

**REPORT TO:** Environment and Urban Renewal Policy and Performance Board

**DATE:** 25 November 2015

**REPORTING OFFICER:** Strategic Director – Community and Resources

**PORTFOLIO:** Physical Environment

**SUBJECT:** Local Development Scheme - Update

**WARDS:** Borough Wide

## **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to inform the Board of the proposed updates to the Local Development Scheme (LDS) (**Appendix 1**). The LDS is the timetable for production of Halton's Local Plan. It identifies and describes the Planning Policy documents that will be prepared and gives target dates for their production. The Local Plan will set out how the Borough will develop over the next 15-20 years and form the basis for all decisions under the Town and Country Planning Acts. All Councils are required by the Planning and Compulsory Purchase Act (2004) to produce an LDS and keep it updated.

2.0 **RECOMMENDATION: That the provisional Local Development Scheme appended to this report (Appendix 1), and the Local Plan document highlighted in the LDS, be noted.**

## **3.0 SUPPORTING INFORMATION**

3.1 The Local Plan for Halton currently includes the Core Strategy and the Joint Waste Plan. These documents have replaced a number of policies from the Unitary Development Plan (known as the UDP); however, there is still a number of saved policies within the UDP in use. The Delivery and Allocations Local Plan will supersede these remaining 'saved' UDP policies and selected policies from the Core Strategy, it will then sit alongside the remaining policies from the Core Strategy and Joint Waste Plan to provide the Development Plan for the Borough.

3.2 The Council also has the option to produce Supplementary Planning Documents (known as SPDs) (e.g. Sandymoor, Planning for Risk,

Affordable Housing, Hot Food Takeaway) to support policies with the Local Plan or to provide additional guidance.

3.3 There is also a number of supporting and process documents that the Council is required to produce including:

- A **Sustainability Appraisal (SA)** is prepared alongside a planning document, including the Local Plan, to ensure that the document as a whole reflects a balance of sustainable development objectives (social, environmental and economic factors). The SA incorporates the requirements of the European Union (EU) Strategic Environmental Assessment (SEA) Directive 2001/42.
- A **Habitats Regulations Assessment (HRA)** is a requirement of the European Habitat Directive and seeks to assess the potential impact of a proposed plan in conjunction with the other plans and policies on one or more European Habitat sites. This is also referred to as the Appropriate Assessment (AA).
- An **Infrastructure Delivery Plan (IDP)** will be prepared alongside the Local Plan to identify essential supporting infrastructure and services, how they will be delivered and by whom.
- A **Statement of Community Involvement (SCI)**, which specifies how stakeholders and communities are involved
- A **Local Development Scheme (LDS)** that sets out details of each of the documents that will be produced, along with timescales and arrangements for their production.
- An **Authority's Monitoring Report (AMR)** setting out progress in terms of producing documents and in implementing policies.

3.4 The Council may also produce a **Community Infrastructure Levy (CIL)** that will set out a statutory charging schedule for new development contributing to the provision of new infrastructure needs resulting from that development.

3.5 The LDS is a public statement of Halton Borough Council's three year work programme for producing of the Local Plan. The process of making Local Plans is a lengthy one, made so by the detailed protocols set out in legal acts and regulations. If due process is not followed this becomes a viable legal ground for challenges either in front of an Inspector at Examination or via court action leading to the plan being found unsound or quashed by the High Court.

3.6 The attached LDS allows for a degree of over-programming to ensure that resource capacity is continually engaged, for example during public consultation periods where work on a document is stalled by necessity.

During these periods work on other documents can take place, this may include collecting evidence to support the Local Plan, monitoring the Local Plan, producing supporting document or process documents, or preparing SPDs. The effect of this over-programming is that it can be difficult to manage SPDs to strict deadlines as work on them is fitted around higher priority deliverables.

#### **4.0 POLICY IMPLICATIONS**

4.1 The documents that comprise the Local Plan have primacy in all planning decisions. This is by virtue of the Planning and Compulsory Purchase Act 2004 – Section 38(6):

*“If regard is to be had to the development plan for the purpose of **any determination** to be made under the planning Acts the determination **must be made in accordance with the plan** unless material considerations indicate otherwise.”*

4.2 The above legal statement is reiterated in the National Planning Policy Framework (NPPF). The Local Plan therefore has significant policy implications across a range of social, economic and environmental issues. All planning application decisions in the Borough will be made in accordance with the policies in the Local Plan.

4.3 NPPF further states, that *“where plans are absent, silent or relevant policies are out-of-date”* authorities should grant planning permission unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”*. It is important therefore that Halton maintains an up-to-date Local Plan and that efforts are concentrated towards the most crucial elements of this.

4.4 Given resource constraints it is imperative that the LDS is focussed on the delivery of the key documents that will have the most significant impact for the Borough.

4.5 An LDS is an essential tool in policy production as it allows future participation to be scheduled in advance by stakeholders, industry and the public. The LDS gives prior notice on when Local Plan documents will be consulted upon and produced and each of the key stages of production. Representations, ideas, and sites for development can then be put forward at the appropriate time. Regular updates on the milestones in the LDS are published on the Council’s Website

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The LDS is a 'process document' and as such has no direct financial implications beyond setting the timetable for the production of different planning documents that may incur expenditure on supporting evidence base, statutory assessments or examination costs.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children & Young People in Halton**

No direct impacts identified. The LDS is a 'process document' that sets out the programme for the updating of the Local Plan, which is intended to assist in the delivery of the Sustainable Community Strategy

### **6.2 Employment, Learning & Skills in Halton**

Same as for 6.1

### **6.3 A Healthy Halton**

Same as for 6.1

### **6.4 A Safer Halton**

Same as for 6.1

### **6.5 Halton's Urban Renewal**

Same as for 6.1

## **7.0 RISK ANALYSIS**

- 7.1 An LDS is a statutory document. Not having one puts the Authority at the risk of legal challenge. Stakeholders are entitled to rely upon forward notice of the Local Plans that will be produced and may directly impact on their assets or business.

- 7.2 The LDS is an explicit commitment to the delivery of the Local Plan over a definite period. Not having a specific and relatively fixed work programme for Local Plan delivery means that resources are not prioritised and used as effectively as they could be.

- 7.3 The risk of not having an up-to-date Local Plan needs to be fully understood. Without a current Local Plan, the development industry has no certainty over where different types of land use will be permitted; appeals against refusal of planning permission are more likely to be upheld in the developer's favour with the possibility of costs awarded against the Council.

An up-to-date Local Plan is needed to retain local control over decision making.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 Building stronger communities through community engagement and good planning is a key aspect of the Local Plan. The Council is already committed to equality regardless of age, sex, caring responsibility, race, religion, marital status, maternity issues, gender reassignment, socio economic need, sexuality or disability and these commitments are reflected in the Local Plan as far as is relevant. Planning Policy documents are subjected to Equality Impact Assessments during their production to ensure compliance.

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Local Development Scheme	Municipal Building, Widnes	Tim Gibbs

## **APPENDIX 1 – Provisional Halton Local Development Scheme - 2015**

### **Development Plan Documents**

\*The Town and Country Planning (Local Planning) (England) Regulations 2012

	Preparation of a Local Plan (Reg 18*)	Publication (Reg 19*)	Submission (Reg 22*)	Examination (Reg 24*)	Adoption (Reg 26*)
Delivery and Allocations Local Plan	December 2015	September / October 2016	May / June 2017	November 2017	June 2018
Community Infrastructure Levy (CIL) Charging Schedule	December 2015	September / October 2016	May / June 2017	November 2017	June 2018

### **Supplementary Planning Documents**

	<b>Adoption</b>
Transport and Accessibility	By 2016
Environmental Protection	By 2016
Sustainable Urban Drainage	By 2016

### **Supporting Evidence Requirements**

Widnes and Hale Green Belt Study	2016
Strategic Housing Land Availability Assessment (SHMA) (Annual Update)	Annual
Mid-Mersey Strategic Housing Market Assessment (SHMA)	2016
Playing Pitch Strategy	2016
Liverpool City Region Strategic Housing and Employment Land Market Assessment (SHELMA)	2017
Halton Retail Study	2016