

REVISED LOCAL DEVELOPMENT SCHEME

Cabinet Member & Portfolio	Cllr Steve Tuckwell – Cabinet Member for Planning, Housing and Growth
Responsible Officer	Karrie Whelan – Corporate Director Place
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Papers with report	Appendix 1: Local Development Scheme

HEADLINES

Summary	<p>In accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) the London Borough of Hillingdon ('Hillingdon') must prepare and maintain a Local Development Scheme (LDS).</p> <p>The LDS is a three-year project plan for the preparation of new planning policy documents. The Deputy Prime Minister requested in December 2024 that all Local Planning Authorities produce an updated LDS within 12 weeks of the publication of the revised National Planning Policy Framework (NPPF) which is no later than 6 March 2025.</p>
Putting our Residents First Delivering on the Council Strategy 2022-2026	<p>This report supports our ambition for residents to:</p> <ul style="list-style-type: none">• Live active and healthy lives,• Enjoy access to green spaces, leisure activities, culture and arts,• Live in a sustainable borough that is carbon neutral,• Be/feel safe from harm,• Live in good quality, affordable homes in connected communities,• Stay living independently for as long as they are able,• Achieve well in education, with opportunities for learning at all ages, and• Have opportunities to earn an income that supports their families. <p>This report supports our commitments to residents for:</p> <ul style="list-style-type: none">• Safe and strong communities,• Thriving, healthy households,• A green and sustainable borough, and• A thriving economy.

Financial Cost	The cost of the Local Plan Review will be met from existing service budgets and an earmarked reserve.
Select Committee	Residents' Services
Ward(s)	N/A

RECOMMENDATION

That the Cabinet endorse and recommend the revised draft Local Development Scheme (Appendix 1) for adoption by Full Council.

Reasons for recommendations

The Cabinet is asked to make this decision to:

- Respond to the request by the Deputy Prime Minister that all local planning authorities produce an updated Local Development Scheme (LDS) by no later than 6 March 2025.
- De-risk and improve the Local Plan programme by amending it to a best practice three stage programme, in light of the government extending deadline for submission of Local Plans under the current system to December 2026.
- Ensure delivery of the Local Plan in line with national deadlines by confirming the structure and funding of the Planning Policy Team.

Alternative options considered / risk management

1. One alternative would be to not publish an updated LDS. This option would mean that the Council is not meeting the Government requirement to have an updated LDS in place by March 2025. This would also mean that the Council would have to progress a Local Plan accordingly to a programme which does not consider the new statutory context and would not meet the relevant legislative test that the plan has been produced in accordance with the timeline in an adopted LDS.
2. A further alternative would be to publish the LDS without an updated Local Plan programme. This option was not pursued as it would have significant problems as set out in this report, including additional risks, less meaningful consultation, less effective policies and site allocations, with no identified benefits.
3. National planning guidance requires that policies in Local Plans should be reviewed at least once every five years, particularly where their local housing need figure is expected to change. Hillingdon's current Local Plan was adopted in two parts, with Part One adopted in November 2012 and Part Two adopted in January 2020. This risks the Council being unable to demonstrate an up-to-date planning framework and subject to the tilted balance

in favour of sustainable development. The revised LDS sets a challenging but deliverable timeline based on resourcing and technical requirements.

4. There have been significant changes to the National Planning Policy Framework since the adoption of Hillingdon's current Local Plan, most notably the increase in London's housing need requirements and the introduction of grey belt. The review of the Local Plan will ensure that the Council is able to respond and manage its response to these policy changes alongside the development of the new London Plan and setting of a new housing target which is likely to be significantly higher than the current target.
5. Extending the Local Plan to a three-stage programme is the preferred strategy as the addition of a draft plan stage will allow the planning authority to address potential matters of soundness raised through the consultation ahead of submission to the Secretary of State. This will de-risk the Examination in Public.
6. Delivery of the Local Plan against the timeline set out in the revised LDS is dependent on the full resourcing of the Planning Policy Team. This will be supported by a retention and recruitment strategy for planning policy officers.

Democratic compliance / previous authority

The current Local Development Scheme was adopted by Full Council on Thursday 11 July 2024, following a Cabinet decision on 21 March 2024. The Local Plan review has been proceeding under this authority to date. As a policy framework document, Cabinet is required to recommend its formal adoption to the full Council, which is scheduled to consider this at its meeting on 27 February 2025.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

Local Development Scheme

Statutory background

7. The planning system is plan-led whereby planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Local Plan forms the key part of the Development Plan for a local planning authority and sets policies for its area.
8. The Local Development Scheme sets out the documents that the Council intends to produce to form its Development Plan and a timetable for production. Local planning authorities must produce a Local Development Scheme under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). Failure to produce a LDS can lead to the Government or Mayor of London imposing one on a London borough.

Planning reform

9. On 12 December 2024 the government launched a revised National Planning Policy Framework¹ alongside a package of other planning changes.
10. In light of the changes to national policy, the Deputy Prime Minister has asked that all local planning authorities produce an updated Local Development Scheme (LDS) by no later than 6 March 2025². They state that the updated LDS should include clear, realistic, and specific dates for consultation and submission of the Local Plan.

An updated timetable for the Local Plan

11. At present, the Local Plan is being prepared under a shortened two stage programme, which was developed to allow the Council to submit our Local Plan under the previous system, which had a deadline for plans to be submitted to examination before 30 June 2025.
12. Following the General Election in July 2024, the new Government announced that the deadline would be extended by 18 months to December 2026, introducing amendments to national policy in the process. In light of this changed context, approval is being sought to adopt a new three stage Local Plan programme.
13. Under the updated programme, the Council will undertake a 'Draft Plan' stage of consultation which allows feedback on the detailed policies and sites allocations within the Draft Local Plan. The new programme is a more common approach and will have benefits to the Council by:
 - Facilitating a more robust and effective Local Plan,
 - Facilitating better engagement with stakeholders,
 - Reducing the time and cost of the examination,
 - Reducing the risk of unplanned extensions to the programme,
 - Reducing the risk of legal challenge, and
 - Bringing the programme in line with recommended practice and industry standard.

Planning reform

14. National planning reform is changing the context for plan-making. The government is proposing to introduce a reformed plan-making system, anticipated at the end of 2026. The key changes would include a new procedure for developing plans, increased digitisation, the introduction of nationally set development management policies which may override some local policies and new deadlines for plan-making. Under the new system, Local Planning Authorities (LPAs) would need to start work on new plans before five years after adoption of their previous plan and must adopt a new plan within a 30-month window.
15. The government has set a deadline for all local plans to be assessed under the current system. Originally set for 30 June 2025, this required LPAs to submit their local plans for independent examination under the existing legal framework on or before this date.

¹ [National Planning Policy Framework - GOV.UK](#)

² [Email from the Chief Planner 13 December 2024 \(PDF\)](#)

Following the general election, a new government and new set of planning reforms, this deadline has been extended to December 2026 to ensure national coverage of local plans.

16. The Levelling Up and Regeneration Act came into effect in late 2023 and introduced the framework for changes for planning reform, however much of the change will take effect through secondary legislation. The full details on how planning reform and a new system will affect plan-makers are yet to be published, anticipated before the December 2026 deadline.
17. Further, the sweeping planning reforms announced by the new Government in December 2024 generate fresh challenges and issues for Local Plan preparation, such as new rules for Green Belt land and the addition of 'Grey Belt'. This reinforces the importance of a Draft Plan stage to allow new policy approaches to be tested by stakeholders if necessary, before being adopted by the Council.
18. More specifically in a London context, the current London Plan which sets the borough's current housing target was adopted in March 2021. The Mayor of London has commenced a review of the London Plan ahead of the five-year deadline in March 2026 and in response to the new housing need figures for London. As a spatial development strategy, the London Plan will be responsible for apportioning London's new collective housing need figure of 88,000 new homes per annum to individual borough targets. The preparation of the Hillingdon's revised Local Plan in accordance with the revised LDS will ensure that it is produced in tandem with this review and able to respond to emerging housing targets.

Local Plan Programmes

19. The Planning Advisory Service, the government's national planning advisory body, recommends that LPAs prepare Local Plans in three stages:
 1. **Call for views (Regulation 18¹)**. This stage asks what the Local Plan ought to contain. Generally, no draft policies are consulted on, although sometimes preferred options or direction of travel are included. The decision to consult on Regulation 18 consultations is taken by the Cabinet. The Council undertook this stage from 29 April to 24 June 2024. This consultation was a 'call for views' and the Council did not consult on draft policies, preferred options, or site allocations. The Council undertook a 'call for sites' for site allocation.
 2. **Draft Plan (Regulation 18¹)**. A full Draft Plan with planning policies and site allocations is consulted on. This is the whole Local Plan, comprising the full text of planning policies, all site allocations and a Policies Map. This stage allows for views on more transformative policies and amendments to be made to policies by the Council.
 3. **Proposed Submission (Regulation 19²)** The final version of the plan, including any changes made following Draft Plan stage, which will be submitted to the Planning Inspectorate is consulted on. Any required changes would need to be agreed through

the examination process. The decision to consult on the Regulation 19 Local Plan is taken by Full Council.

20. Planning legislation does not require a Draft Plan stage, however the vast majority of Local Plans include it (our analysis of recent London examples found all including this stage).
21. Consulting on a Draft Plan together with supporting documentation is recommended by the Planning Advisory Service, as it provides you with the opportunity and ability to make any necessary changes and updates to the policies prior to the publication of your Regulation 19 Submission Version of the Local Plan. After this stage, any required changes would need to be agreed through the examination process, which can add time and complexity to this section.

Facilitating a more robust and effective Local Plan

22. Stakeholders can review the policies and site allocations of the Draft Local Plan and provide detailed feedback. The Council can review these responses and make improvements to the plan – both large scale and detailed. This could include changing site allocations to reflect local circumstances or improving policy approaches to reflect locally specific conditions. Importantly it allows for more changes to be made after this consultation.
23. A Draft Plan stage can also enable bolder policy approaches. The consultation can be used to gauge public opinion on contentious issues, while allowing a mechanism to amend the approach if it demonstrated to be detrimental.

Facilitating better engagement with stakeholders

24. Undertaking consultation on a full Draft Local Plan demonstrates that the Council is continuing to work in a collaborative manner with local businesses, landowners, residents and interest groups. This ensures a plan that is a shared vision and facilitates buy-in from stakeholders. It also provides a further stage to ensure Duty to Cooperate compliance.
25. In the Regulation 18 Consultation, significant concerns were raised by residents over the lack of Draft Plan stage, with concern over how much scope there would be to influence the plan and transparency from the Council.

Examination stage: reducing time and cost, reducing the risk of unplanned extensions, and reducing the risk of legal challenge

26. Examinations assess whether the plan has been prepared in accordance with legal and procedural requirements and if it is sound. It is not the role of the examination to identify the optimal policy or to oversee policy development with stakeholders.
27. The Draft Plan stage facilitates policy development with input from stakeholders. If the Council brings a Proposed Submission Local Plan to examination with significant objections from stakeholders, where collaborative policy development has not taken place, the inspector may ask that this work is undertaken outside of the examination. As

set out above, if the changes are significant a further stage of public consultation may be requested by the inspector. Unplanned extensions would incur delays and costs to the Council.

28. The Draft Plan stage would also significantly reduce the risk of legal challenge. It would achieve this by allowing significant changes to the Local Plan to be undertaken in response to stakeholder feedback in advance of the of the examination. This would resolve disputes and the need for legal challenge as a ‘last resort’ to influence the plan.

Bringing the programme in line with recommended practice and industry standard

29. The practical benefits of the three-stage approach have been outlined above. Further, that we are following a common methodology and best practice approach instils confidence in stakeholders and the planning inspectorate that that the Council has developed a robust, considered Local Plan and made all reasonable efforts to resolve disagreements.

Revised programme

Call for Views consultation	April-June 2024 (complete)
Draft Plan consultation	October-November 2025
Proposed Submission consultation	April-May 2026
Submission to Secretary of State	August 2026
Examination	November 2026-June 2027
Adoption	June-July 2027

30. While the proposed timescale extends the programme, it remains a ‘fast-track’ Local Plan when compared to recent London examples.

Financial Implications

The evidence budget has been agreed and no additional evidence is required resulting from this proposal. The additional consultation will incur a small additional spend comparable to that of the previous consultation, which was approximately £1,000 to cover a press notice, printing, and posters. This can be covered under the existing Local Plan budget of £50,000.

RESIDENT BENEFIT & CONSULTATION

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

31. As set out in previous decisions, the Local Plan is a key mechanism for delivering for those living, working in and visiting Hillingdon. It provides a strategic vision for development in Hillingdon over the next 15 years. It provides the planning policies to help build homes, provide space for businesses to grow, improve transport, green spaces, infrastructure, and a wide range of other planning benefits.

Consultation & Engagement

32. No additional public consultation is required for these decisions.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting an additional £1k of expenditure will be required to support the consultation, which will be met from within the approved budget.

Legal

Section 15 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) (as amended) sets out every LPA must prepare and maintain a Local Development Scheme (LDS).

The LDS plays a vital role in informing the local community and stakeholders about the status of an LPA's planning policy documents; therefore, LPAs must make available to the public the up-to-date version of the LDS, and the Planning Practice Guidance advocates for publication of the LDS on the LPA's website.

Section 18(1) of the PCPA 2004 sets out LPAs must also prepare a Statement of Community Involvement (SCI) detailing the LPA's policy on consulting and engaging with the public in respect of the preparation and revision of Local Development Documents (LDDs), (including the LDS).

In preparing and adopting both the LDS and SCI, it is no longer necessary to submit these documents to the Secretary of State or Mayor of London, and in order to effect the LDS, LPAs must '**resolve**' that the LDS is to have effect from a specific date. Similarly, LPAs can now adopt the SCI following public consultation that is Gunning principle compliant. As with the LDS, the SCI should also be published on the LPA's website.

BACKGROUND PAPERS

NIL