

**London Borough of Hillingdon**  
**Local Plan Part 2**  
**Duty to Co-operate Statement**

**May 2018**



**HILLINGDON**  
LONDON



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## **1. Introduction**

1.1 This statement demonstrates how the preparation of Hillingdon's Local Plan Part 2 Development Management Policies, Site Allocations and Designations and Policies Map meets the statutory requirements of the duty to co-operate.

## **2. Background**

### Localism Act 2011

2.1 The "duty to co-operate" is a statutory duty. Section 110 of the Localism Act 2011 inserts Section 33A and Section 20(5) (c) into the Planning and Compulsory Purchase Act 2004.

2.2 Section 33A imposes a duty on a local planning authority to co-operate with other local planning authorities, county councils and bodies or other persons as prescribed (being those identified in regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012). The bodies prescribed in Section 33A are:

- Environment Agency,
- Historic England,
- Natural England,
- Mayor of London (as represented by the Greater London Authority),
- Civil Aviation Authority,
- Homes and Communities Agency,
- the relevant each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section
- Office of Rail Regulation,
- Transport for London,
- Highways Agency,
- Marine Management Organisation.

2.3 Under Section 20(5) (c), a Planning Inspector can consider whether this duty has been complied with as part of the examination of planning documents. This statement is provided as evidence to demonstrate that the duty has been complied with in the preparation of Hillingdon's Local Plan Part 2.

2.4 The duty to co-operate requires a local planning authority to engage constructively and on an on-going basis, whilst particular activities are being undertaken. Those activities include the preparation of development plan or other local development documents; and activities which prepare for and support this in so far as they relate to a strategic matter.

2.5 A strategic matter is defined as sustainable development or use of land that has or would have a significant impact on at least two planning areas. This includes (in particular) sustainable development or use of land for, or in connection with, infrastructure that is strategic and has or would have a significant impact on at least two planning areas.

2.6 Section 33A came into force on 15 November 2011 and applies to all plans submitted for examination after that date, even if their preparation started before the commencement of the duty. There are no transitional provisions.

#### The National Planning Policy Framework

2.7 The National Planning Policy Framework (NPPF) states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities (para 178).

2.8 The NPPF provides some guidance on what could be considered as a "strategic matter". It outlines that local planning authorities should set out the strategic priorities for the area in the Local Plan (para 156). This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

2.9 Paragraph 181 of the NPPF states that:

*'Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross boundary impacts when their local plans are submitted for examination'.*

### **3. Hillingdon's Local Plan**

#### Local Plan Part 1: Strategic Policies

3.1 Hillingdon's Local Plan Part 1: Strategic Policies document was adopted by the Council in November 2012. It provides a Vision for Hillingdon, setting out how the borough will look in 2026 and a series of strategic spatial policies for steering and shaping development over the plan period. The policies cover high level matters such as housing and employment growth, the Council's position on Green Belt release and community infrastructure provision. As a whole, the Local Plan Part 1 provides a framework for the more detailed Local Plan Part 2 documents.

#### Local Plan Part 2

3.2 The Local Plan Part 2 comprises the following documents:

**Development Management Policies:** Sets out policies that will be used to consider and determine planning applications for new development in the Borough. Chapters in the DMP cover the following topic areas:

- Economy
- Town Centres
- New Homes
- Historic and Built Environment
- Environmental Protection and Enhancement
- Community Infrastructure
- Transport and Aviation

**Site Allocations and Designations:** Identifies specific sites for new homes to meet growth targets contained in the Local Plan Part 1 and the current London Plan. In addition, the document contains proposals for designated employment land, Green Belt, Metropolitan Open Land and Green Chains, Nature Conservation Sites, areas of key community Infrastructure provision, Minerals Safeguarding and public transport interchanges.

**Policies Map - Atlas of Changes:** These maps set out proposed changes to the Council's Unitary Development Plan Proposals Map. Changes are based on the content of the Site Allocations and Designations document.

#### **4. Outcome of the Duty to Co-operate Process**

4.1 The Council takes a collaborative approach to plan-making that considers a range of issues, including the following strategic matters:

- The provision of sites and policies for housing and employment growth.
- The protection of employment and retail provision.
- The provision of physical infrastructure for transport and energy.
- The provision of social infrastructure such as schools and health.

4.2 The policies dealing directly with these strategic matters are contained in the Local Plan Part 1. The Council considers that the Local Plan Part 2 documents raise no significant strategic or cross-border issues. The framework within the Development Management Policies document focuses on the detailed policy criteria for assessing planning applications within Hillingdon, which are relevant to sustainable growth and assist with the delivery of the adopted Local Plan Part 1. Furthermore, detailed site allocations are proposed to meet identified growth targets in the Local Plan Part 1.

4.3 It should be noted that the Local Plan Part 2 now seeks to meet Hillingdon's updated annual housing monitoring target of 559 units, as set out in the March 2016 version of the London Plan. In addition, it is proposed that the Site Allocations and Designations document takes account of the Council's latest evidence on Gypsy and Traveller Pitch provision. Whilst these revised requirements have arisen since the adoption of the Local Plan Part 1, the Council is confident that these needs can be accommodated within the borough boundary. It is not considered that they raise any significant strategic or cross border matters.

4.4 The policies and provisions of the Local Plan Part 2 are in accordance with the broad strategies and policies set out in the Local Plan Part 1. The emerging detailed policies and site allocations do not alter the focus of the existing strategic policies; instead, they provide more detail/guidance on how to implement them through decisions and negotiations on individual planning applications. The Development Management Policies document also focuses on managing the impacts of development types anticipated to come forward over the plan period.

4.5 The Local Plan Part 2 has been developed through dedicated stages of consultation and on-going discussions with stakeholders. This has included three

stages of formal consultation, including two rounds of Regulation 19 'pre-submission' consultation:

- Regulation 18 consultation: April - May 2013
- Regulation 19 consultation: September - November 2014
- Regulation 19 consultation: October - December 2015

4.6 On 24<sup>th</sup> February 2014 the Council wrote to identified duty to co-operate bodies to provide an update on the progress of the Local Plan and also to invite representatives from these bodies to a meeting to discuss the emerging documents. The outcome of these discussions is set out below.

#### London Boroughs of Hounslow, Harrow and Slough

4.7 Representatives from Hounslow, Harrow and Slough attended a meeting to discuss the duty to co-operate on 11<sup>th</sup> March 2014. It was noted at the meeting that the Local Plan Part 2 did not raise strategic or cross boundary matters. West London Boroughs have existing mechanisms in place to facilitate co-operation, including a regular forum held by the West London Alliance. A particular outcome from the meeting was the need to engage with the GLA and authorities outside of London, with boundaries adjoining Hillingdon.

4.8 The authorities who attended the meeting have subsequently been invited to comment on the Proposed and Revised Proposed Submission versions of the Local Plan Part 2. To date, no formal representations have been received.

4.9 A further meeting was held with Slough Borough in March 2017 and subsequent meetings were held with the London Borough of Hounslow in respect of the duty to co-operate on 19<sup>th</sup> June 2017 and 23<sup>rd</sup> March 2018. These meetings were held at the request of Hounslow to discuss its emerging planning policy documents, however Hillingdon was also able provide an update on the Local Plan Part 2.

#### South Bucks Council

4.10 A meeting was held with South Bucks Council on 5<sup>th</sup> February 2014. Key issues discussed included Gypsy and Traveller pitch provision and borough-wide housing need. During the course of the meeting, it was confirmed that South Bucks would not be asked to accommodate any of Hillingdon's objectively assessed housing need. South Bucks was formally invited to comment on the Proposed and Revised Proposed Submission versions of the Local Plan Part 2. To date, no formal representations have been received.

4.11 A further meeting was held to discuss the production of the respective Local Plans for each authority on 6<sup>th</sup> December 2016. During the course of this discussion Hillingdon provided an update on the production of the supporting evidence for the Local Plan Part 2 and the expected timetable for adoption.

#### Runnymede

4.12 A discussion was held with representatives from Runnymede Borough to discuss duty to co-operate matters in October 2016.

#### Three Rivers District Council

4.13 Officers met with representatives from Three Rivers District on 13<sup>th</sup> March 2014. Particular issues discussed at this meeting were affordable housing policies, Gypsy and Traveller pitch provision and objectively assessed housing need. Three Rivers Council was formally invited to comment on the Proposed and Revised Proposed Submission versions of the Local Plan Part 2. To date, no formal representations have been received.

#### Spelthorne Borough Council

4.14 Spelthorne submitted a response to the Council's Regulation 18 consultation in May 2013, confirming that it had no specific comment to make on the content of the Plan. Subsequent to this, a meeting took place with representatives from Spelthorne Borough on 27<sup>th</sup> March 2014. At this meeting it was agreed to keep a watching brief on emerging housing and Gypsy and Traveller needs. Hillingdon confirmed that Spelthorne would not be asked to accommodate any of Hillingdon's objectively assessed housing needs. Spelthorne was formally invited to comment on the Revised Proposed Submission version of the Local Plan Part 2 in October 2015. To date, no formal representations have been received.

#### Greater London Authority

4.15 Officers met with representatives from the Greater London Authority on 16<sup>th</sup> May 2014. Specific policy issues discussed at the meeting included the need to increase proposed housing density targets for Uxbridge (a designated Metropolitan centre), to ensure consistency with the London Plan. The GLA has since confirmed that the emerging Local Plan Part 2 documents are in general conformity with the provisions of the current London Plan.

#### English Heritage (now Historic England)

4.16 A meeting was held with representatives from English Heritage (now Historic England) on 14<sup>th</sup> May 2014. The main area of interest was the emerging policies relating to heritage assets. Historic England responded to the consultation on the Proposed Submission and Revised Proposed Submission versions of the Local Plan

Part 2. The Council's response to the points made can be found in the separately submitted Regulation 22 Consultation Statement. A further meeting was held with Historic England on 21<sup>st</sup> April 2017 to discuss how the comments made in response to the consultation will be taken forward.

#### Environment Agency

4.18 A written response relating to the duty to co-operate was received from the Environment Agency on 2<sup>nd</sup> April 2014. The representations mainly focus on sustainable design and construction, flooding and environmental protection issues and have been generally supportive at both consultation stages. The comments made relate mainly to suggested changes to the policy text and additional referencing. The Council's response to the points made can be found in the separately submitted Regulation 22 Consultation Statement.

#### Utility Providers

4.19 The Council has engaged with Highways England (previously the Highways Agency), Transport for London and Thames Water at all stages of the production of the Local Plan Part 2. These organisations have provided comments on the emerging policies, allocations and designations contained in the Plan. The Council's response to the points made can be found in the separately submitted Regulation 22 Consultation Statement.

4.20 The Council has recently updated its Strategic Infrastructure Plan (SIP), which identifies the infrastructure necessary to underpin growth identified in the Local Plan Part 2. All utility providers, including the specific duty to co-operate bodies, have been involved in this process.

#### Natural England

4.21 Natural England provided a written response relating to the duty to co-operate on 3<sup>rd</sup> April 2014. For the most part, the response focussed on proposed amendments to the development management policies relating to ecology and nature conservation. The proposed response to the points made can be found in the separately submitted Regulation 22 Consultation Statement.

#### Surrey County Council

4.22 Surrey County Council was formally invited to comment on the Proposed and Revised Proposed Submission versions of the Local Plan Part 2. Responses were made in relation to policy MIN 4 in the Development Management Policies document. (Recycling of Recycling of Aggregates), the provisions of which were broadly supported.

### Hertfordshire County Council

4.23 Hertfordshire County Council submitted representations in response to the Proposed Submission version of the Local Plan Part 2 in September 2014. The comments related to waste and minerals issues. The Council's response to the points made can be found in the separately submitted Regulation 22 Consultation Statement.

### NHS England/NHS Trusts

4.24 The Council holds regular meetings with NHS Estates to discuss the planning issues associated with the various hospital sites in Hillingdon. These meetings have provided an opportunity to update the Trusts on the progress of the Local Plan Part 2 and the timetable for comments on the emerging documents. The Council's response to the comments made by the various Trusts can be found in the separately submitted Regulation 22 Consultation Statement.

### Marine Management Organisation

4.25 The Marine Management Organisation submitted a response to the Council's Regulation 18 consultation in May 2013, confirming that it had no specific comment to make on the content of the Plan.

4.26 The following organisations have not provided comments on the emerging Local Plan documents or responded to the Council's duty to co-operate request:

- London Borough of Ealing
- Office of Rail Regulation (ORR)
- Civil Aviation Authority

### Other Meetings with duty to co-operate bodies

4.27 The Council's Planning Policy team participates in regular meetings with adjoining local authorities to keep each other informed and engaged on a range of local plan developments. In particular, Hillingdon has attended the West London Planning Policy Officers Group where regular updates are provided on the status of the Local Plan and up-coming consultation events. The Group is attended by representatives from the London Boroughs of Ealing, Hounslow, Harrow, Barnet, Brent, Hammersmith and Fulham and Old Oak Common and Park Royal Development Corporation.

4.28 In addition, the Council holds regular meetings with Transport for London (TfL) the Environment Agency and the Greater London Authority (GLA). Regular updates have been provided to these bodies on the progress of the Local Plan and the opportunities to comment on emerging policies.

### On-going discussions

4.29 The Council recognises that meeting duty to co-operate requirements is an on-going process rather than a one-off exercise. Discussions with neighbouring authorities regarding the content and progress of Hillingdon's Local Plan Part 2 have continued through established forums such as the West London Alliance and the Association of London Borough Planning Officers (ALBPO) forum. Discussions with the GLA have also taken place as part of the Council's work to deliver the Hayes Housing Zone, where the majority of housing growth is expected to take place.

4.30 In addition to the above, the Council undertook a further mailshot to all of the relevant duty to co-operate bodies in October 2017, to advise of the imminent submission of the Local Plan Part 2 for examination. The Council maintains the position that the emerging Local Plan Part 2 does not raise any strategic cross boundary matters and all of the consultees were invited to provide further comments.

4.31 As a result of this letter, further discussions were held with Spelthorne Borough Council and also Natural England, who proposed a number of minor amendments to the text in Development Management Policies document.

## **5. Conclusion**

5.1 Based on the above analysis The London Borough of Hillingdon considers that the policies and provisions of the Local Plan Part 2 will not result in significant strategic or cross-border impacts.

5.2 It is considered that Hillingdon has demonstrated effective co-operation through constructive, active and on-going engagement with the relevant authorities and bodies that have an interest in the Plan. The Plan reflects the views of the relevant bodies and the outcomes of these different processes and activities.

5.3 The process of co-operation will not end once the Local Plan Part 2 has been adopted. The effectiveness of the Plan in delivering the vision and objectives of the Local Plan Part 1 will be subject to on-going monitoring and review.

