keep costs to a minimum. The projected cost is therefore a maximum sum that the work is expected to be deliverable within.
26. The Planning Policy base budget includes £50k for external services, which is expected to be retained in future years and so will contribute £200k funding across four years. The remaining £798k will be funded through the Local Plan Earmarked Reserve over the same four-year period. This earmarked reserve has already been provided for and as such the estimated cost of the entire exercise is already covered within existing Council resources and will not therefore impact on the MTFP going forward.
27. It is proposed to create temporary staff resources of 2 FTE's at a cost of £120k p.a. for a period of three years to ensure this review is delivered within the expected timeframe. This will also allow for some of the works to be undertaken internally, therefore reducing the costs of external services which is likely to be considerably higher than that of fixed term appointments.
28. In addition to the increased in-house capacity, there will be the need for externally commissioned work including a Green Belt review, employment land study, open spaces assessment, updates to the Council's needs assessments, a full plan viability assessment and the preparation of a Strategic Infrastructure Delivery Plan. These are estimated to cost around £538k over a 3-year period. A further £100k will be required when the Local Plan Partial Review reaches the examination stage in the fourth year, to cover the costs of a government appointed Planning Inspector and supporting Programme Officer employed by the Council. If any of these tasks can be delivered within existing staffing resources, the overall cost would reduce.

29. The review process is expected to commence following successful appointment to the fixed term posts. It is anticipated that the cost of the review will be profiled over four years as follows:

Expenditure	Year 1	Year 2	Year 3	Year 4	Totals
Evidence Base	£215k	£215k	£108k	0	£538k
Additional Staff	£120k	£120k	£120k	0	£360k
Examination	£0	£0	£0	£100k	£100k
Total Costs	£335k	£335k	£228k	£100k	£998k
Local Plan EMR	(£285k)	(£285k)	(£178k)	(£50k)	(£798k)
Existing Base Budget	(£50k)	(£50k)	(£50k)	(£50k)	(£200k)
Total Funding	(£335k)	(£335k)	(£228k)	(£100k)	(£998k)

RESIDENT BENEFIT & CONSULTATION

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

The Local Plan sets out a vision for the development of the Borough for the next 15 years and determines the future pattern of development. It should also seek to implement development related aspects of other Council strategies such as those for Housing and Climate Change which are currently being developed. It should also link to strategies of other local public bodies e.g. health and be in general conformity with the Mayor's London Plan.

Consultation carried out or required

The LDS is a project plan for the production of the Council's own Local Plan and as such no consultation is required beyond the statutory internal consultees below. The partial review of the Local Plan will be subject to statutory consultations as set in the relevant Regulations and summarised in the Council's Statement of Community Involvement.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting that the maximum cost £998k can be funded by £200k from the existing base budget and £798k from Earmarked Reserves already set aside.

Legal

The Council is required to prepare a Local Development Scheme (LDS) in accordance with the requirements of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The Planning and Compulsory Purchase Act 2004 (as amended) requires the LDS to be revised at such times as the Local Planning Authority considers appropriate.

Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Development Plan Documents to be prepared in accordance with the LDS. As such it is vital that the LDS is updated to ensure the Council's Local Plan can be found legally compliant in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and relevant supporting legislation.

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires a resolution of the Council, which must specify the date from which the LDS is to have effect.

BACKGROUND PAPERS

NIL