



The Planning Inspectorate

Report to the Council of the London Borough of Hounslow

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED) SECTION 20

REPORT ON THE EXAMINATION INTO THE HOUNSLOW LOCAL PLAN 2015-2030

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Examination hearings held between 10 February 2015 and 16 April 2015

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Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
AM	Additional Minor Modifications
B1	Use Class B1 Business - being a use which can be carried out in any residential area without detriment to the amenity of that area [Includes B1(a) Offices, B1(b) Research and Development of Products and Processes and B1(c) Industrial Processes]
B8	Use Class B8 Storage or Distribution
CIL	Community Infrastructure Levy
CS	Core Strategy
dpa	Dwellings per annum
DtC	Duty to Co-operate
FALP	Further Alterations to the London Plan
Framework	National Planning Policy Framework
GB	Green Belt
GLA	Greater London Authority
HMA	Housing Market Area
HMO	House in Multiple Occupation
IBP	Industrial Business Park
KEOL	Key Existing Office Locations
LDS	Local Development Scheme
LP	Local Plan
LSIS	Locally Significant Industrial Sites
MGB	Metropolitan Green Belt
MM	Main Modification
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
OA	Opportunity Area
OAN	Objectively Assessed Need
PIL	Preferred Industrial Location
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SIL	Strategic Industrial Location
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
TfL	Transport for London
UDP	Unitary Development Plan
VS	Community Infrastructure Levy and Local Plan Policies: Viability Study

Non-Technical Summary

This report concludes that the Hounslow Local Plan 2015-2030 provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the plan. The Council of the London Borough of Hounslow has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues. Where necessary I have amended detailed wording and/or added consequential modifications.

The Main Modifications can be summarised as follows:

- **MM1** add a new Policy SV1 (Great West Corridor Plan) to replace Policy ED3 which is withdrawn by **MM9**; MM1 commits the Council to a partial review of the Local Plan in respect of the Great West Corridor and it sets out the objectives of that review;
- **MM2** adds a new Policy SV2 (West of Borough Plan) to commit the Council to a partial review of the Local Plan in respect of the West of the Borough area and it sets out the objectives of that review;
- **MM3-MM6** modifies the policies for town centres for consistency with national policy. This includes redefining 'local centres' as 'neighbourhood centres' removing the 500 sq m floorspace threshold for application of the sequential approach and reducing from 2,500 sq m to 500 sq m the floorspace threshold for the requisite impact assessment in respect of retail development whilst retaining the 2,500 sq m threshold for other main town centre uses;
- **MM7** renames and modifies Policy ED1 (Promoting Employment Growth and Development) to clarify the appropriate locations for office and other employment development ; it would also modify a reference to the Great West Corridor growth proposals to co-ordinate these developments with improvements to public transport infrastructure;
- **MM8** renames and modifies Policy ED2 (Maintaining the Borough's Employment Land Supply) to clarify how protection is to be applied to existing employment use designations including revised criteria for mixed use development
- **MM10** renames and modifies Policy ED4 (Hotels and Visitor Accommodation) to make the policy for hotels and other visitor accommodation consistent with the sequential approach to the location of main town centre uses as set out in national policy;
- **MM11** modifies Policy SC1 (Housing Growth) to identify that the scope for additional housing delivery would be through the two partial plan reviews; it also clarifies the role and status of supplementary design documents, and it sets out a presumption against self-contained dwellings within domestic

- curtilages where they would be in conflict with other plan policies;
- **MM12** modifies Policy SC2 (Maximising the Provision of Affordable Housing) to clarify the operation of the overall strategic 40% target for delivery of affordable housing, to refer to different sources of supply for affordable housing; it clarifies how varying provision will be negotiated on a site by site level with regard to viability;
 - **MM12A** modifies Policy SC5 (Ensuring Suitable Internal and External Space) to reflect changed national policy following the issue of a Written Ministerial Statement on 25 March 2015 which relates to residential space standards and wheelchair access.
 - **MM13** and **MM14** modify Policies SC6 (Managing Building Conversions and Sub-Division of Existing Housing) and Policy SC7 (Residential Extensions and Alterations) to clearly include the conversion and subdivision of existing housing and curtilage buildings to create new dwellings;
 - **MM15** modifies Policy SC11 (Student Accommodation) in order to avoid conflict with the London Plan;
 - **MM16** and **MM18** modify Policy CC1 (Context and Character) and Policy CC4 (Heritage) with a requirement that enhancement opportunities should be taken where they exist; **MM18** also amends the various policy tests for different types of heritage asset and the different degrees of potential harm to such assets;
 - **MM17** modifies Policy CC3 (Tall Buildings) to afford greater protection to the setting of heritage assets;
 - **MM19** modifies Policy CC5 (Advertisement Panels, Hoardings and Structures) to concentrate on amenity and public safety;
 - **MM20** modifies Policy GB1 (Green Belt and Metropolitan Open Land) to avoid creating conflicting policy criteria;
 - **MM21, MM22 and MM25** modify Policies GB2 (Open Space) and GB3 (Use of Open Space for Education) and Policy GB9 (Playspace, Outdoor Sports and Burial Space) to ensure consistency with relevant national policy and to avoid conflict with other Local Plan policies;
 - **MM23** modifies Policy GB7 (Biodiversity) to ensure consistency with national policy and the Community Infrastructure Levy Regulations;
 - **MM24** modifies Policy GB8 (Allotments, Agriculture and Local Food Growing) to create a more effective sequential approach to the use of the land for other purposes and to ensure consistency with national policy;
 - **MM26** modifies Policy CI2 (Education and School Places) to accord priority on dual allocated sites to school development (which is critical infrastructure for plan delivery) unless it can be demonstrated either that the accommodation will not be required at that site during the plan period or that development would be unviable as it would not meet funding requirements; it also removes from Policy CI2 the references to a sequential test;
 - **MM27** and **MM28** modify Policy EQ1 (Energy and Carbon Reduction) and Policy EQ2 (Sustainable Design and Construction) to ensure general conformity with the London Plan, and consistency with national policy which includes paragraphs 95-97 of the Framework and the outcome of the Government's housing standards review as set out in the Written Ministerial Statement of 25 March 2015;
 - **MM29** modifies Policy EC2 (Developing a Sustainable Local Transport Network) in the interests of effectiveness and conformity with the parking standards in the adopted London Plan and national policy as set out in the

Written Ministerial Statement of 25 March 2015;

- **MM30** modifies Policy IMP1 (Sustainable Development) by simplifying the approach to sustainable development and by removing tests for site allocations that are now to be addressed instead by the modified Policy CI2 and new Policy IMP2;
- **MM31** adds new Policy IMP2 (Delivering Site Allocations) in the interests of effectiveness and because of ambiguities in the descriptions of site allocations which could otherwise impede their delivery;
- **MM32** renames former Policy IMP2 as Policy IMP3 and makes modifications to address a number of matters concerning infrastructure delivery, supplementary guidance and local plan reviews.

Introduction

1. This report contains my assessment of the Hounslow Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and finally whether it is compliant with the legal requirements. According to the National Planning Policy Framework (paragraph 182) a sound plan is one that is:
 - **Positively prepared** – the plan should be prepared 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 working on cross boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with policies in the Framework.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (August 2014 - the same as the document published for consultation in March 2014) but as subsequently amended by the 'Schedule of Minor Changes' that was published for public consultation in October 2014. The version of the emerging Local Plan that was examined (and which includes the October 2014 Schedule of Minor Changes) is hereafter referred to as the '*Examination Plan*'. Any recommended Main Modifications would be modifications of that Examination Plan.
3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. My report deals with the main modifications that are needed to make the Examination Plan sound and legally compliant. They are identified in bold in the report (**MM**). These main modifications are set out in full in the Appendix together with additional minor modifications (AM). The additional minor modifications are in part consequential upon the main modifications, but they also include typographical and other minor changes proposed by the Council. They were included in the public consultation of April-June 2015. This report does not make recommendations in respect of the additional modifications and it would be for the Council to take into account the responses to the public consultation in that regard.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings or in correspondence between the Inspector and the Council. Following the hearing discussions, the

Council prepared a schedule of proposed main modifications and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications and have added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted the further changes to the Main Modifications in the report.

Sustainability Appraisal

5. A Sustainability Report was prepared and updated in 2013 and further revised in March 2014 (Document LP03) for publication alongside the Proposed Submission Version of the Local Plan that was subsequently submitted for examination in August 2014.
6. The Schedule of Minor Changes to the Proposed Submission Plan was published for consultation between 31 October 2014 and 12 December 2014. It was subject to an assessment of the minor changes which concluded that they would not change the Local Plan to such an extent that they would be likely to change the findings of the Sustainability Appraisal/Strategic Environmental Assessment, the Habitats Regulations Assessment, the Flood Risk Sequential test or the Equalities Analysis which had all been prepared for the Proposed Submission Plan.
7. The Proposed Main Modifications and Additional Minor Modifications were published for consultation on 24 April 2015. They were accompanied by an update statement in respect of the sustainability appraisal and the other assessments as above. This reasonably concluded that each of the proposed modifications would have either no impact or a likely positive impact as compared to the original assessments. Where the Main Modifications propose partial reviews of the Local Plan further sustainability appraisal would be required at the time that those reviews are undertaken.
8. The further minor changes following public consultation on the Proposed Modifications would not materially affect any of the previous conclusions of the previous sustainability appraisal or the other assessments.

Consultation

9. Documents LP09-LP12 are consultation statements which set out the consultation carried out and the Council's responses to that consultation up to the submission of the Local Plan for examination.
10. The Consultation on the Pre-Submission Plan was carried out between 7 March 2014 and 21 April 2014. A Minor Corrections Erratum Sheet was published within this period on 27 March 2014.
11. A further consultation on the Schedule of Minor Changes was carried out after the submission of the plan for examination between October 2014 and December 2014. Most of the changes in the Erratum document were again included; however a revised site plan for Allocation Site 06 BSKyB which had

been in the erratum document was inadvertently omitted from the Schedule of Minor Changes. Nevertheless the location of the BSKyB campus is well known, and Site 06 was correctly identified in another smaller scale plan in the original document. Also the corrected site plan had been issued as part of the erratum document. Thus I do not consider that anyone would have been materially disadvantaged.

12. Also the Council did not flag the consultation for the Schedule of Minor Changes on all relevant website pages. However the Council's Statement of Community Involvement provides that whilst consultations will be placed on the website, it does not specify a particular location. The consultation was published on the Local Plan pages on the same website and it can be expected that those with an interest in the local plan process would have found it there. In addition there was direct communication with all previous Representors. There were some distribution problems when copies of the schedule were not immediately available in some libraries. However those who had expected to find the document in the libraries and who complained to the Council were sent individual copies.
13. Consultation on the proposed Main Modifications and the Council's Additional Minor Modifications was carried out between 24 April 2015 and 8 June 2015 and was adequately publicised. Late representations were accepted from Historic England who had been inadvertently omitted from the consultation. They had previously been known as English Heritage.
14. In relation to the main modifications some representations sought either to repeat arguments that had been made in previous representations or to request changes to improve the Plan but which were not necessary for soundness or legal compliance. Where representations were relevant and sought changes that are necessary for soundness or legal compliance, or to correct errors, then some minor further changes have been made to the proposed main modifications.
15. The Council has considered its response to representations received in relation to its additional minor modifications and may decide to make further minor changes in response. That is a matter for the Council.
16. Since the consultation on the Proposed Modifications other further minor changes have been made where necessary for consistency with national policy including the Planning Policy for Traveller Sites Document and the Written Ministerial Statement issued on 25 March 2015. These are explained elsewhere in the Report. I am satisfied that additional public consultation on these changes is not necessary. They are minor, and they would bring the Local Plan into closer conformity with adopted policy in the London Plan and more consistent with national policy.
17. It is concluded that the Council's consultation has accorded with its Statement of Community Involvement for the purposes of Section 20(5) of the Act and that there has been adequate consultation in the preparation of the Local Plan.

Assessment of Duty to Co-operate

18. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the Planning and Compulsory Purchase Act 2004 Act in relation to the Plan's preparation.
19. Section 33A was inserted by Section 110 of the Localism Act 2011 and it imposes a duty on a local planning authority to cooperate with other local planning authorities, county councils and other bodies and persons as prescribed. Paragraph 9-007-20140306 of the Planning Practice Guidance (PPG) confirms that the duty applies in London where boroughs, alongside local planning authorities in the rest of England, are required to cooperate with other local planning authorities, county councils and prescribed public bodies, which latter bodies include the Mayor of London.
20. The Council has submitted a Duty to Cooperate Compliance Statement (LP16). The Statement describes various partnerships and groupings in which Hounslow participates. In relation to the West London Alliance (WLA) it describes how updates on the Hounslow Local Plan have been provided at each meeting. In summer 2013 the Council met individually with each of the West London boroughs and with Spelthorne BC to discuss issues arising from the Policy Options for the Local Plan. A strategic planning event was held with neighbouring authorities on 15 July 2014. These meetings addressed key Local Plan issues such as the inclusion of the proposed Brentford to Southall rail link in the newly published Southall Opportunity Area Framework produced by the LB Ealing.
21. The WLA has produced a number of strategic planning evidence base documents and work programmes including the West London Vision for Growth. This is a strategic document, which although it does not have any formal status, was produced to demonstrate to the London Local Enterprise Partnership west London's commitment to growth and inform future bids for funding on projects of sub-regional importance.

Housing

22. As the housing supply target for Hounslow is to be only 822dpa in the FALP and a 'minimum' 822dpa in the Local Plan, there would be a shortfall of provision in Hounslow against the Council's estimate of need as set out in the Housing Topic Paper (SC01). The annual shortfall of dwellings against assessed need would be $(1350-822=)$ 528. Over the 15 year life of the Plan there would thus potentially be an accumulative shortfall of 7,920 dwellings. Whilst this would be part of a more general shortfall across London as a whole in the FALP, the issue for the Hounslow Examination becomes whether and how the surplus need is to be addressed in the Local Plan, including whether it is relevant to the duty to cooperate. At page 9 of the Topic Paper the Council states that to meet the full objectively assessed need for housing as far as is consistent with policies for sustainable development the Local Plan is required to:
 - Provide for at least the London Plan target of 822 dwellings per annum

- Identify how further housing can be delivered to 'close the gap' with housing need. *'Possible sources include Opportunity Areas for additional growth created by major changes in policy such as public transport infrastructure'*. In that regard there are subsequent references to a possible minimum 2,500 dwellings at the Great West Corridor (Golden Mile) and 4,500 dwellings in a future West of Borough Plan (Total 7,000 dwellings). But it continues: *'Provision made by other nearby authorities in the same housing market area can also contribute to meeting this need'*
23. The Hounslow strategic planning event (15 July 14) was the culmination of cross-boundary co-operation that took place throughout preparation of the Local Plan. It led to production of a Matrix Table which summaries key strategic and cross boundary issues with the neighbouring authorities that will need to be addressed through existing and emerging Local Plan documents. The key output of the event was completion/agreement of the Matrix Table and an agreement to continue such meetings as one part of meaningful on-going cooperation. The Matrix Table highlights issues identified through the event for further work/responses, for example, a suggested minor change to policy TC3 is proposed following the event and in response to a representation received from LB Richmond.
24. The Council is of the view that through a combination of new infrastructure investment and strategic planning policy (the London Plan) changes, new opportunities for sustainable development with additional capacity may be created to 'augment' the boroughs housing target figure (as referred to in FALP Policy 3.3). In Hounslow the key opportunities are considered to be the proposed Great West Corridor Opportunity area and the West of the Borough which is within the existing Heathrow Opportunity Area identified in the published London Plan. The Council is confident that the proposed Plan reviews for the Great West Corridor and the West of Borough (see MM1 and MM2 below) will address the gap between sustainable housing capacity currently available and objectively assessed need. The topic paper estimates this could equate to approximately 7,000 additional homes and extensive capacity studies are being prepared to demonstrate how this additional growth can be delivered through the Great West Corridor Plan and West of Borough Plan within the confines of sustainable development.
25. It is also likely that significant additional capacity will be made available through additional sources not identified in the Local Plan. This includes allocated sites being built at higher densities than those mid-points assumed in the SHLAA work, vacant homes being brought back into use, and office to residential conversions through permitted development. For example, in order to further increase capacity and accelerate housing growth the Council is also working closely with the GLA to establish Housing Zones in both Hounslow and Brentford/Great West Corridor. Initial submissions made by the Council in late September 2014 have advanced to the more detailed assessment stage, and demonstrate the potential to deliver 800 homes in addition to those proposed in the FALP and Local Plan. Moreover, since the new permitted development for conversions of offices to residential was introduced in May 2013, the Council has identified over 850 units that have received prior approval and are contributing towards new homes in the Borough outside of the planning application process.

26. The Council anticipates that it will be able to address the housing shortfall within the borough's boundaries and the Local Plan has been prepared on this basis in accordance with the FALP requirements. Consequently, whilst the Council has liaised with neighbouring authorities on the issue of housing, discussions have not included any provision required to address the shortfall.
27. The Duty to Cooperate Statement includes reference to two meetings held with Spelthorne Borough Council and Surrey County Council as the Council's immediate neighbours. The Council has also latterly attended workshops and provided feedback on an emerging SHMA being jointly prepared by Runnymede BC and Spelthorne BC which was due for completion in Nov/ Dec 2014.
28. London as a whole has been recognised as a single Housing Market Area through successive London Plan Examinations in Public, and as a result the Mayor has had a role in coordinating the work of London boroughs with planning authorities in the South East and East of England. Two workshops were held with representatives from planning authorities across the wider south east and London – one on strategic planning generally (March 2013) and one specifically on housing/demography (October 2013). Emerging from these discussions has been the establishment of an officer working group which has met four times since October 2013, facilitated by a consultant engaged by the Mayor. Entitled the Strategic Spatial Planning Officer Liaison Group (SSPOLG) and chaired by a senior GLA officer, this group of officers from London and across the wider south east has developed a housing, demography and economic focus.
29. Because the Mayor is seeking to address London's housing needs within the London Housing Market area and because Hounslow Council intends to address its own housing needs within the Borough, the Council has not sought to negotiate with other Councils to distribute the shortfall in housing provision to other areas using the duty to cooperate. However, as the housing supply proposed in the Examination Plan leaves a significant shortfall in supply over the Local Plan period, the Plan strategy needs to provide for early plan review which is discussed in the Report in order to secure additional supply.

Conclusions on the Duty to Cooperate

30. I conclude that the duty to cooperate has been complied with in the preparation of the Local Plan. However further cooperation will be necessary as part of the preparation of early reviews of the plan. Cooperation will especially be needed with the London Borough of Hillingdon in relation to the identification and apportionment of growth in the shared Heathrow Opportunity Area. Cooperation will also be needed with neighbouring boroughs in relation to the provision of transport and other infrastructure to support growth including consideration of the cumulative impacts of growth on infrastructure such as the M4 junctions.
31. Cross border impacts will also be a consideration in respect of the preparation of the Great West Corridor Plan and especially in relation to the siting of tall buildings in that area and elsewhere in Brentford which have the potential to affect the setting of heritage assets both within the Borough and in neighbouring areas.

Assessment of Soundness

Preamble

32. Paragraph 182 of the National Planning Policy Framework provides amongst other things that a role of the Inspector is to examine the Local Plan to assess whether it is sound.
33. As Hounslow is a London Borough, the Local Plan is also required to be in general conformity with the London Plan. The Local Plan has been prepared to reflect the Further Alterations to the London Plan (FALP) which were under parallel examination. The Greater London Authority has issued a statement of general conformity of the Hounslow Local Plan with the London Plan. That statement was dated 25 April 2014 and it related to the Proposed Submission version of the Local Plan. Since that date the Local Plan has been amended as a result of the Schedule of Minor Changes that was consulted upon in October 2014. Whereas the Greater London Authority commented on the Minor Changes and in particular queried the basis of the Council's assessment of housing need, the Authority did not suggest that the changes meant that the Local Plan was no longer in general conformity with the London Plan. Some issue of conformity are nevertheless addressed in this report.
34. The FALP alterations were adopted with modifications on 10 March 2015. This modification included the removal of a proposed requirement for a Borough level assessment of housing need on the basis that this had already been assessed on a London-wide basis. However the Plan does not prevent Boroughs making their own assessments and the FALP alterations urge that the Boroughs seek to increase housing supply to address the identified gap between the minimum housing requirements set out for each Borough and the overall level of need, across London, which is greater.
35. The Local Plan will be further amended by the recommended Main Modifications. The Main Modifications include a number of measures which would improve the conformity of the Local Plan with the London Plan, especially in relation to the implementation of the Heathrow Opportunity Area and the Golden Mile (Great West Corridor) Strategic Outer London Development Centre in Brentford. I therefore conclude that, subject to those Main Modifications (as referred to below and detailed in the attached schedule) the Local Plan would be in general conformity with the London Plan.

Main Issues

36. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 16 main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the Local Plan's strategy is sound, or can be made so?

Context and Scope for Policy Options

37. London has a two-tier planning system in which the London Plan and the Local Plan are both part of the Development Plan. The London Plan sets out the broad strategy for the city as well as some more detailed provisions. It

includes key policy requirements and the Local Plan is required to be in general conformity with it. This limits the scope for the consideration of alternative strategies on matters such as: the supply of housing (for which the London Plan sets a target for the Borough); the location of employment (for which the London Plan identifies some locations and employment types to be provided or protected); and the hierarchy of town centres (for which the London Plan defines the respective roles of the Borough's 4 town centres). The London Plan requirement to continue to protect the Metropolitan Green Belt and Metropolitan Open Land further limits the options for the location of development.

38. The Local Plan is also required to be consistent with national policy if it is to be sound. That national policy further constrains the potential for alternative local policy approaches. This includes the general approach to contribute to the achievement of sustainable development as well as more specific aims including the 12 core planning principles set out in the National Planning Policy Framework.
39. For these reasons the preparation of the Local Plan and the requisite sustainability appraisal explicitly only explored policy options where the opportunity for proposing reasonable alternatives to national and regional policy existed, whether to meet local objectives or to respond to local distinctiveness. It could not explore policy options in respect of major development decisions that would have been in direct conflict with national and regional policy such as the direction of major new development to the Green Belt or other open space, and it could not avoid making provision for the housing requirement identified for the Borough in the London Plan.

Vision

40. The main elements of the Examination Plan's Spatial Vision include to provide a minimum of 12,330 additional homes (in line with the London Plan minimum requirements) and to provide supporting community infrastructure. Development and economic growth are to be directed to the areas that have capacity for change. These include the borough's town centres (especially Hounslow and Brentford) and the Great West Corridor. There is recognition that transport and connectivity improvements will be needed to support the principal out-of-centre employment locations such as the Great West Corridor. The protection and enhancement of the Borough's natural and built environment and heritage is also sought.

Objectives

41. The Examination Plan's Vision is translated into 8 more specific objectives with identified policies. The listed policy titles do not all correspond precisely to the actual policies as these have been renamed and amended during the preparation of the plan but that is a minor matter which does not affect the overall soundness of the plan.

Spatial Strategy

42. The Examination Plan incorporates the Council's planning strategy but does not include specific strategic policies. The strategy is instead proposed to be delivered by other policies in subsequent chapters. The Examination Plan's

Spatial Strategy is illustrated by a key diagram. The text provides further explanation as to the anticipated overall effect of the Plan within each of the Borough's 10 Districts, each of which have their own diagrams.

43. The Local Plan would replace existing development plan documents in Hounslow. It would itself include strategy, development management policies and development allocations. There are nevertheless important strategic matters on which the Examination Plan lacks clarity. In particular the Plan makes reference to the preparation of 2 further plans. These are referred to in the Plan by different names but most commonly in the Local Plan as the '*West of Borough Plan*' and the '*Great West Corridor Area Action Plan*'. In the Council's adopted Local Development Scheme (February 2014) both plans are described as Area Action Plans to address site specific redevelopment opportunities and to continue the regeneration of their respective areas.
44. The London Plan has identified that both areas have potential for significant growth of a strategic scale. The Council recognises that the West of the Borough, along with the Great West Corridor, can together provide opportunities to address the gap between the minimum housing requirement for the Borough as set out in the London Plan and the already identified greater need for housing across London. The Council considers that the gap in Hounslow between the FALP housing requirement for 12,300 dwellings and the estimated need for about 20,300 dwellings is thus a shortfall of about 8,000 dwellings. Policy SC1 makes provision for 13,040 dwellings, which is above the London Plan minimum but would still leave a residual gap of 7,260 dwellings.
45. The Housing Topic Paper indicates that this gap could be substantially closed by additional housing in the 2 potential growth areas were 2,500 additional dwellings to be provided in the Great West Corridor and 4,500 dwellings in the west of the Borough. This would be assisted by the development of improved public transport links serving each area. However these figures only appear in that background Topic Paper and they are not included in the strategy of the Examination Plan. They have not been subject to sustainability appraisal and would require further investigation and testing.
46. Whilst the Examination Plan purports to set out the Council's strategy, its response is thus incomplete and unclear in relation to the important strategic issues which arise in these 2 areas and which have implications for the Local Plan's overall strategy.

Great West Corridor

47. In the Examination Plan, Policy ED3 would make specific provision for development in Brentford's Great West Corridor. However this only relates to employment growth in furtherance of the London Plan's identification here of a Strategic Outer London Development Centre. Policy ED3 proposes an Area Action Plan. However the key diagram only loosely defines the area within which the proposed Area Action Plan would apply. It is thus not possible to relate the diagrammatic boundaries to physical features such as streets or property boundaries. Neither could the undefined boundary for Policy ED3 be shown on the (Ordnance Survey based) Policies Map which is a regulatory requirement for spatial policies of this type.

48. Importantly, it is evident from the Council's statements and supporting evidence that the Area Action Plan is not intended to simply add detail to the strategy already set out in the Local Plan; it is instead to allow for significant future modifications to that strategy. These would potentially include substantial new development allocations that would be additional to those set out for the same general area in the Examination Plan. Parallel work is already underway in relation to additional major proposals in the Great West Corridor. This is considering the inclusion of significant amounts of residential development in that area. However such residential development is not referred to in Policy ED3 or other Examination Plan policies and it has not been included in the public consultation on the Local Plan or assessed in the sustainability appraisal.
49. In the background Housing Topic Paper the Council estimates that the Great West Corridor area has potential for up to 2,500 dwellings. This would be additional to the minimum 12,330 Borough housing target in Policy SC1. It would also be additional to the housing provision already to be provided for in the wider Brentford area. This has caused confusion for Representatives as to what residential development is or is not committed in the area by the Local Plan. The Examination Plan and Policy ED3 make no provision for these additional housing allocations in the Great West Corridor.
50. Whilst the Examination Plan already makes some provision for employment development and transport improvements in the Great West Corridor, it does not give full effect to that area's status in the London Plan as a Strategic Outer London Development Centre (SOLDC). Neither does it define the extent of that area. This 'Golden Mile' SOLDC is identified in Policy 2.16 and Table 2.1 of the London Plan because its function as a centre for media is of greater than sub-regional importance. It already includes the UK headquarters of Sky (formerly BSkyB). Existing employment land designations for parts of the Great West Corridor and which are themselves derived from London Plan policies are not fully aligned with that SOLDC designation and would benefit from a review which has yet to be carried out.
51. There are also other outstanding issues for the area including: the need to identify which parts of the area are or are not suitable for tall buildings; how to address noise and air pollution; and the delivery of improved public transport and connectivity to support economic growth. The area is also identified as a potential future 'Opportunity Area' in Annex 1 of the London Plan. That status may be confirmed early in the life of the Local Plan when the London Plan is next reviewed. Amongst other things Opportunity Area status would affect the priority accorded to public transport improvements here when allocating budgets for new works in London. That is relevant in that improved public transport is likely to be needed to support further growth in the area for employment or housing.
52. The Examination Local Plan thus has not itself fully addressed the strategic objectives for the SOLDC. Moreover the further work already in progress to identify additional growth capacity in the Great West Corridor, including potential housing, indicates at least a likely need for modification of the Local Plan's strategy for this area. That is also likely to flow from any confirmation of the area's status as an Opportunity Area in the London Plan. In these circumstances it is misleading for Policy ED3 to describe a further Plan for this

area as an Area Action Plan. Such Plans are widely understood to be subsidiary plans that add local detail to an adopted strategy. The Local Development Scheme also fails to indicate that the Area Action Plans would require a review of parts of the Local Plan strategy because of the likely scale of development.

53. National policy at paragraph 153 of the Framework encourages the production of a single local plan which can be reviewed in whole or in part to respond flexibly to changing circumstances. It discourages the use of additional development plan documents which should only be used where clearly justified. In this case it would create confusion for policies and proposals of strategic significance to be divided between the Local Plan and another development plan overlapping the same part of the Borough.
54. As the Examination Local Plan has not fully addressed the future of the Great West Corridor the Local Plan is not in this respect positively prepared and effective in delivering the London Plan strategy. However these matters can be addressed by main modifications. These would delete Policy ED3 (**MM9**) from the Economic Development Chapter and replace it with a new strategic Policy SV1 in the Spatial Strategy Chapter (**MM1**). Instead of a separate Area Action Plan that policy would provide for a partial Local Plan Review in relation to the Great West Corridor and it would set out the strategic objectives for that review. As a partial plan review it could itself identify the precise boundaries for that area, whether its strategic role by then is as an SOLDC or an Opportunity Area. The Local Plan Review would be subject to the same publicity and consultation requirements as this Local Plan. It would settle locally controversial issues such as the provision of adequate transport and other infrastructure, suitable locations for taller buildings, and the area's suitability or otherwise for large scale residential development.
55. During the public consultation on the proposed modifications several Representors supported the change to the partial reviews of the Local Plan but they sought reassurance as to the timescale. In response an additional criterion has been added as Policy SV1(a)(xi) which states: '*Proceed with initial informal public consultation commencing before the end of 2015 and a target for adoption by the end of 2018*'. I agree that this would provide necessary confidence that the review will proceed in a timely fashion to address the identified needs as required by national policy. The Council also intends to update the Local Development Scheme to accord with this timescale.
56. Further minor wording changes have also been made to criteria (a)(v-viii) of the proposed policy in response to detailed matters raised by Representors.

West of Borough

57. The West of Borough is the location for the London Plan's identified Heathrow Opportunity Area (which also extends into Hillingdon but which is not precisely defined in the London Plan). Policy 2.13 of the London Plan provides, amongst other things, that boroughs should develop more detailed policies and proposals for such opportunity areas. The Heathrow Opportunity Area is described in the London Plan as having potential for significant jobs and housing growth at a strategic scale. Annex 1 of the London Plan estimates

that the area has an indicative capacity for 12,000 jobs and at least 9,000 homes. These figures would be divided between the 2 boroughs of Hounslow and Hillingdon. However the capacity estimates are described as broad estimates which are to be subject to more detailed testing. Annex 1 also refers to the continued rejuvenation of Feltham town centre and to the development of the borough's strategically important industrial offer.

58. The adopted Local Development Scheme of February 2014 refers to a '*West of Borough Area Action Plan.*' There are already some references in the Examination Plan text to a proposed plan for the West of the Borough. The key diagram also indicates the approximate boundary of a West of Borough Plan. In the context of housing (only) Policy SC1 refers to both a 'review' and to the Heathrow Opportunity Area. However there is no specific policy proposed in the Examination Plan in relation either to a West of Borough Plan or to another formal partial review of the Local Plan. If the Plan or Plan Review is to be for a specific spatial area then that area needs to be defined. However the boundaries of the West of Borough Plan on the key diagram are only indicative. Neither are the boundaries of the Heathrow Opportunity Area (HOA) defined in either the London Plan or the Examination Local Plan. In particular, neither document has adopted or referred to the HOA as identified in the baseline report prepared for the London Development Agency and which then extended as far east as Hounslow Town Centre.
59. In the Examination Local Plan the Key Diagram area indicates an area for a West of Borough Plan which is described as including the Heathrow Opportunity Area and which excludes Hounslow town centre and parts of some other western districts such as Hanworth. It is not intended to be a precise boundary. As it excludes Hounslow Town Centre the only town main town centre within the West of Borough would be in Feltham.
60. The West of Borough as indicated on the Examination Local Plan Key Diagram includes only a few modest development allocations. Indeed there is an emphasis on development restraint in much of the area such that the strategy of the Local Plan cannot yet be said to be giving effect to its Opportunity Area status.
61. The Davies Independent Airports Commission has recommended the expansion of Heathrow by constructing an additional runway. However the Government is not due to respond to this recommendation before the end of 2015. There are thus uncertainties relating to whether or not Heathrow Airport is to be expanded. As the Commission is no longer considering other more radical options such as a new hub airport in the Thames Estuary, it is very unlikely that Heathrow would close or contract, even if Gatwick is instead chosen for expansion. The decision by central Government could nevertheless affect the scale and location of related employment and housing development, as well as the provision of surface transport links and other infrastructure. The Examination Plan and the Local Development Scheme therefore seek to defer detailed consideration of these matters until the position has been made clearer. However the principle of the Heathrow Opportunity Area is already established in the London Plan and it is not itself dependent on whether the airport is expanded. Indeed the capacity estimates in Annex 1 to the London Plan explicitly refer to the area's development potential in the absence of a third runway at Heathrow.

62. In its Housing Topic Paper for the Examination the Council estimates that up to half of the 9,000 dwellings estimated by the London Plan for the Heathrow Opportunity Area may be located in Hounslow. Together with the Great West Corridor the provision of this housing could substantially bridge the gap between identified housing needs and the housing supply proposed in the Examination Plan. However, as in the Great West Corridor, the strategic scale of the growth would again require a partial review of the Local Plan with full sustainability appraisal, public consultation, and a further examination. The need for a supplement or amendment to the Local Plan is referred to at paragraph 2.3 of the Examination Plan and elsewhere in the text. However the current absence of a more explicit policy commitment makes the Local Plan unsound by reason of ineffectiveness in implementing the London Plan and in positively planning for the growth proposed in that Plan. Nevertheless this can be addressed by a main modification (**MM2**) which would introduce a further strategic Policy SV2 that identifies both the need for a partial local plan review and its scope.
63. Amongst other things, that partial review would include an Employment Land Review and it would determine the quantum and location of development. There would need to be cooperation with neighbouring boroughs and especially with the London Borough of Hillingdon in accordance with the statutory duty to cooperate. The Review would also need to address other deferred matters. These would include a review of the Green Belt boundary and an updated and extended assessment of the need for Gypsy and Traveller accommodation in Hounslow. That assessment would cover the rest of the Local Plan period beyond the provision already being made to address needs that have so far only been identified up to 2017 or 2018. Since the public consultation a further change has been made to provide that needs identified by that assessment would be addressed, as is required by national policy in common with other identified housing needs.
64. During the public consultation on the proposed modifications several Representors supported the change to the partial reviews of the Local Plan but sought reassurance as to the timescale. In response an additional criterion has been added as Policy SV2(a)(xii) which states: '*Proceed with initial informal public consultation commencing before the end of 2015 and a target for adoption by the end of 2018*'. I agree that this would provide necessary confidence that the review will proceed in a timely fashion to address the identified needs as required by national policy. The Council also intends to update the Local Development Scheme to accord with this timescale.
65. Further minor wording changes have also been made to criteria (a)(vi-vii) of the proposed policy in response to detailed matters raised by Representors.

Conclusion on Issue 1

66. Because the Examination Plan strategy lacks clarity as to how all the identified needs for housing and employment are to be addressed by further Plans or Partial Plan Reviews it is not positively prepared and sound in this respect. However, subject to the above main modifications **MM1** and **MM2** (which in turn will generate the need for consequential additional minor modifications to the text of the Plan) it is concluded that the Plan's Strategy can be made sound.

Issue 2 – Whether the Local Plan's policies for the location of main town centre uses are sound, or can be made so?

The definition of town centres

67. Main town centre uses are defined in the Framework to include (in summary) a broad range of retail development, leisure and entertainment facilities, offices, and arts culture and tourism development (including theatres, hotels and conference facilities).
68. The definition of town centres in the Framework includes the statement that: '*References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance*'. The town centres chapter of the Examination Plan uses the terminology of '*town centres*' and '*local centres*' but in a different way which threatens confusion and conflict with national policy objectives. In particular, whereas the Framework defines local centres as town centres, the Examination Plan does not. Policy TC1 thus blurs the distinction between town centres and other smaller centres by describing the latter as '*local centres*'.
69. To make the policy more consistent with national policy and more effective in protecting the defined town centres, main modification **MM3** would redefine '*local centres*' as '*neighbourhood centres*' and thereby more clearly outside the Framework definition of town centres.
70. Policy TC5 in the Examination Plan seeks to manage local centres and isolated local shops which are not in any centre. For the same reasons as for MM3 above, main modification **MM6** would amend Policy TC5 to refer instead to neighbourhood centres. The policy would be directed mainly at protecting their retail function to supply day to day needs in their local area. Whilst it would allow for some new retail development the opportunities to add additional floorspace within these centres are very limited and would not undermine the vitality and viability of the defined town centres. The modification would also make the policy more effective in its aim to retain an adequate proportion of retail units in neighbourhood centres and to protect isolated local shops where alternative provision is not available to meet needs. The wording of the Examination Plan is too vague and consequently ineffective in this respect.

Protecting the vitality and viability of town centres

71. The Framework at paragraph 24 seeks that Local Plans should support the vitality and viability of town centres and that a sequential approach is taken to the location of main town centre uses which accords primacy to defined town centre, then to edge of centre sites, and only if suitable sites are not available should out of centre sites be considered. If sufficient edge of centre sites cannot be identified as allocations to meet needs then the Local Plan should set policies for meeting identified needs in other accessible locations that are well connected to the town centre. No size threshold is advised for the sequential test. When assessing applications outside of town centres an impact assessment should be required if the development is over a proportionate, locally set floorspace threshold (paragraph 26). If there is no locally set impact threshold then a default 2,500sqm threshold would apply.

72. The Examination Plan proposes a 500 sq m threshold below which the sequential test would not apply for the development of town centres uses away from town centres. This is over-generous as it would in practice allow retail or any other main town centre uses to be located anywhere in the Borough (including as multiple units if each unit were below that size threshold and the subject of a separate application). That approach has not been justified and is not consistent with the aims of national policy. It risks cumulatively undermining the vitality and viability of town centres and encouraging use of the car to reach main town centre uses in locations that have poor accessibility by other means. Retail units below this threshold size are already widely available in the town centres (and local centres).
73. The Examination Plan also proposed a 2,500 sq m minimum threshold for the impact test in respect of all main town centre uses. That corresponds to the default threshold set by the Framework where there is no locally set threshold. However, following the debate at the examination hearings, the Council has proposed that this threshold be reduced to 500 sq m for retail development. This is supported by background evidence in Document ED18 which analyses store size within the Borough and concludes that units larger than 500 sq m are likely to have the potential to impact adversely on town centres. However Document ED18 does not include evidence to support an impact threshold for other main town centre uses that is different from the default threshold of 2,500sqm set out in the Framework.
74. To be consistent with national policy in the Framework and to avoid undermining the role of town centres, the **MM4** main modifications to Policy TC3 would clarify that the sequential approach to location applies to all the main town centre uses. It would also prioritise location in the 4 town centres, remove the 500 sq m floorspace threshold for application of the sequential approach, and reduce from 2,500 sq m to 500 sq m the floorspace threshold for the impact assessment for retail development. The 2,500sqm impact threshold would be retained for other main town centre uses.
75. Main modification **MM5** is needed to make Policy TC4 consistent with national policy in the Framework and more effective in the management of all types of main town centre uses in town centres.

Hotels

76. Hotels are included in the Framework definition of main town centre uses. However in the Examination Plan the relevant Policy ED4 for hotels is not included in the town centre chapter and it does not prioritise the development of hotels within town centres in accordance with the sequential approach or as indicated as option 1 in the Sustainability Appraisal Report at paragraph 10.7.2 and 10.7.4. It is thus not consistent with the Framework and is therefore unsound. Main modification **MM10** would amend Policy ED4 to make it consistent with the sequential approach to the location of main town centre uses as set out in Framework paragraph 24 (including a cross reference to Policy TC3) whilst allowing that there may be circumstances in which hotels cannot be accommodated within the town centres or on edge of centre sites (or in neighbourhood centres) but which should nevertheless be located where they have good access to public transport. In the interests of effectiveness

the policy title would also be extended to clarify that it applies to all forms of visitor accommodation.

Supply of identified need for retail floorspace

77. In the Examination Local Plan the '*Supporting facts*' to Policy TC3 refer to the identification in the Retail Needs Study Update (2013) of a requirement for a minimum of 30,000 sq m of additional comparison goods floorspace by 2021. However text which indicated how that might be distributed across the Borough had been deleted as part of the Schedule of Minor Changes that was consulted upon in October 2014.
78. Whilst the Examination Plan's site allocations include retail development, this is typically as part of a mixed use allocation. The amount of retail floorspace is not specified. Moreover when allocations are described as being for '*commercial uses*' there is ambiguity as to whether the allocation is for office, retail or some other purpose. Thus the Examination Plan does not clearly demonstrate how or where the identified need for additional retail floorspace is to be accommodated.
79. Following Hearing Session 3 the Council submitted a note as document ED18 which does identify the amount of A1 retail floorspace that is expected to be provided on each of the allocated sites and which includes some with existing planning permission. The total retail supply is identified as 30,171 sq m. This may be supplemented by some windfall development on unallocated sites such as the expansion of the floorspace of existing shops or by conversion from other uses as permitted development. Whilst this evidence does not distinguish between comparison and convenience floorspace, it is sufficiently robust. The trend to other forms of retailing such as internet sales may also continue to reduce demand. Whilst the need for retail space has not been predicted for the whole plan period this can be addressed by future reviews of the plan which would be better placed to assess retail trends.

Issue 3 – Whether the economic development policies are sound or can be made so?

80. Policy ED1 is the main policy for the promotion of employment growth and development. An important consideration is that offices are main town centre uses as defined by the Framework and thus subject to the sequential and impact tests set out in national policy. The Examination Plan wording is apparently inconsistent with this approach by allowing the expansion of offices in other locations without clarifying what other policies need to be satisfied. It also proposes new employment on allocated sites without specifying whether or not this includes offices. The latter point can be addressed by amending the individual site allocations as part of the additional minor modifications that are consequent upon main modifications **MM31** in relation to Policy IMP3 (see below).
81. **MM7** would resolve these issues by modifying Policy ED1 to clarify the appropriate locations for office and other employment development in the interests of national policy and effectiveness.

82. **MM7** would also modify a reference to the Great West Corridor growth proposals to co-ordinate these with improvements to public transport infrastructure.
83. The Examination Plan policy is silent on the location of new employment in industry and warehousing on the basis that the Employment Land Review did not anticipate expansion in these areas. This is likely to require further attention in an update or review of the ELR to inform the West of Borough Plan (**MM2**), particularly if Heathrow should be chosen as the site of an additional airport runway.
84. Policy ED2 is concerned with maintaining the supply of the Borough's employment land including the protection of designated employment sites. However, the Examination Plan wording is unclear with regard to:
- the identification of the employment sites to be protected;
 - the criteria for allowing alternative main or mixed uses to be introduced; and
 - the circumstances in which ancillary uses may be introduced.

This is of importance because the Local Plan is intended to implement London Plan site designations such as Strategic Industrial Locations and the Strategic Outer London Development Centre, whilst also protecting Key Existing Office Locations and Locally Significant Industrial Sites and satisfying the identified need for growth in office space and identified requirements for digital and media accommodation.

85. **MMS** would modify Policy ED2 to clarify how protection is to be applied to existing employment use designations. This includes revised criteria for mixed use development in order to make the policy more effective in meeting employment needs and for consistency with national and regional policy.

Supply of land for employment floorspace (including office space, digital, media, industrial and other uses)

86. Paragraph 4.1 of the Examination Plan acknowledges that the Hounslow Employment Land Review 2011 identified a demand for an additional 200,000 sq m of office floorspace during the plan period to 2030. After allowing for a development pipeline of 110,000 sq m of planning permission, it concluded that an additional 90,000 sq m of office space is still required.
87. Whilst the Examination Plan includes office space in the site allocations, it does not quantify the anticipated provision on each site. Some of the sites are proposed for mixed use and there is ambiguity in some site descriptions with proposed '*commercial*' use that may or may not be office space. During the examination hearings the Council submitted additional background evidence as Document ED18 which includes a quantification of the proposed development on allocated sites as well as a further windfall planning permission for 4,823 sq m of office development on an unallocated site (Land at Chiswick Roundabout). The total office supply of B1a office floorspace is estimated at 103,388 sq m and takes into account the anticipated loss of 1,250 sq m of space at Site 03 (500 Chiswick High Road).

88. Whereas the above figures would suggest that the Examination Plan is making adequate provision for the need for 90,000 sq m offices as identified in the Employment Land Review, there are important qualifications.
89. Firstly the Employment Land Review assumed that the borough's existing stock of 750,000 sq m of office space would be retained. However that stock may be depleted by conversions from office space to residential accommodation either under current permitted development rules or in cases where the Examination Plan proposes the mixed use of some existing office sites with a likely consequential reduction in office floorspace.
90. Secondly, 78,048 sq m (75%) of the anticipated supply of new B1a space would be on just 2 of the allocated sites, namely Site 06 B SkyB (52,224 sq m) and Site 07 Gillette (25,824 sq m - as a net addition to the 13,585 sq m already included for this site in the Employment Land Review pipeline). Both sites are currently identified as being located within an Industrial Business Park. This is a form of Strategic Industrial Location as designated by Policy 2.17 of the London Plan. It is already defined on the Policies Map which is not proposed to be changed at this time although it would be subject to review as part of the Greater West Corridor Plan (see **MM1**).
91. Paragraph 2.79 of the London Plan describes Industrial Business Parks as *'particularly suitable for activities that need better quality surroundings including research and development, light industrial and higher value general industrial, some waste management, utility and transport functions, wholesale markets and small scale distribution.'* However it continues: *'IBPs are not intended for primarily large scale office development. Where office development is proposed on an IBP, this should not jeopardise local provision for light industrial accommodation where there is demand for these uses.'* Paragraph 2.84 provides amongst other things that: *'Development in SILs for non-industrial or related uses should be resisted other than as part of a strategically co-ordinated process of consolidation, or where it addresses a need for accommodation for SMEs or new emerging industries ...'*
92. Policy 2.16 and Table 2.1 of the London Plan also designate this general location (Hounslow Golden Mile) as a *'Strategic Outer London Development Centre'* (SOLDC). This is a newer designation that is not yet spatially defined in the Examination Plan or on the Policies Map. The SOLDC is intended to support business locations with specialist strengths and growth potential.
93. The B SkyB site 06 already has planning permission for a mixed use employment campus to include B1a offices, B1b studios, production and research and development and related B8 storage facilities. Continuing growth is likely to spread these activities to the adjacent site 07 which is the vacant former Gillette factory and the listed former Gillette headquarters office. Media and Broadcasting is a fast expanding sector in Hounslow as the Evidence Paper ED21 demonstrates. Hounslow already has one of the highest concentrations of media and broadcasting jobs in London with 400 businesses providing 18,800 jobs or 13% of the Borough's total employment. It accounts for 40% of employment in the Golden Mile area along the Great West Corridor. Indeed production and broadcasting businesses have increased by 28% since the ELR was published in 2011. Employment in this sub-sector grew by 118% between 2009 and 2013 to a total of 14,700 jobs. ICT and Digital businesses

are also important in Hounslow and growing rapidly, providing 9% of the Borough's total employment in 2013, having grown by 50% since 2009. However these uses do not fit neatly into traditional use classes such as the industrial and office floorspace categories for which the Employment Land Review was seeking to forecast future demand.

94. There is an apparent inconsistency between the IBP designation to protect mainly industrial uses and the SOLDC aims to foster different types of economic development. However this can be reconciled if Media and Digital are considered as the '*new emerging industries*' which are allowed by the London Plan to locate in IBPs and which are also one of the specialist growth sectors supported by the SOLDC designation.
95. Not all of the additional floorspace already permitted on Site 06 will provide for the B1a office demand forecast by the Employment Land Review and to do so would be inconsistent with its IBP status. However the skilled and probably well paid employment that is being provided in the other mixed use accommodation should provide for this new emerging industry whilst making a similar or possibly greater economic contribution as would conventional office or other employment.
96. In the case of Site 07, some 13,585 sq m of office space (as yet unbuilt) has previously been permitted on the site to replace the former Gillette HQ offices. These offices may be provided elsewhere on the site as the former HQ office building is listed and may be converted to other uses). The estimate of an additional 25,824 sq m additional B1a office floorspace is derived from capacity work for further development on the Golden Mile. The previous Brentford Area Action Plan allocation did not allow for that additional B1a office space and there is potential for conflict with the site's IBP status. However, that additional floorspace may well come forward as a proposal in the partial review of the Plan to create the Great West Corridor Plan as envisaged by main modification **MM1**. That Plan will review the IBP status and whether the floorspace should be used for office purposes or for other new industries such as digital and/or media. It will also review the location's suitability or otherwise for tall buildings.
97. The Great West Corridor Plan will also consider the employment potential of other sites in the vicinity. It would be a suitable opportunity to address the potential implications of additional employment and other development in terms of infrastructure provision in the area (especially public transport). The site's status as part of the IBP and SOLDC could also be reviewed and redefined and other factors considered such as whether this would require, and be a suitable location for, tall buildings.
98. A further opportunity to address employment needs and the employment growth envisaged by the London Plan for the Heathrow Opportunity Area will arise through the West of Borough Plan (**MM2**). However as the Employment Land Review 2011 is increasingly out of date and is not reflecting current employment trends, that Plan will need to be informed by a new or updated Review which needs to address both the changing requirements for employment space for new emerging industries and the specific employment opportunities presented by proximity to Heathrow, especially if the airport should expand.

99. The Employment Land Review 2011 forecast a decline in the need for conventional industrial space. The demand for space for alternative forms of employment may accelerate that trend which will need to be monitored as proposed by the Examination Plan.
100. I conclude that the evidence does not demonstrate that the Examination Plan will provide all the B1a office floorspace for which a demand was identified by the Employment Land Review 2011 because some existing office space is being lost to other uses and because there are growing employment sectors in new emerging industries such as digital and media that may not require conventional B1a office space. Provision for further employment growth can be made through the 2 partial plan reviews proposed by **MM1** and **MM2**. It needs to be informed by a new or updated Employment Land Review to identify the type of employment space needed to match growth opportunities.

Issue 4 – Whether the policies for the supply of housing are sound or can be made so?

101. The Framework provides that Local Plans should meet the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Whilst that refers to Local Plans, the overall level of need for housing has been assessed for London as one market area by the Greater London Authority in order to inform the London Plan. The London Plan in turn sets minimum supply targets for each Borough. These targets were informed by the London-wide Strategic Housing Land Availability Assessment 2013 (SHLAA) and the 2014 Strategic Housing Market Assessment (SHMA). However there is a significant residual gap between the London-wide housing requirement for 49,000 dwellings a year and the borough level housing supply targets figures which in aggregate identify capacity for only 42,000 dwellings per annum. There would thus be a significant shortfall in provision against the identified need, even if all Boroughs meet their individual supply targets.
102. The FALP Inspector's Report was published on 12 December 2014 and the FALP alterations were formally adopted by the Mayor on 10 March 2015. Amongst other things they provide that Local Plans should demonstrate how the relevant minimum housing supply target is to be addressed and that Local Plans seek to exceed that target through additional sources of housing capacity; especially that to be brought forward from the types of broad location set out in Policy 3.3 (intensification, town centre renewal, opportunity and intensification areas, mixed use redevelopment, and sensitive renewal of existing residential areas, especially in areas of good public transport accessibility).
103. Policy SC1 is the Local Plan's main policy for housing growth in the Borough. It proposes a target to achieve at least 12,330 new homes between 2015 and 2030. That accords with the London Plan target of 822 dwellings per annum (dpa) for the period 2015-2025. It includes a projection forward of the London Plan target by a further 5 years in accordance with Policy 3.3D of that Plan. This rate of development would be a significant increase from the previously adopted supply target of 470 dpa.

104. The principal means of achieving this supply target would be through the Plan's housing site allocations. The allocations themselves do not include individual targets for dwelling numbers and some include mixed or alternative forms of development such that the amount of housing delivered could vary. However estimates of numbers for each site have been set out in the IMP02 Site Allocation Topic Paper. Further background evidence in Document SC15 has assigned the expected delivery of housing on the larger sites to each of three 5-year plan periods. The estimated total of 6,825 dwellings from site allocations is likely to be conservative. It would contribute to a total estimated supply from all sources of 13,040 dwellings which would provide a margin above the minimum requirement of 12,330 homes in Policy SC1.
105. The Council's Housing Trajectory indicates that completions are expected to be above the London Plan annual target in the first 5 years of the plan period, then close to the annual target in the middle 5 years of the plan period, and falling to below that annual figure in the final 5 year period. The trajectory supports the conclusion that there will be an adequate 5 year supply of housing against the London Plan minimum target in the early and middle years of the plan period including the 5% buffer sought by the Framework. Delivery should be above the London Plan target in the early years. The additional allocations anticipated through the partial review process for the Great West Corridor and the West of the Borough would boost supply later in the plan period when the trajectory currently indicates lower annual completion figures.
106. Whilst the London Plan sets supply targets for each Borough, these are intended as minimum figures since Policy 3.3 of the London Plan also seeks that housing provision in Boroughs is further augmented. This is to address the gap between the aggregate housing supply requirement and the greater level of need for housing that has been identified across London.
107. The London Plan does not specify a housing need figure for individual Boroughs such as Hounslow. Neither do the recently adopted Further Alterations to the London Plan require Boroughs to make their own needs assessments. The Council's Housing Topic Paper SC01 has nevertheless estimated an average need figure of 1,354dpa over the whole Plan period which would represent a total need for 20,310 homes. Different estimates are provided for each of three 5-year plan periods which total to the same figure. The Council's assessment of need is derived from the Greater London Authority's household projections. The methodology used by the Borough to arrive at the need figures has been queried by the GLA, who consider that additional elements should be taken into account. It is possible that the level of need could be higher or lower depending upon what assumptions are made, including in relation to future movements of households into and out of Hounslow and London.
108. The need figure has not been written in to the Plan itself but in the absence of any other estimate it remains a useful ballpark estimate as background evidence until such time as any more refined figure is available and it supports the desirability of early partial reviews of the Plan to boost housing supply which would also accord with London Plan objectives as revised in the FALP. The identified need for 20,310 homes would be some 60.7% above the Policy SC1 housing supply target of 12,330 dwellings. That suggests that a modified strategy would be needed for housing provision if it is to be wholly or mainly

achieved. For example the Housing Topic Paper estimates a supply of 6,825 dwellings from the allocated sites proposed in the Examination Plan with the remaining supply made up from existing commitments and future windfall supply. If the additional housing to meet all the estimated need were to be delivered entirely by new housing allocations, then provision on allocated sites in the Local Plan would need to be approximately double that from the Examination Plan allocations.

109. Some of the October 2014 Minor Changes to Policy SC1 expressed the Council's willingness to seek opportunities to augment housing growth. They referred to such opportunities as including a Great West Corridor Area Action Plan and a '*review of the west of the borough*'.
110. The Housing Topic Paper indicates that visioning work for the Great West Corridor had indicated that at least 2,500 dwellings may be accommodated there. Based on a crude apportionment it also concluded that potentially half of the 9,000 dwellings estimated by the London Plan for the Heathrow Opportunity Area may be accommodated in the West of Hounslow Borough (with the remainder in Hillingdon). It is unclear what assumptions lay behind the original 9,000 dwelling estimate in the London Plan in terms of the split between Hounslow and Hillingdon and also whether it included growth in Hounslow Town Centre which is already proposed in the Examination Plan. If so there may have been an element of double-counting.
111. Adding the 2,500 dwellings to the Council's estimate of 4,500 dwellings in the west of the Borough would potentially sum to 7,000 additional dwellings. That would raise the total supply to 19,330 which would fill most (but not all) of the identified gap between the minimum housing supply required by the London Plan and the Borough Council's estimate of housing need. However these figures are not part of the Examination Local Plan. They have not been subject to sustainability appraisal and would not be committed by the adoption of the Local Plan. Additional capacity work is still needed to inform the 2 proposed plan reviews. The actual amount of additional housing in each area would need to be determined by formal partial reviews of the Local Plan with full public participation and sustainability appraisal. This is an important reason for the **MM1** and **MM2** modifications which propose two such partial reviews.
112. The references in Policy SC1 to the opportunities to augment housing supply need modifying and updating to refer to the partial reviews of the Local Plan for these two areas which are now proposed by Main Modifications MM1 and MM2. **MM11** would therefore amend Policy SC1 to identify that the scope for additional housing delivery would be through the two partial plan reviews.
113. **MM11** also includes 2 further modifications to Policy SC1. As worded, Criterion (h) would require development proposals to '*comply with the design standards of the development plan and supplementary guidance*'. However that could be interpreted as seeking to add the full statutory weight of an adopted development plan to informal guidance that has not been subject to adequate public involvement in its preparation. That is legally questionable and it would also risk inconsistency with national design policy in paragraph 58 of the Framework which seeks flexibility in design policies. The use of more

formally prepared 'Supplementary Planning Documents' is supported by national policy and regulations.

114. The wording of Criterion (h) - renumbered as Criterion (i) should therefore be amended to allow for flexibility in the use of design standards and by amending the reference to supplementary planning documents. At the suggestion of Historic England following public consultation on the Proposed Modifications the reference would also be extended to have regard to the design recommendations in the Urban Character and Context Study and Conservation Area Appraisals. That would be consistent with wording already proposed for Policy SC7 which is concerned with dwelling alterations and extensions rather than whole dwellings.
115. Another issue raised by a number of representations and which was discussed at Examination hearings concerns whether the Examination Plan would be both positive and effective in addressing the local housing issue of the unauthorised creation of self-contained dwellings within the curtilages of existing dwellings; sometimes colloquially referred to as 'beds in sheds'. Of relevance is that Paragraph 53 of the Framework provides that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. Policy 3.5 of the London Plan also includes the following statement: *'Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.'*
116. Whilst neither the Framework nor the London Plan make policies against development on garden land mandatory, the Council does not dispute that unauthorised development of dwellings within existing domestic curtilages is a significant local issue in Hounslow. The Council has taken enforcement action against some unauthorised developments but many more remain. They can harm the amenity of neighbouring occupiers as well as often providing substandard accommodation for their occupants. Whilst Local Plan policies would not prevent unauthorised development from occurring, they would set out the Council's position and thus be useful in decision-taking for enforcement purposes.
117. Some Representors have sought an additional specific policy to create a *'presumption against inappropriate development'*. However that would be meaningless unless the meaning of *'inappropriate development'* could be precisely defined (as it is in respect of Green Belt policy where the same words have a specific and different meaning). Any exceptions to the presumption would also need to be identified and defined. However such a policy which set out all the criteria for distinguishing acceptable from unacceptable developments would be lengthy and complex. It would necessarily duplicate many of the provisions of other existing plan policies that are relevant to all development within domestic curtilages, such as house conversions, extensions, garages and outbuildings. **MM11** would therefore instead provide a presumption against self-contained dwellings within curtilages if they were in conflict with other plan policies. There is then a suite of main modifications to other subsequent policies to clarify that they also apply to this form of development. That is necessary in the interests of effectiveness.

Issue 5 – Whether the policy for the delivery of affordable housing is sound or can be made so?

118. Paragraph 47 of the Framework provides, amongst other things, that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for affordable housing as far as is consistent with the policies set out in the Framework.
119. Using an assumption that housing is only affordable if less than 40% of household income goes on housing costs, the Council estimates that the need for affordable housing represents 50% of all housing need in the Borough. However the Examination Plan does not yet make provision to meet all the identified general need for housing of all types. It may do so if and when the Plan is subject to partial review as proposed by MM1 and MM2. Nevertheless, for reasons that include the need for development viability, the Examination Plan proposes a target that only 40% of new housing shall be affordable rather than 50%. That latter figure would be unlikely to be achieved in any event. Thus the Examination Plan does not make provision to meet the full assessed need for affordable housing and it would be unrealistic for it to do so.
120. The London Plan at Policy 3.12 provides that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to a range of stated criteria. In that context the Examination Plan is supported by a viability study (IMP01). This indicates that where residential schemes are otherwise viable, they could support an affordable housing requirement of between 10% and 40% (without grant) and between 30-40% in higher value areas. However it demonstrates that viability is more challenging in the west of the Borough where residential values are lower.
121. Policy SC2 includes a target for an overall quantum of 40% of additional housing from all sources to be affordable. However it is not clear from the policy wording that there is no site target for 40% provision. On some sites provision may be for up to 100% affordable housing if provision is being made directly by the Council or a registered social landlord. On other sites with ten or more homes the affordable housing provision is to be subject to negotiation and may be more or less than 40% depending on viability.
122. The Study based its benchmark land values on brownfield redevelopment and it took account of the effect on costs of Community Infrastructure Levy payments. The recommended CIL charges for residential development would vary as between 3 defined zones and thus the impact on costs would also vary. However the Study did not specifically test the degree to which scheme viability might be improved by the credit against CIL payments which is allowed in respect of the replacement of existing floorspace on site. Moreover Government policy and guidance have been changing during the course of the Local Plan Examination and would now allow a credit for existing vacant floorspace when negotiating affordable housing requirements. That could improve scheme viability but has the potential to reduce the supply of affordable housing.
123. These provisions would be relevant to negotiating the proportion of affordable housing to be provided. For example if vacant building credit were to apply in

respect of half the floorspace of a proposed development, it is possible that viability considerations would then permit that the proportion of affordable housing on the residual part of the development would be more than 40% of that residue. This ought to be reflected in the policy wording if it is to be effective in achieving the maximum reasonable amount of affordable housing as required by the London Plan.

124. The London housing market in recent years has been subject to rapid changes in values. London Plan Policy 3.12B provides amongst other things that negotiations should take account of development viability and *'the implications of phased development including provisions for reappraising the viability of schemes prior to implementation'*. The reasoned justification at paragraph 3.75 advises that this is: *'To take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, these provisions may be used to ensure that maximum public benefit is secured over the period of the development'*. Whilst these provisions refer specifically to phased development, Framework Paragraph 50 provides amongst other things that policies for the provision of affordable housing should be sufficiently flexible to take account of changing market conditions over time. That has a potentially wider application.
125. The Council's evidence is that for several years it has been negotiating affordable housing provision on the basis that where development appraisals indicate that only low amounts of affordable housing can viably be included in a scheme at the time of its negotiation, a review mechanism will be included in the S106 agreement with the developer. This mechanism provides for a reappraisal of viability using actual costs and values at the time a scheme is partially or fully completed. Any surplus returns will then be divided between the developer and the Council. The share for the Council will be used to provide additional affordable housing off-site to compensate for the low initial provision. Similar agreements have been employed elsewhere in London, including at Lambeth.
126. Substantial sums have already been raised in Hounslow by these means. Potentially much larger sums may come forward in relation to schemes which have already been concluded (See Document SC17). As these include large developments with low levels of on-site affordable housing provision, it is likely that the overall 40% strategic target for affordable housing would be at risk without such measures. This is a good example of positive planning which accords with the Framework and allows for changing national guidance whilst supporting the London Plan objective to maximise the delivery of affordable housing.
127. **MM12** clarifies the operation of the strategic 40% target for delivery of affordable housing, adds reference to different sources of supply, and clarifies how varying provision will be negotiated on a site by site level with regard to viability, all in the interest of effectiveness, positive planning and consistency with national and regional policy.

Issue 6 – Whether the policies for the design and layout of housing are sound or can be made so?

Space standards

128. Policy SC5 seeks to ensure that suitable internal and external space is provided in residential development. In the Examination Plan this proposes the application of the adopted London Plan internal space standards which are also set out in Table SC 5.1. However on 25 March 2015 the former Coalition Government issued a Written Ministerial Statement which debars Councils from using Local Plans which adopt space standards that are at variance with those set out in the document: '*Technical housing standards – nationally described space standard.*' These are optional standards which '*should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered.*' Also Planning Practice Guidance '*Housing Optional Technical Standards*' states that: '*Where a local planning authority ... wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.*'
129. Since the national standards would replace the London-wide standard and there are minor differences between them, the Greater London Authority is currently consulting upon *Minor Alterations to the London Plan Consultation Draft May 2015* which would include the adoption of the Nationally Described Space Standard. These are likely to be included in an examination process in late 2015. They would thus not be adopted until 2016, after the likely adoption of the Hounslow Local Plan.
130. Following the publication for consultation of the Main Modifications and Additional Minor Modifications to the Hounslow Local Plan, the Council has given further consideration to how to make Policy SC5 consistent with the new national policy in respect of internal space standards. With further changes by myself these form Main Modification **MM12A**. The main effect of the modifications is to delete the table of internal space standards and to instead apply the similar nationally described space standard. The London Plan is itself proposed to be similarly modified to apply the nationally described space standard
131. As the nationally described internal space standards are similar to those proposed in the Examination Plan the supporting evidence remains valid including the conclusions of the viability study. Neither are there material changes that would warrant further public consultation, particularly as the WMS does not allow for the application of standards that differ from the national standard.
132. Policy SC5 also refers to external space standards. In the Examination Plan these are described as minimum standards. However, following representations, the Council proposed an Additional Minor Modification which would refer instead to these as benchmark standards to which regard should be had. This is also now included with Main Modification **MM12A**.

Wheelchair access

133. Policy SC5(d) requires that a minimum of 10% of all new housing development is of a configuration that is readily adaptable for wheelchair users. Following the Written Ministerial Statement of 25 March 2015, *Planning Practice Guidance for Housing – Optional Technical Standards* issued on 27 March 2015 states that a policy to provide enhanced accessibility or adaptability should only refer to requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations; also that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
134. Following the publication for public consultation of the Main Modifications and Additional Minor Modifications to the Hounslow Local Plan, the Council has therefore proposed relevant changes. These are also included in Main Modification **MM12A**.
135. These changes are required by the changes to national policy which were themselves the subject of a public consultation process. Thus further public consultation is not necessary.

Conversions to dwellings

136. Policy SC6 is concerned with the conversion of buildings for residential use and the sub-division of existing housing. Whilst it is mainly directed at conversions of buildings into flats, it is of potential relevance to all forms of conversion including the conversion of domestic outbuildings into self-contained dwellings. As worded the effectiveness of the policy itself is compromised in that the policy objectives are not carried through into suitably specific requirements for development proposals. Main modification **MM13** would suitably amend Policy SC6 in the interests of effectiveness. It does not amend the SC5(h) requirement to 'have regard' to the internal and external space standards which would be covered by Policy SC5 (as modified).

Extensions and alterations to residential properties

137. Policy SC7 is concerned with the extension and alteration of residential properties. It is another policy of potential relevance to the construction, alteration and occupation of outbuildings and extensions as self-contained dwellings. However the policy criteria would be ineffective in this role because they omit key considerations and because they seek to delegate to undefined supplementary guidance those matters which should be included in the policy itself or in formal 'Supplementary Planning Documents' (SPD). Main modification **MM14** would strengthen the policy wording in the interests of effectiveness. However, whilst SPD can provide useful explanation of the policy and guidance on detailed matters, the Local Plan policy should not be used to make SPD provisions mandatory development plan requirements, as some Representors would wish. Their provisions would not have been subject to the same degree of consultation and examination as a development plan.
138. As the definition at page 56 of the Framework explains, supplementary planning documents can add further detail to policies in the Local Plan and they can be used to provide further guidance on particular issues. They are

capable of being a material consideration in planning decisions. However they are not part of the development plan and therefore should not be accorded the statutory weight of a development plan under Section 38(6) of the Planning and Compulsory Purchase Act 2004; as would be implied were a development plan policy to require compliance with the supplementary document or any other guidance.

Issue 7 – Whether the Local Plan policies for gypsies, travellers and travelling showpeople are sound or can be made so?

139. National planning policy (*Planning policy for traveller sites – March 2012*) requires that provision be made for gypsies, travellers and travelling showpeople as part of meeting overall housing needs. The London Boroughs' Gypsy and Traveller Accommodation Needs Assessment (2008) projected future needs for accommodation. However the assessment only extended from 2007 to 2017 whereas the Local Plan period extends to 2030. The London SHMA 2013 did not attempt an assessment of Gypsy and Traveller accommodation needs on the basis that the distribution of the Gypsy and Traveller population was uneven and because Boroughs are responsible for assessing needs at a local level. The Council is nevertheless lobbying for a new London-wide needs assessment but if that is not forthcoming soon the Council will need to make its own assessment.
140. The Council is one of very few Boroughs in London to have advanced the provision of new pitches since the London-wide needs assessment was carried out. The Hounslow Housing Strategy 2014-2018 responded to the GTAA 2008 and identified a need for up to 20 improved pitches and 6 new pitches in Hounslow by March 2018. However it also did not consider needs during the remainder of the Local Plan period. The improvement of pitches refers to the 20 pitches on the Council-owned Gypsy and Travellers Site at the Hartlands in Heston. In the Examination Plan Site 61 refers to the allocation of an extension to the Hartlands Site which is intended to meet the need for 6 additional pitches identified in the Housing Strategy. This is indicative of the willingness of the Council to address needs when they are identified.
141. The Hartlands site extension is in the Green Belt where such development would be inappropriate as defined by national policy and thus only to be permitted if very special circumstances outweigh the harm to the Green Belt. In this case planning permission has already been granted for that development which decision will necessarily have taken into account the harm to the Green Belt. Funding has been allocated to implement the scheme. As the site is committed for that development an allocation is thus no longer needed.
142. At the pre-submission stage the Council was proposing amendments to the Green Belt boundary which could have excluded the Hartlands site but all such amendments were withdrawn by the Schedule of Minor Changes. A further opportunity to review the green belt boundary here would arise through the preparation of the West of Borough Plan as a partial review of the Local Plan(MM2).
143. Policy SC9 seeks to provide appropriate accommodation for Gypsies, Travellers and Travelling Showpeople where it meets an identified need and will satisfy

the criteria set out in the policy. The policy includes the safeguarding of the Hartlands site. However, as the need for accommodation for Gypsies, Travellers and Travelling Showpeople has not been assessed for the period 2017/2018-2030, and because the Examination Plan does not make allocations to address such needs, there is a conflict with national policy. The Examination Plan is therefore unsound in respect of the latter part of the Plan period beyond 2018.

144. However this may be compared with the general need for housing which also exceeds the minimum housing supply required by the London Plan and with the particular need for affordable housing in the Borough. In both cases the Council accepts that the need exceeds the supply required by the London Plan and also that the need for affordable housing exceeds the amount of affordable housing that is likely to be delivered. That matter is to be addressed by two partial plan reviews (see MM1 and MM2). However those reviews also similarly provide an opportunity to both assess and address any needs for additional accommodation for Gypsies, Travellers and Travelling Showpeople that may arise during the remainder the Plan period.

145. Any additional site provision arising from a needs assessment is more likely to be met in the west of the Borough than in the more densely built-up central and eastern areas where land values are also higher. The proposed modification under **MM2** therefore includes as an objective for the proposed West of Borough Plan the assessment of future needs for Gypsy and Traveller accommodation. The target for adoption of that Plan is 2018. This assessment should include the needs of Travelling Showpeople, who already have a significant presence in Hounslow with 55% of the London population of such persons.

146. As such an assessment would be of no value without consequent action, that objective should (as the Council agrees) be extended to include a commitment to address any identified needs by means of the setting of targets and the identification of a supply of specific deliverable sites to meet those targets in order to be consistent with national policy (*'Planning policy for traveller sites – March 2012'*). Subject to that further modification it is concluded that the Plan would be sound in this regard.

Issue 8 – Whether the policy for student accommodation is sound and in general conformity with the London Plan or can be made so?

147. The Framework at paragraph 50 seeks to meet the housing needs of different groups and the London Plan highlights the need for student accommodation in London. In particular it seeks at paragraph 3.53a to encourage a more dispersed distribution of future provision, taking into account the development and regeneration potential in accessible locations away from the areas of greatest concentration in central London. It also highlights the need for secure accommodation which is more affordable for the student body as a whole.

148. In the Examination Plan, Policy SC11 seeks to provide for student accommodation but only in locations that are convenient for higher education institutions that are within or near the Borough. The policy criteria require that the accommodation is for named London-based institutions within a

maximum of 30 minutes' travel time. The latter requirement would severely limit the provision of accommodation, particularly as it would effectively exclude students attending higher education institutions in central London where there is the greatest concentration. That would not conform with the aims of the London Plan. Neither is the criterion relating to affordable accommodation qualified by reference to viability. This could further frustrate the provision of accommodation if schemes are rendered unviable.

149. Main modification **MM15** would address the above concerns to make the policy effective, sound and in conformity with the London Plan by removing the maximum 30-minute travel time threshold whilst emphasising the need for development proposals to have good public transport and cycling accessibility. To further address the London Plan objectives the policy would allow either that the accommodation is linked to specified education institutions, or that it meets a more general need for affordable student accommodation, subject to viability.

Issue 9 – Whether the policies for the conservation and enhancement of the Borough's urban environment and heritage are sound, or can be made so?

150. Chapter 6 of the Examination Plan sets out design and heritage policies under the title of '*Context and Character*'. Policies CC1 and CC4 both include a general objective of the Council to conserve and enhance the Borough's special qualities and heritage. However this includes a requirement that all development proposals not only conserve those special qualities and heritage but also that they all enhance them. Whilst it is reasonable to expect conservation, in many instances there would be no opportunity to positively enhance either the special qualities or heritage. It would therefore be unreasonable for this to be a mandatory requirement. In respect of heritage assets the statutory duty in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to pay '*special attention*' to '*the desirability of preserving or enhancing the character or appearance of that area*'. Enhancement is presented as an alternative to preservation and is not a mandatory requirement. For listed buildings S66 of the same Act provides in decision making on planning applications that there shall be '*special regard to the desirability of preserving the building or its setting*'. There is no reference to enhancement of listed buildings or their setting.

151. The Framework does refer at paragraph 126 to the desirability of enhancing the significance of heritage assets and paragraph 137 provides that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Similarly in relation to design considerations Framework paragraph 64 provides that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

152. To remove the unreasonable requirement that all development must enhance special qualities and heritage assets, **MM16** and **MM18** would replace relevant wording in Policies CC1 and CC4 with provisions requiring that development proposals take such enhancement opportunities where they exist. That would

make the Local Plan policy consistent with national policy in the Framework and therefore sound in that respect.

153. Policy CC4 in the Examination Plan is also inconsistent with Framework paragraphs 131 to 141 in its tests for development that may cause harm to heritage assets. In particular it does not distinguish between the different policy tests for 'substantial' or 'less than substantial' harm to 'significance'. Neither is it clear in its application to undesignated heritage assets. **MM18** therefore includes further textual modifications to correct these inconsistencies and to make the policy sound. However a Representor has pointed out errors in the wording of the first sentence of Policy CC4(m) as included in the consultation on the Local Plan Proposed Modifications April 2015. These errors make the meaning of the criterion unclear. The sentence should therefore be amended to: *'Have regard to any harm to, or loss of, the significance of a non-designated heritage asset including from both direct and indirect effects.'* That amended wording is supported by Historic England.

Issue 10 – Whether the policy for Tall Buildings is sound, or can be made so?

154. Whilst Hounslow predominantly features low rise suburban development of 2 to 3 storeys, there are already some taller buildings in parts of the Borough. The strategy of regeneration and growth set out in the London Plan and proposed in the Examination Plan means that more tall buildings are likely to be needed as part of the concentration of development growth in town centres and at other identified locations. Policy CC3 therefore seeks to set out a strategy for the location of tall buildings in new developments in the Borough.

155. The reasoned justification to Policy CC3 was amended in October 2014 as part of the Schedule of Minor Changes to refer to the definition of a tall building in the background Urban Character and Context Study (Document CC01). That defined a tall building as one which is over 20m in height and/or which is significantly taller than the surrounding townscape and/or which recognisably changes the skyline. This is a more comprehensive definition than that included in the Plan's Glossary (which the Council intends to amend for consistency).

156. The Proposed Submission Plan had referred to vaguely defined areas of 'medium' or 'high' suitability for tall buildings. Those areas and terms were removed by the Schedule of Minor Changes and are no longer proposed. The Examination Plan instead proposes a criteria-based policy that would provide qualified endorsement for the development of new tall buildings within the defined town centres of Hounslow, Brentford and Feltham (but excluding Chiswick) and along the A4 Golden Mile in the Great West Corridor. There would also be 'some scope' for (medium rise) buildings up to 20m high along main streets elsewhere.

157. Whilst the revised policy provides improved clarity on where tall buildings may be acceptable, and they acknowledge that not all locations within the defined town centres will be suitable, the precise extent of the Great West Corridor is not yet defined. Neither do the policy criteria in the Examination Plan provide sufficient assurance that tall buildings will not be permitted in locations within those areas where they could still have a significant adverse impact on

heritage assets. Representors are particularly concerned about the potential for harm to the setting of the Royal Botanic Gardens Kew World Heritage Site from inappropriately sited tall buildings in Brentford Town Centre or along the Great West Corridor. Whilst the evidence does not support a ban on tall buildings in these locations, the sensitivity of the setting of the world heritage site, and that of other nearby heritage assets including Syon Park and Gunnersbury Park means that the policy as worded in the Examination Plan would not be adequately justified or effective for their protection as required by national policy. Neither would it provide the most appropriate strategy unless the criteria are strengthened and unless the references to the Great West Corridor are modified.

158. Main modification **MM17** would therefore amend the criteria of Policy CC3 to afford greater protection to the setting of heritage assets. This would include separate criteria for Feltham and Brentford town centres where different considerations apply.
159. Some Representors on the Proposed Modifications have requested deletion from criterion CC3(c) and(d) of the word '*significant*'. However that would imply that proposals would be refused even if they have only an '*insignificant*' adverse impact. That would be inconsistent with national policy in the Framework which provides for the balancing of harm with public benefits in specified circumstances. To refuse proposals that cause very little harm without any opportunity for balance with public benefits would be unreasonably constraining and is unnecessary to protect the significance of the heritage assets. In any event proposals that could affect heritage assets and their setting would also need to satisfy Policy CC4. That policy (as modified) makes specific provision for the conservation and enhancement of heritage assets.
160. **MM17** also includes further minor changes following the public consultation on the proposed modifications. For criterion (d) it is to add reference to Osterley Park as one of the highlighted assets to be considered. That had been unintentionally omitted when other wording changes were made. Minor wording changes are also included for criteria (f) and (h).
161. The proposed **MM1** partial review of the Local Plan would both define the extent of the Great West Corridor and also identify the sites within that area with suitability for tall buildings. Together these modifications would ensure that the policy for tall buildings becomes sound in that it is justified and would provide the most appropriate strategy when assessed against the evidence base.

Issue 11 – Whether the policy for advertisements is sound, or can be made so?

162. Policy CC5 sets out criteria for determining applications for proposals for advertisements. However it includes criteria that would not accord with the limited scope of the Town and Country Planning (Control of Advertisement) Regulations. In particular the regulations only allow a local planning authority to exercise its powers under the regulations in the interests of amenity and public safety whilst taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. In this

context, whilst the economic development benefits of advertisements may be a relevant factor, it is not appropriate to only allow advertisements where they would support regeneration objectives, as Policy CC5 suggests. Amenity and public safety should be the overriding considerations.

163. Main modification **MM19** would therefore amend Policy CC5 to make it sound by concentrating on amenity and public safety to ensure consistency with national policy and the scope of the advertisement regulations. Whereas a Representor considers the modified wording of CC5(b) to be onerous in seeking to improve amenity, that is a general commitment by the Council. It is not a requirement that every advertisement proposal must satisfy and is thus not onerous. However the wording of the Proposed Modifications lacks clarity as published for public consultation and includes duplication. I therefore agree to a further change proposed by the Council that would delete criterion (b) and make minor wording changes to criterion (d).

Issue 12 – Whether the policies for the Green Belt and Open Space are sound, or can be made so?

164. Policy GB1 sets out the policy for development in the Green Belt and on Metropolitan Open Land (MOL). However in the Examination Plan the policy refers to '*appropriate development*' in the Green Belt and on MOL. That is not a term used in national or regional policies (which only define inappropriate development) and is not otherwise defined. Also whereas the policy also refers to '*inappropriate development*' which is the term used in national policy, it then refers to the accompanying reasoned justification for a definition of inappropriate development. However the summary definitions which appear in that reasoned justification are unintentionally at variance with national and regional policy. This is likely to lead to uncertainty and disputes and to undermine the effectiveness of the policy, causing unsoundness. Main modification **MM20** would therefore amend Policy GB1 to be consistent with national policy for the Green Belt and with the London Plan in respect of Metropolitan Open Land and to avoid differing policy criteria that would undermine the effectiveness of the policy.

165. Policy GB2 is a policy for the protection of open space and to address deficiencies in its provision. Whereas the Schedule of Minor Changes in October 2014 had amended the title from 'Local Open Space' to 'Open Space' the policy criteria in the Examination Plan are inconsistent in their use of these terms which creates confusion and undermines the effectiveness of the policy by suggesting that there are different categories of open space. Also the policy is inconsistent with paragraph 74 of the Framework which sets out a logical set of criteria before building on open space should be permitted. There is no local justification for this variation. Policy GB2 also introduces concepts such as '*very special circumstances*' and '*community benefits*' which are not adequately explained in the policy or the reasoned justification.

166. Main modification **MM21** would therefore amend Policy GB2 to make the policy effective for the protection of open space and to ensure consistency with national policy as set out in paragraph 74 of the Framework (not paragraph 72 as erroneously indicated in Local Plan Proposed Modification April 2015). The amended wording would also mean that the policy would apply to all local open space that is designated on the Policies Map, whether or not it is also on

land designated as Green Belt or as Metropolitan Open Land and thus covered by Policy GB1.

167. Following the public consultation a further change to MM21 would add clarity by deleting from GB2(g) the phrase '*very special circumstances*' (which is not explained in this context and which would cause confusion with Green Belt policy which uses that phrase) and substituting a reference to the criteria for development on open space that that are set out in paragraph 74 of the Framework.
168. Policy GB3 is entitled '*Use of Open Space for Education*'. It is specifically directed at open space that is already in education use. It is intended to manage the development of new education facilities on such open space. But it is unclear in the Examination Plan whether it is intended to override other open space policies such as GB1 and GB2. Neither is it consistent with national policies tests for development on open space and in the Green Belt. **MM22** would therefore amend Policy GB3 to ensure consistency with national policy for open space in the Framework and to avoid conflict with other Local Plan policies. It would provide that policies GB1 and GB2 would need to be satisfied but would also manage the use of open education land which is not covered by those policies.
169. Policy GB7 seeks to protect and enhance the natural environment and biodiversity. Criterion (h) refers to developer contributions to a potential biodiversity offsetting scheme that risks conflict with the Community Infrastructure Levy Regulations which limit the circumstances in which pooled contributions can be sought. Main modification **MM23** would therefore amend Policy GB7 to ensure consistency with national policy and the Community Infrastructure Levy Regulations.
170. Policy GB8 seeks to protect allotments and agricultural land (or potentially other green space) for food growing. However its criteria are not consistent with national policy for open space. Main modification **MM24** would therefore amend Policy GB8 to make the policy effective by creating a sequential approach to the use of the land for other purposes and to ensure consistency with national policy for open space in the Framework.
171. Policy GB9 relates to the protection and improvement of functional uses for open space including playspace, outdoor sports facilities and burial space. However the effectiveness of the policy is undermined by some inconsistent wording and because it is not related to other local plan policies for local open space, the Green Belt and Metropolitan Open Land. There are also unjustified inconsistencies with national policy in the Framework. Main modification **MM25** would therefore amend Policy GB9 to make the policy effective and to ensure consistency with other local plan policies and with national policy for open space in the Framework.

Issue 13 – Whether the policies for Community Infrastructure are sound, or can be made so?

172. Policy CI2 provides for the development of educational facilities. These are described in the Infrastructure Delivery Schedule as critical infrastructure for delivery of the plan. However, as most schools are already outside the control of the Council, and because the Council is prevented from making direct

provision for new schools, its power is mainly limited to facilitating sites, including the allocation of sites for educational use in accordance with Policy CI2(b).

173. But, in order to provide a choice of sites, more education sites are proposed than are likely to be needed. Many of the proposed site allocations are for dual or alternative uses. This raises the issue of how sites are to be protected for education use when the educational need may not arise until later in the plan period. Particular problems could arise when sites have a higher value for the alternative allocated use.
174. In the Examination Plan, Policy CI2 does not properly address this issue. Neither is it adequately addressed by the wording and reasoned justification that was added to Policy IMP1 in October 2014 as part of the Schedule of Minor Changes. Moreover, when addressing proposals for education development on non-allocated sites, Policy CI2(h) refers to a sequential preference test but this is not explained in the policy or in the reasoned justification. Policy CI2 and Policy IMP1 are therefore likely to be ineffective in delivering this critical infrastructure and consequently unsound.
175. Main modification **MM26** would therefore amend Policy CI2 to accord priority on allocated sites to school development unless it can be demonstrated that either:
- the accommodation will not be required for education at that site during the plan period; or
 - that the education development would be unviable as it would not meet funding requirements.

The modification would also remove from Policy CI2 the references to a sequential test. These changes would make Policy CI2 effective and thus sound by clarifying the circumstances in which dual use site allocations are reserved for critical education infrastructure or alternatively are released for other purposes. Main modification **MM30** would delete the redundant text from Policy IMP1.

Issue 14 – Whether the policies for Environmental Quality are sound, or can be made so?

176. Policy EQ1 seeks to minimise the demand for energy and to promote renewable and low carbon technologies. Policy EQ2 seeks to promote the highest standards of sustainable design and construction in development to mitigate and adapt to climate change. Amongst other things Policy EQ2 in the Examination Plan seeks compliance with Level 4 of the Code for Sustainable Homes. However both policies have been drafted at a time when national policy is changing and which may in turn lead to changes to regional policy in the London Plan.
177. In particular the previous Government has recently carried out a Housing Standards Review and on 25 March 2015 it issued a Written Ministerial Statement setting out new national policy in this area. This included transitional arrangements for the introduction of the new policy. In relation to plan making this provides amongst other things that:

"From the date the Deregulation Bill 2015 is given Royal Assent [30 March 2015], local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases. Particular standards or requirements for energy performance are considered later in this statement".

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015".

"This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent. This statement does not modify the National Planning Policy Framework policy allowing the connection of new housing development to low carbon infrastructure such as district heating networks." [My emphasis]

178. During the examination hearings the Council sought to redraft Policies EQ1 and EQ2 to accommodate the emerging national policy shift. The proposed Main Modifications **MM27** and **MM28** were published for consultation on this basis. However a strict interpretation of the above statement would suggest that whereas the Council would be able to continue to apply the requirements of the Code for Sustainable Homes if they were in an already adopted policy, they could not now adopt a new policy which made reference to Code for Sustainable Homes and yet remain consistent with national policy.
179. Nevertheless Policy 5.2 of the London Plan is an adopted development plan policy which does remain in effect. Amongst other things it provides that residential buildings should be constructed with energy targets 25% above 2010 Building Regulations requirements between 2010 and 2013 (Code for Sustainable Homes Level 4) and 40% above those same requirements between 2013 and 2016 when they would revert to the building regulations requirements applicable at that time. The Mayor's Sustainable Design and Construction SPG published in April 2014 indicated that the 40% target would be applied at a reduced rate of 35% (which would nevertheless remain above the Code Level 4).
180. Whilst the Council thus could not adopt its own new Local Plan policy requiring compliance with the former Code Level 4, it would appear that until October 2016 (when new building regulations come into force), the Council would still be able to apply energy requirements for housing which exceed the current

Building Regulations by relying on the above London Plan policy (but moderated so as not to exceed former Code Level 4 requirements).

181. **MM27** amends Policy EQ1 in respect of carbon reduction to ensure consistency with national and London Plan policy including paragraphs 95-97 of the Framework. Since the Main Modifications were issued for consultation purposes MM27 has been further modified to amend an inappropriate reference to compliance with both the Building Regulations and the London Plan as these have different requirements. Reference is to be made only to the carbon reduction standards in the London Plan. The policy would remain in conformity with the London Plan as and when its own standards are reviewed.
182. **MM28** amends Policy EQ2 in respect of carbon reduction to ensure consistency with national and London plan policy including paragraphs 95-97 of the Framework. Since the Main Modifications were issued for consultation purposes MM28 has been further modified to again cross refer to standards in the London Plan and delete from the policy reference to the withdrawn Code for Sustainable Homes. As the London Plan policies were already part of the development plan and were similar in effect to Policies EQ1 and EQ2, and because the further modifications to **MM27** and **MM28** are an unavoidable change to accord with revised national policy which itself took account of public consultation, the changes do not require further public consultation.

Issue 15 – Whether the policies for Enhancing Connectivity (including Transport) are sound, or can be made so?

183. Policy EC1 (Strategic Transport Connections) generally promotes or supports a number of strategic transport schemes including several rail schemes, cycle networks, improved bus services to serve growth areas, and improvements to the highway network. The implementation of many of these proposals is dependent on other partners. There were initial representations from the Highways Agency and Transport for London in particular which did not then support the underlying Hounslow Strategic Transport Study. Transport for London was also critical of some aspects of particular schemes.
184. However amendments were made to the policy and its justification in the Schedule of Minor Changes. Also the Council has continued to discuss these proposals with its partners. Before it was restructured as Highways England on 1 April 2015, the Highways Agency expressed its satisfaction that the Local Plan proposals will not materially impact on M4 Junction 3. It considered that there may be cumulative impacts from other development in the future (Document EC09). That would require consideration as part of the West of Borough Plan and as an issue for the duty to cooperate with neighbouring Boroughs in relation to their development proposals. It does not render the subject Local Plan unsound.
185. Transport for London has withdrawn its concerns about the robustness of the modelling. However it notes that some of the rail proposals relevant to the Golden Mile (Great West Corridor) are not guaranteed to come forward in the time period of the plan and that this could affect modelling assumptions (Document EC10). TfL therefore recommends that the Council considers a 'Plan B'. In that regard Policy EC1 already promotes improved bus services for

that area. Moreover some major developments have already been committed after individual Transport Assessments. Transport Assessment would be required for individual planning applications for further major development. The proposed Great West Corridor Plan would itself need to address what amount of further growth could be accommodated there having regard both to the transport implications and to which transport improvements could be reasonably assured. Whether or not this area becomes an Opportunity Area could also affect public transport funding priorities. In the meantime I conclude that Policy EC1 is sound.

186. Policy EC2 seeks to develop a sustainable local transport network that maximises opportunities for walking, cycling and using public transport, reduces congestion, improves the public realm, and improves health and well-being. Measures towards this aim include the promotion of car-free or low-car zones and development (which the London Plan encourages in areas of the highest public transport accessibility), requirements for travel assessments and travel plans, and by controlling parking provision. This is justified by evidence of traffic congestion and poor air quality in Hounslow and by objectives to reduce carbon emissions.
187. The policy wording in the Examination Plan generally seeks conformity with the present London Plan parking standards. However there are some ambiguities in the text and in the London Plan policies themselves which would hinder the application of the policy. Main modification **MM29** addresses these ambiguities in the interests of effectiveness and for consistency with the parking standards in the adopted London Plan. It would allow for the updating of standards as and when they are altered in the London Plan. The London Plan residential standards provide for a range of parking provision for residential development in suburban areas. The Examination Plan indicated that there could be variation from these standards in areas of lower public transport accessibility but was unclear as to the criteria for such variations or their extent. The modified wording clarifies that parking provision should be at the maximum or upper end of that range in such circumstances.
188. The former government issued a Written Ministerial Statement on 25 March 2015. The WMS adds to national policy in the Framework and states: *'Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network'*.
189. I do not consider that it is necessary to provide additional justification for those policies. The reasoned justification already sets out the reasons why parking standards are needed and this is supported by evidence such as the Sustainability Appraisal and the Local Implementation Plan for Transport 2011-2031. Reasons include the congestion and air quality issues in the Borough (all of which is an Air Quality Management Area) and the need for modal shift to non-car travel modes if the Borough is to accommodate the levels of growth proposed in the Local Plan, as well as the further growth that is likely to come forward through the intended partial reviews of that plan to address identified needs for housing, employment and other development.

190. In May 2015, after the publication of the WMS, and midway through the Proposed Modifications Public Consultation, the Greater London Authority published proposed Minor Alterations to the London Plan in respect of Parking Standards. The relevant proposed changes are that, whereas Policy 6.13Ea continues to state that *'the maximum standards set out in table 6.2 in the Parking Addendum should be used to set standards in DPDs'*, a new sub-paragraph Ee states *'outer London borough should promote more generous standards for housing development in areas with low public transport accessibility (generally PTALs 0-1) and take into account current and projected pressures for on-street parking and their bearing on all road users, as well as the criteria set out in Framework (Para 39)*. This is amplified in the supporting text.
191. It cannot be said at this stage whether the Minor Alterations will be adopted in their present form. However the Local Plan policy is broadly consistent with the above wording in that parking standards will be more generous for housing in areas with low public transport accessibility. It also allows for standards to change as and when the London Plan standards are altered.
192. It is concluded that the policies for Transport and Connectivity can be made sound if Policy EC2 is modified in accordance with **MM29**.

Issue 16 – Whether the policies for Implementation and Monitoring are sound, or can be made so?

193. In the Pre Submission version of the Local Plan, Policy IMP1 sought to demonstrate a commitment to a plan-led and positive approach to growth and sustainable development by paraphrasing parts of the Framework. The Schedule of Minor Changes considerably extended the policy by adding a number of provisions relating to comprehensive site development, an infrastructure delivery plan (duplicating provisions in Policy IMP2), monitoring, and criteria for the variation of site allocations. The Examination Plan version of the policy is consequently somewhat unwieldy and would probably prove ineffective in these multiple roles. It also creates the potential for conflict with national policy for sustainable development due to the variations from Framework wording that has previously itself been tested in the courts to resolve interpretation disputes. Similar disputes are likely if different wording is adopted in the Local Plan.
194. Main modification **MM30** would therefore amend Policy IMP1 in the interests of effectiveness and of consistency with national policy in the Framework, firstly by simplifying the approach to sustainable development (with a simple cross reference to the Framework), secondly by avoiding the creation of different tests for the application of policy, and thirdly by removing tests for site allocations that are now to be addressed instead by the modified Policy CI2 and new Policy IMP2.
195. Policy IMP2 in the Examination Plan was concerned with implementation and monitoring. Its effectiveness would however be compromised by some of its wording. In particular:
- The lack of provision for monitoring of the infrastructure delivery plan

- An inference that infrastructure would be delivered by undefined 'planning contributions' (which lack definition) rather than by 'planning obligations' (which are defined in legislation and guidance)
- The out of date reference to the West London Waste Plan
- The inaccurate references to the partial local plan reviews proposed by MM1 and MM2
- The lack of a requirement that the delivery of infrastructure to support development needs to be assured
- References to informal supplementary planning guidance rather than formal supplementary planning documents that have been adopted after due process as provided for in statutory regulations

196. Main modification **MM32** would rename former Policy IMP2 as Policy IMP3 and it makes amendments in the interests of effectiveness to address the above matters.

197. Whereas the Local Plan includes a long list of site allocations that are essential to the implementation of the Plan's strategy, the allocations lack formal policy support. The individual allocation descriptions are in many cases ambiguous as to which provisions are requirements and which are only guidance. Many of the proposed uses are only vaguely defined – for example a 'commercial' use may be retail or office or for some other purpose. Also the mixed use allocations provide no indication of how much development in each use is intended. These matters make very uncertain what development is anticipated of each site and whether the plan's strategy is deliverable to meet identified requirements for housing, office space, retail space and education facilities.

198. **MM31** adds new Policy IMP2 'Delivering Site Allocations' in the interests of effectiveness and because of ambiguities in the descriptions of site allocations which could otherwise impede their delivery. In particular it seeks to provide that development proposals 'accord with' the identified allocation and use of the site, which in many cases include mixed uses. In the interests of the flexibility sought by the Council to respond to changing circumstances the identified allocation and use do not prescribe the amount of floorspace or unit numbers. Policy IMP2 also includes a requirement that development proposals 'have regard to' the context, constraints and other provisions of each allocation description. The latter provision allows for appropriate flexibility in the design of schemes.

199. The Council has put forward associated consequential additional minor modifications to the wording of the allocation descriptions and other provisions as AM99-AM136. For mixed use sites these include reference to the ratios of floorspace in different use on which the allocations were based. This is a means of guiding development. The Council has proposed moving references to floorspace ratios from the 'Justification' paragraph to the 'Context and Constraints' paragraph as a further minor change. That and the wording of IMP2 mean that the ratios would remain flexible requirements to which regard should be had. In particular, whereas IMP2(e) provides that development proposals should seek to meet the ratio of floorspace uses set out in the

allocations, it allows for variations for reasons which may include viability or which are otherwise supported by other plan policies.

200. At the public consultation stage the wording of IMP2 in MM31 omitted to refer to the status of adopted Council planning briefs for individual sites which would consequently have resulted in ambiguity and harm to effectiveness. A further change to criterion (d) therefore adds a reference to such briefs.

Assessment of Legal Compliance

201. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Hounslow Local Plan is identified within the approved LDS of February 2014 which sets out an expected adoption date of April 2015. That date cannot now be met. However that related to an anticipated submission for examination in June 2014 whereas the actual submission date was 20 August 2014. Also it did not allow for the necessary public consultation on the Schedule of Minor Changes. The LDS currently refers to the Great West Area Action Plan and the West of Borough Area Action Plan. These are to be replaced by the Great West Corridor Plan and the West of Borough Plan as partial reviews of the Local Plan to accord with the proposed Local Plan policies SV1 and SV2. The Local Plan's content and timing are otherwise compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2013. That some consultation documents were temporarily unavailable at some libraries during the consultation period for the Schedule of Minor Changes should not have materially prevented anyone from commenting on the changes (see above). Consultation has been generally compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	As described in the Report SA has been carried out in respect of the Proposed Submission Local Plan. It was then reviewed for the Schedule of Minor Changes and was updated in respect of the Proposed Main Modifications and Additional Minor Modifications. It is concluded that there has been adequate sustainability appraisal to satisfy the legal requirements.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (March 2014) (Document LP05) concludes that the development set out in the Hounslow Local Plan would not result in a likely significant effect on any European sites and that AA is thus not necessary. I

	agree. The Council's subsequent minor changes to the Local Plan and the recommended main modifications do not alter that conclusion.
National Policy	The Local Plan complies with national policy except where indicated in the report above and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS (Document LP22).
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

202. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

203. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Hounslow Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

R P E Mellor

Inspector

This report is accompanied by the Appendix containing the Main Modifications