

REPORT TO: Executive Board Sub Committee

DATE: 21st December 2006

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: Provision of Open Space Supplementary Planning Document - 2nd Revised Draft Public Consultation

WARDS: Borough wide

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval for the publication of paragraphs 5.8 & 5.9 of Revised Draft Supplementary Planning Document (SPD): Provision of Open Space, for the purposes of an additional 4 week public consultation to accommodate material changes to the document in light of responses received at the previous consultation stage.
- 1.2 A copy of the relevant section of the Provision of Open Space SPD can be found in **Appendix 1** with relevant changes highlighted.

2 RECOMMENDED: That

- 1) The relevant section of draft Supplementary Planning Document (SPD): Provision of Open Space be approved for the purposes of statutory public consultation for a period of 4 weeks;**
- 2) The comments received at the public consultation stage, as set out in the statement of consultation and responses to them are noted;**
- 3) 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 SUPPORTING INFORMATION

- 3.1 In October 2006 the Local Development Scheme (LDS) for Halton was given formal approval by the Government Office for the North West (GONW). This document sets out the spatial planning policy priorities for the Council, for the next three years. The GONW also informed the Council that they did not intend to amend the content of the LDS.

- 3.2 Included within the LDS programme of works is the production of a Provision of Open Space SPD. The purpose of the Provision of Open Space SPD is to complement the Halton Unitary Development Plan (UDP) policies that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quality, quantity and accessibility of all types of open space within Halton. The specific purpose of the SPD was reported to the board on the 20th July 2006 upon seeking approval for formal public consultation. Copies of this report are available from the planning and policy Division. Details are given below.
- 3.3 An informal draft of the Provision of Open Space SPD was circulated between 6th April 2006 and 20th April 2006 to a number of key stakeholders, for comments. This consultation stage was essentially concerned with seeking technical observations from individuals within organisations that would either use or potentially endorse the document once it becomes an adopted SPD. A list of those consulted, comments received and how these were taken into account is contained in the statement of consultation at **Appendix 2** of this report.
- 3.4 Another statutory requirement is that a scoping exercise must be undertaken to see if a Strategic Environment Assessment (SEA) is necessary to assess the environmental effects of the SPD. Between 29th September 2005 and 3rd November 2005 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.
- 3.5 Upon gaining formal approval for public consultation from Exec Board Sub at the meeting of 20th July 2006, a Draft Provision of Open Space SPD was published for a six-week public consultation stage. This occurred from 27th July 2006 until 7th September 2006. A sustainability appraisal accompanied the SPD at this time and was also available for comments. The purpose of the SA is to independently assess the contribution that the Provision of Open Space SPD will make to achieve the social, economic and environmental objectives of sustainable development. It runs parallel to the production of the SPD and also refers back to the conclusion and responses received in relation to the Scoping Report. Copies of the Draft version of the SPD and its accompanying Sustainability Appraisal are available from the Councils Planning and Policy Division.
- 3.6 The responses received at this public consultation can be viewed in the statement of consultation attached to this report at **Appendix 2**, additionally the proposed changes to the SPD as a result of these comments are contained within the same report. With the exception of one set of responses, which will be discussed below, all comments received at the public consultation stage were supportive of the content of the document and all changes can be accommodated within the SPD without materially changing its content.

- 3.7 Paragraphs 5.8 & 5.9 in the draft version of the SPD related to a very specific set of development circumstances for the repayment of commuted sums. This was not an issue that was highlighted during the first internal partnership consultation period by any of those consulted. As a result of the comments made at the public consultation stage this policy has been simplified and may be perceived as a material change to the text. The changes have been proposed to make the SPD as flexible as possible, the original text within the draft SPD only described one situation and it was not a fair representation of current practice or what could happen in reality. The proposed new text for these two paragraphs can be seen in the SPD extract at **Appendix 1** of this report.
- 3.8 Consultation with the Government Office and the Council's Legal Services Division have led to the conclusion that the safest way to take forward the proposed changes is to undertake an additional 4 week public consultation on the two paragraphs, 5.8 & 5.9, hence the production of this report. It is not however necessary to make the whole document available for public consultation. By not undertaking this additional consultation phase there is a possibility the Council may be open to legal challenge relating to the correct procedure in the adoption of planning policy.
- 3.9 Upon completion of this proposed additional consultation period any comments received will be considered, appropriate changes made if necessary, and a report will be submitted to the Council's Executive Board recommending that the SPD be adopted.

4 POLICY IMPLICATIONS

- 4.1 The SPD has been produced to ensure that through its function as a Local Planning Authority, the Council: -
- a) Is in accordance with national and regional planning policy and advice.
 - b) Wherever possible meets the priorities of the community it serves, as set out in the Halton Community Strategy and Corporate Plan.
- 4.2 This SPD directly relates to a number of policies within the Halton Unitary Development Plan. It is particularly intended to provide further detail of what the Council expects in relation to H3, which provides the criteria for new Provision of Open Space.

5 OTHER IMPLICATIONS

- 5.1 No other known implications.

6 RISK ANALYSIS

6.1 No legal or financial risks to the Council can be identified so long as the statutory procedures for the preparation of SPDs are met.

7 EQUALITY AND DIVERSITY ISSUES

7.1 The adoption of the draft SPD does will not have any identifiable equality and diversity implications.

8 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8.1 The alternative options considered with regard to the preparation of this document are set out in the SA Report.

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

<u>Document</u>	<u>Place of Inspection</u>	<u>Contact Officer</u>
Planning Policy Statement 12: Local Development Frameworks	Planning & Policy Division, Rutland House	Perran Baragwanath
Halton Unitary Development Plan, April 2005	Planning & Policy Division, Rutland House	Neil Macfarlane
Provision of Open Space SPD – Pre Production Scoping Report	Planning & Policy Division, Rutland House	Perran Baragwanath
Draft Supplementary Planning Document - Provision of Open Space (version 1)	Planning & Policy Division, Rutland House	Perran Baragwanath
Sustainability Appraisal	Planning & Policy Division, Rutland House	Perran Baragwanath
Statement of Consultation	Planning & Policy Division, Rutland House	Perran Baragwanath
Draft Supplementary Planning Document - Provision of Open Space (version 2)	Planning & Policy Division, Rutland House	Perran Baragwanath
Exec Board Sub Report 20 th July 2006	Planning & Policy Division, Rutland House	Perran Baragwanath