

REPORT TO: Executive Board Sub Committee

DATE: 18 December 2008

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Planning & Risk Supplementary Planning Document (SPD) - Approval for Statutory Period of Public Consultation

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to seek approval for the publication of the draft Supplementary Planning Document (SPD) on Planning & Risk for the purposes of statutory public consultation in January and February 2009

2.0 RECOMMENDATION: That

- 1) the draft Supplementary Planning Document (SPD) Planning & Risk be approved for the purposes of statutory public consultation;**
- 2) the comments received at the stakeholder consultation stage, as set out in the Statement of Consultation and responses to them are noted;**
- 3) further editorial and technical amendments that do not materially affect the content of the SPD be agreed by the Operational Director - Environmental & Regulatory Services in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal, as necessary, before the document is published for public consultation; and**
- 4) the results of the public consultation exercise and consequent recommended modifications to the draft SPD be reported back to the Executive Board for resolution to adopt as a Supplementary Planning Document.**

3.0 SUPPORTING INFORMATION

The need for the Planning & Risk SPD

3.1 There are two special types of development which the Council's UDP defines as providing the potential for significant off site accidental risks and therefore require the production of a Supplementary Planning Document.

3.2 The first special type of development is sites (and pipelines) which hold or handle sufficient quantities of potentially dangerous chemicals as defined by the Planning (Control of Major Accident Hazard) Regulations (COMAH) and associated legislation and which therefore justify special steps to be taken to control their development and also developments around them.

3.3 The second special type of development is airports, which present the same sort of potential for significant off site accidental risks as COMAH and similar hazardous installations.

Planning & Risk SPD – Appendix 1

3.4 Halton is affected by the Public Safety Zone (and wider flight path) from Liverpool John Lennon Airport. It is also affected by a significant number of hazardous installations and pipelines and their planning consultation zones.

3.5 All these sites and zones are identified in the SPD document which is Appendix 1 to this report. It also contains the proposed policies affecting them and the analysis and justification for those proposed policies.

Stakeholder consultation stage – Appendix 2

3.6 The new planning system requires that a record be kept of any consultees, their comments and how they have been taken into account, throughout the production of an SPD. A list of those consulted so far at the earlier Stakeholder consultation stage, carried out in August and September 2008, the comments received, and how these were taken into account, is contained in Appendix 2 to this report.

Scoping stage & Sustainability Appraisal– Appendix 3

3.7 Another requirement is that a scoping exercise must be undertaken to see if a Strategic Environment Assessment (SEA) is required to assess the environmental effects of the SPD. In June & July 2007 a Scoping Report was consulted upon in line with the relevant regulations. The conclusion was that a SEA was not required in relation to this SPD.

3.8 An additional new requirement in relation to producing a SPD is that a Sustainability Appraisal (SA) is produced. The purpose of the SA is to independently assess the contribution that the Planning & Risk SPD will make to achieve the social, economic and environmental objectives of sustainable development. The SA also refers back to the conclusion and responses received in relation to the earlier Scoping Report in 2007.

3.9 The SA Report (Appendix 3) will be consulted upon at the same time as the Draft Planning & Risk SPD.

The final stage after the public consultation process

- 3.10 Once the formal public consultation exercise has been conducted, the responses will be recorded and taken into account.
- 3.11 It is intended that a further report will then be taken to Executive Board, seeking formal adoption of the revised Planning & Risk SPD.

The need for delegated authority

- 3.12 The recommendation in this report asks for delegated authority. In the draft SPD (Appendix 1) identifies hazardous installations and their associated policy zones and planning consultation areas. It is important that these are as up to date as possible and that they can be changed within relatively small time scales. In addition to the possibility of finding other editorial and technical amendments this is the reason for seeking delegated authority.

4.0 POLICY IMPLICATIONS

- 4.1 Halton has, as members will know, a special history in respect of the chemical industry and its role in the development of the Borough. Halton also has lengthy experience, unusual expertise and a wide ranging track record of taking a measured and expert approach to the examination and planning of developments in and around hazardous installations that could create or increase the special risks to the community, if not handled carefully.
- 4.2 The need to strike the right sustainable balance between economic prosperity and individual safety has been a very important principle in the process first started by councillors in the run up to Halton's inception in April 1974. One result has been a unique set of risk based Development Plan policies (which have been formalised since 1996) not followed by other local planning authorities who have had to rely solely upon the advice of the Health & Safety Executive on these matters. This report recommends public consultation on the latest stage in the development and evolution of this unusual and important policy advice. The SPD explains in more detail how the UDP's policies should be interpreted and implemented.
- 4.3 As with most other local planning authorities, Halton has always taken full account of the advice from the Health & Safety Executive. However, because of the Council's long standing use of independent expert consultants to help in the Council's decision making processes and the special nature of the Borough, policies significantly different from HSE advice have been developed since the 1980's.
- 4.4 The HSE has always been consulted both on relevant planning applications and Hazardous Substance Consent applications. It has also been consulted at the various stages in the development of Halton's own Development Plan policies. This started in the mid-1990's with the Halton Local Plan policies and continued through the

various statutory steps which lead to the Council's adoption of the current UDP policies.

- 4.5 In more recent years there has been significant interest from some other local planning authorities in the Council's special approach which allows a more measured and balanced local approach to be taken to the special problems faced by an individual local planning authority.
- 4.6 In many ways the risk based planning policies contained within this SPD are not really unusual as other planning policies and advice is also risk based, for example highway safety advice and flood risk advice on planning applications.
- 4.7 The unique importance to Halton of achieving the right balance between its special history and its future sustainable prosperity is shown by the example of Widnes Town Centre's revitalisation. Had the Council followed HSE advice in relation to the initial redevelopment of Widnes Town Centre no retail redevelopment would have taken place. and the Morrisons redevelopment scheme would not have occurred.
- 4.8 This SPD when adopted will form part of the Local Planning Framework for Halton and will be a material consideration in the consideration of any applicable planning applications. It will provide an easier to understand and more detailed policy framework than the UDP itself.

5.0 OTHER IMPLICATIONS

- 5.1 No other implications

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

- 6.1 No other implications

Employment, Learning and Skills in Halton

- 6.2 No other implications

A Healthy Halton

- 6.3 No other implications

A Safer Halton

- 6.4 A guiding principle of the SPD is to impose pressure on those responsible for the sources of major accident risks, and improve levels of safety where appropriate

Halton's Urban Renewal

6.5 The SPD provides a positive influence in striking the right sustainable balance between economic prosperity and individual safety.

7.0 RISK ANALYSIS

7.1 These proposals are not so significant as to require a full risk assessment.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no equality and diversity issues contained in the report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Halton Unitary Development Plan	Rutland House	Andrew Pannell