

Examination into the soundness of the Hillingdon Local Plan Part 2 (HLPP2)

Post Hearing Advice Note – November 2018

Introduction

1. At this stage I consider that the HLPP2 is a plan which could be found sound subject to main modifications (MMs). However I have reached no final conclusions at this time. The MMs will be subject to consultation and I will reach my final conclusions taking any representations into account.
2. During the hearing sessions a number of potential MMs were discussed and a list has been maintained by the Council. In addition I indicated at the hearings that there were matters on which I would need to deliberate before we would be in a position to advise the Councils as to whether any additional work or further MMs should be considered. This advice note provides my views on these. It also sets out the administrative arrangements relating to all potential main modifications.
3. I am not inviting any comments about the contents of this letter, although I am seeking the Council's response on the matters raised. I will fully detail my reasoning on these issues in my final report on the HLPP2.

Further potential main modifications

Heathrow

4. I have carefully considered all of the representations in relation to Heathrow Airport. Moreover, I have taken into account the Council's stated views and position in relation to the expansion of the Airport. However, as set out during the examination hearings things have moved on significantly since the adoption of Hillingdon Local Plan Part 1 (HLPP1). In particular the Airports National Policy Statement (ANPS) 26 June 2018 which sets out the policy framework for expansion at Heathrow Airport and primary basis for decision making on any development consent application for a new north-west runway.

Hotel and Office Growth site allocations

5. As discussed within the hearings the Airports National Policy Statement¹ has implications with regard to the delivery of some site allocations for hotel and office growth proposed in close proximity to Heathrow Airport, in particular those which are identified within Maps O and N (Bath Road Clusters 1 - 7). As such, I consider that it unlikely that these allocations will be delivered within the plan period due to the sites occupying land that is land identified with the ANPS² for the expansion of Heathrow. As such, given the circumstances it is necessary to delete these site allocations. It will also be necessary to make consequential changes throughout the plan to ensure consistency with this modification.
6. In reaching this view I have taken into account that the deletion of the sites would be likely to have implications in relation to the Council's overall supply of employment land. However, it is not necessary to replace this land because the Council has committed to an early review and the allocation of employment land can be reconsidered at that stage taking into account the new London Plan. I consider this to be a pragmatic approach to a complex set of circumstances that includes the proposal to create an additional runway Heathrow airport.

Policy DME5: Hotels and Visitor Accommodation

7. I consider that Paragraph 2.27 requires further modification to ensure that it is positively worded.

~~"The Heathrow area is subject to specific pressures-demand for land uses related to the airport, which include a mix of industrial, warehouse and storage, offices and tourist development. Policies in the Local Plan Part 1 set a requirement to ensure that airport related development remains within the airport boundary and does not put pressure on the Green Belt in terms of encroachment."~~

Policy DMAV2: Heathrow Airport

8. I have carefully considered the Council's suggested modifications to Policy DMAV2 in light of the detailed discussions held during the hearings. I confirm that I am in agreement with the deletion of paragraph 8.48 of the explanatory text as identified within the Statement of Common Ground. Further, Paragraph 8.51 should be deleted and replaced with the following wording which is consistent with national policy;

¹ NPPF (2012) Paragraph 3 – National Policy Statements form part of the overall framework of national policy.

² ANPS - Annex B: Illustrative Heathrow Northwest Runway scheme masterplan

“The Airports National Policy Statement was designated by the Secretary of State for Transport on 26 June 2018 this sets out the policy framework for expansion at Heathrow Airport and primary basis for decision making on any development consent application for a new north-west runway.”

9. In relation to the precise wording of Policy DMAV2, I consider that to ensure that the policy is positively worded DMAV2 (A) (ii) should be deleted, removing the following text;

~~“there is no intensification of noise and aircraft movements or increase in car parking numbers beyond the currently permitted levels in the Secretary of State’s decision on planning application 47853/93/24631;”~~

10. Moreover, to ensure the policy is positively worded and consistent with the National Planning Policy Framework, DMAV2 (B) and its associated footnote that refer to airport related uses or development outside the Heathrow Airport boundary should be deleted.

~~B) Development proposals for airport related uses or development* on sites outside the Heathrow Airport boundary will only be supported where there is a justification for the need for the development to locate there and, where relevant, an environmental impact and/or transport assessment and identification of mitigation measures.~~

~~*Airport related uses or development is to be taken as any use or development that falls within the following: offices, air cargo transit sheds, hire facilities, flight catering, freight forwarding and airport industry and warehousing and, is development in connection with the provision of services and activities relating to the movement or maintenance of aircraft or with embarking, disembarking, loading, discharge or transport of passengers, livestock or goods. It also includes the provision of services and facilities for any staff employed to provide these functions.~~

Green Belt

11. As discussed at the hearings the extent of the Green Belt deletion at (4) Lake Farm School Hayes is excessive and needs to be reduced to follow the apron of the school building to ensure that there is minimal reduction on the Green Belt and its purposes are maintained.

Moving forward

12. The Council should prepare the further MMs highlighted in this note and incorporate them into a consolidated schedule of all the potential MMs. The Councils should also consider the need for any consequential changes to the HLPP2 that might be required in connection with any potential MMs.
13. I will need to see the draft schedule and may have further comments on it. I will also need to agree the final version of the schedule before it is made available for public consultation. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together with any consequential changes to the explanatory text as one MM. Furthermore, it will also be necessary to ensure that the Policies Map is updated to reflect all of the Main Modifications this updated Policies Map should be part of the consultation.
14. The Council have prepared a list of proposed minor (additional) modifications; these are a matter solely for the Council. If the Council intend to publicise or consult on them it should be made clear that such changes are not a matter for the Inspector.
15. Advice on main modifications and sustainability appraisal, including on consultation is provided in *Examining Local Plans Procedural Practice*. Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan (except as outlined in para 12) and that the main modifications are put forward without prejudice to the Inspectors' final conclusions.
16. The Procedural Practice also states that the general expectation is that issues raised on the consultation of the draft main modifications will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.
17. I look forward to hearing from the Council by Friday 14 December 2018. If there are any queries or matters that require clarification please contact me through the Programme Officer.

Jameson Bridgwater

Inspector