

**REPORT TO:** Executive Board

**DATE:** 22 September 2021

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

**PORTFOLIO:** Environment and Urban Renewal

**SUBJECT:** Halton Delivery and Allocations Local Plan, Post-Submission Changes

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 The Delivery and Allocations Local Plan (DALP) was submitted to the Secretary of State for independent examination on 5<sup>th</sup> March 2020. The Examination process took place between March – June 2021 and has identified a number of issues that need to be resolved by ‘Main Modifications’ to the Plan and subsequent changes to the Policies Map. This report updates members on the expected changes needed to make the Local Plan ‘sound’ (**Appendix A**).
- 1.2 Although the Council are still awaiting an initial written response from the Inspectors who conducted the Examination, Officers are aware that some modifications will be need to the Local Plan for it to be found ‘sound’ by the Inspectors.
- 1.3 Any modifications need to be subject to formal public consultation for a period of not less than 6 weeks in compliance with the adopted Statement of Community Involvement and statutory regulations.

## **2.0 RECOMMENDATION: That Board Members note the report and comment upon the suitability of the expected modifications to the Delivery and Allocations Local Plan.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 The Halton Delivery and Allocations Local Plan was submitted to the Secretary of State for Communities and Local Government for independent examination. The Secretary of State appointed Planning Inspectors Caroline Mulloy BSc (Hons) DipTP MRTP and David Troy BSc (Hons) MA MRTPI to conduct the examination.
- 3.2 The examination commenced on 9<sup>th</sup> March and was completed on 17<sup>th</sup> June 2021, which consisted of public hearing sessions held online (using Microsoft Teams). The main issues discussed at the hearing sessions were set by the Planning Inspectors prior to their commencement. These were as follows:

- Matter 1 Procedural/legal requirements
- Matter 2 The Duty to co-operate
- Matter 3 The Spatial Strategy
- Matter 4 The Housing Requirement
- Matter 5 Other Housing Requirements
- Matter 6 The Employment Requirement
- Matter 7 Retail Hierarchy and Capacity (policy CS(R)5)
- Matter 8 Green Belt
- Matter 9 Transport and Liverpool John Lennon Airport and Infrastructure
- Matter 10 Natural and Historic Environment
- Matter 11 Implementation/Whole Plan Viability
- Matter 12 Residential Allocations
- Matter 13 Employment Allocations
- Matter 14 Town Centre/Retail/Mixed use areas and Education Allocations
- Matter 15 Gypsy and Traveller Allocations
- Matter 16 Safeguarded Land
- Matter 17 Housing Land Supply and Delivery
- Matter 18 Employment Development Policies
- Matter 19 Residential Development Policies
- ;Matter 20 Connectivity
- Matter 21 Halton Centres
- Matter 22 Design and Sustainable Development Policies
- Matter 23 Environment
- Matter 24 Minerals
- Matter 25 Other Policies
- Matter 26 Local Plan Monitoring

3.3 The Council and the other interested parties who wished to attend the Examination were requested to make written submissions, stating their position and the changes they were seeking through the hearing sessions. These formed the basis of the discussions at the hearing sessions and are available to view on the Council website here: <https://www3.halton.gov.uk/Pages/eip/examdocs.aspx>

3.4 Discussions at the hearing sessions resulted in a number of agreed changes to the wording of policies and amendments to the Policies map to enable the plan to be capable of being found “sound”. The changes that were discussed are contained in Appendix A.

3.5 The Sustainability Appraisal and Habitat Regulations Assessment will also need to be updated and reviewed to take account of the proposed modifications. These revised appraisals will be subject to consultation alongside the DALP.

#### Next steps

3.6 Once the Inspector’s initial report has been received, the required modifications will be known. Full Council will need to consider the modifications. If approved, a six week period of public consultation will invite comments on the proposed modifications that have been made since the DALP was submitted to the

Secretary of State in March 2020, and on the document's consistency with the National Planning Policy Framework.

- 3.7 Following the consultation, the Council will compile all representations received and provide a response back to the Inspectors. The Inspectors will then consider those representations before producing their formal report into the soundness of the Halton DALP. At present it is anticipated that we will receive this report in December/January 2022. After the Inspector's formal report has been received, and hopefully finds the Plan sound, the DALP will return to the Executive Board and Full Council to gain approval to adopt the plan, so that it becomes part of the development plan for Halton. Timetabling suggests that the DALP will be adopted in the first quarter of 2021.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The Delivery and Allocations Local Plan (DALP) is the primary policy document within Halton's Statutory Development Plan / Local Plan. The DALP is more than a planning document; it is a significant corporate policy document and as such, it will have widespread policy implications for the Council and its partners. The DALP has been in production since 2014 and therefore it is highly important that the Council presents a document that the Inspectors find capable of recommending for adoption. This will enable the Council to progress other documents within the Local Development Scheme, with the DALP as the overarching, long term, planning policy document for Halton.

#### **5.0 OTHER IMPLICATIONS**

- 5.1 No other implications to the Council have been identified.

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

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

A significant component of the content of the DALP is aimed at supporting the aspirations of younger people, and supporting the provision of opportunities for them to enter further education or employment. The Plan also addresses the need to encourage and provide opportunities for children and younger people to access and participate in physically active, healthy lifestyles.

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

One of the main thrusts of the DALP is to support the enhancement of the Borough's economy and hence deliver economic growth. The DALP also aims to consolidate and enhance linkages to the wider sub-region and deliver the economic benefits of Halton's advantageous geographic location.

##### **6.3 A Healthy Halton**

The DALP contains a number of policies intended to directly or indirectly contribute to addressing the Borough's health problems across a number of policies, including through the maintenance of well-designed places and spaces, support for accessible sustainable travel options and through the provision of a healthy, green local environment. The DALP includes policy CS(R) 22: Health

and Well-being which specifically looks to support healthy environments and lifestyles in the Borough.

#### 6.4 **A Safer Halton**

Making Halton safer is a key consideration for the DALP, which aims to ensure that Halton’s communities, businesses and visitors enjoy access to a safe and sustainable physical environment with natural and man-made risks and hazards being minimised. A number of policies seek to create and sustain safer environments, which are well designed, well built, well maintained and valued by all members of society.

#### 6.5 **Halton’s Urban Renewal**

The DALP key urban regeneration areas highlight areas which will be subject to concentrated renewal. The other policies in the Plan seek to support the renewal and/or enhancement of the Borough’s green and built environment, with a particular focus on housing areas, employment land and the Borough’s town centres.

### 7.0 **RISK ANALYSIS**

7.1 By consulting upon the changes to the DALP there is the potential that any consultation may generate new representations from the public and other interested parties. The Planning Inspectors, while compiling their formal report, will consider whether any representations received raise any new issues and whether the DALP would benefit from further changes in response to the points raised.

### 8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 The changes required by the Inspectors are not expected to have a differential negative impact on the protected characteristics of the communities of Halton. Equality Impact Assessments have previously been undertaken on the DALP at the Proposed Submission and Revised Proposed Submission stages. No significant foreseeable impacts were identified at any of these stages.

### 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> |
|---|----------------------------|------------------------|
| Saved Policies of the Halton Unitary Development Plan | Municipal Building, Widnes | Alasdair Cross         |
| Halton UDP Proposals Map                              | Municipal Building, Widnes | Alasdair Cross         |

|  |                            |                |
|--|----------------------------|----------------|
| Halton Local Development Scheme 2017   | Municipal Building, Widnes | Alasdair Cross |
| The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) | Municipal Building, Widnes | Alasdair Cross |
| National Planning Policy Framework (2019)  | Municipal Building, Widnes | Alasdair Cross |
| Halton Core Strategy Local Plan (2013)   | Municipal Building, Widnes | Alasdair Cross |
| Waste Local Plan (2013)  | Municipal Building, Widnes | Alasdair Cross |

## **APPENDIX A**

1. The draft DALP document can be found on the Council's website:  
<https://www3.halton.gov.uk/Pages/planning/policyguidance/planningplans.aspx>  
<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/eip/SD01.pdf>
2. During the course of the Hearing Sessions (March/April and June) the Inspectors and officers discussed a number of points that require Modifications to be made to the plan in order for it to be found sound. We are awaiting confirmation (Initial report) from the inspectors that the following modifications will be acceptable to find the Plan sound. They include;
  - **Incorporate the revisions to use class descriptions within all relevant policies and justifications** to accord with Revisions to the Use Classes Order (October 2020).
  - **Amendments to the Story of Place** to better explain the historical context in Halton. Text agreed with Historic England (SOCG 2021).
  - **Changes to Policy CS(R) 1** to give increased prominence to Habitat Regulations and Recreation Impact Management Strategy (RMS) in the Plan. Text agreed with Natural England (SOCG 2021).
  - **Changes to Policy CS(R) 3 Figure 7 Housing Trajectory** to reflect revised development start dates / build rates discussed during hearing sessions.
  - **Changes to Policy CS(R) 7** to ensure all development is required to deliver green infrastructure approaches such as SUDs to maximise in situ pollutant attenuation. (Addition requested by Natural England) and inclusion of flood defence infrastructure (requested by the Environment Agency).
  - **Changes to Policy CS(R) 12** to incorporate Custom and Self Build housing requirements previously policy RD6 proposed to be deleted.
  - **Changes to Policy CS(R) 13** to increase site area from 0.33hs to 0.5ha requiring the provision of affordable housing with the exception of brownfield sites and also to incorporate Custom and Self Build housing requirements previously policy RD6 proposed to be deleted.
  - **Changes to Policy CS(R) 14** wording changes to reference the historic environment, heritage assets and their setting. Agreed through Historic England SOCG.
  - **Changes to Policy CS(R) 15** wording changes to replace reference to supporting evidence from the policy to the justification.
  - **Changes to Policy CS(R) 17** wording changes to address atmospheric pollution on the integrity of European sites and include reference to the 'appropriate statutory body'.
  - **Changes to Policy CS(R) 18** wording changes to include environmental needs of the borough and reference the National Design Guide (July 2021) in the policy justification.
  - **Changes to Policy CS(R) 19** wording changes to include the national design guide and the energy hierarchy. Changes to the justification to 'encourage' rather than 'expect' improvements in CO2 emission savings to be in conformity with policy requirements.
  - **Changes to Policy CS(R) 20** wording changes to reflect Article 6(4) of the Habitat Directive. (IROPI), address functionally linked supporting habitat. Agreed through Natural England SOCG and address the requirements of the NPPF for the historic environment, heritage assets and their setting. Agreed through Historic England SOCG
  - **Changes to Policy CS(R) 21** to update standards of provision for Greenspace/Green Infrastructure and remove reference to Use class A5.
  - **Changes to Policy CS(R) 25** wording changes to include Minerals Area of Search and support Oil and Gas onshore proposals that will not lead to unacceptable adverse impacts on the integrity or geological structure. Changes to the justification to clarify meaning of least sensitive locations.

- **Policy changes to RD1 and RD2** to update notional site capacity totals, housing land supply figures and incorporate revised EA flood risk data.
- **Policy changes to RD3** wording to include 'regards to amenity and highways'
- **Policy changes to RD4** to update accessibility standards for greenspace
- **Policy changes to RD6** previously Custom and Self Build Housing now incorporated within CS(R)11 and 12 RD6 is deleted.
- **Policy changes to C1** wording amended for clarity and the addition of named transport hubs within the policy.
- **Policy changes to C2** wording amended to reflect motorcycle parking standards.
- **Policy changes to C4** wording removed from policy and added to the justification with regard to the evidence base.
- **Policy changes to HC1** wording amended to align with the requirements of NPPF.
- **Policy changes to HC4** wording amended to reflect advice from English Heritage on compliance with the NPPF – agreed in SOCG.
- **Policy changes to HC8** wording amended to better define the geographic areas and units considered in the calculation of the policy standard.
- **Policy changes to HE1** wording amended to give increased prominence to Habitat Regulations and Recreation Management Strategy (RMS) and to align with para 170 and footnote 53 of NPPF. Text agreed with Natural England.
- **Policy changes to HE2** wording amended to improve clarity whilst addressing specific concerns from Historic England regarding terminology / consistency with legislation / guidance. Text agreed with Historic England in SOCG
- **Policy changes to HE3** justification amended to include the definition of Coastal Change Management Areas for clarity of policy requirement.
- **Policy changes to HE4** Title and wording amended to incorporate policy HE6 Greenspace HE4 now combines Green Infrastructure and Greenspace Provision.
- **Policy changes to HE6** Title and wording amended Greenspace now incorporated within HE4. Policy now addresses Outdoor and Indoor Sport Provision only the policy wording is agreed with Sport England.
- **Policy changes to HE7** wording amended to give increased prominence to Habitat Regulations. Agreed with Natural England (SOCG)
- **Policy changes to HE8** wording amended to include National and International nature conservation sites. Agreed with Natural England (SOCG)
- **Policy changes to HE9** wording amended to align with the requirements of NPPF.
- **Policy changes to HE10** wording amended in accordance with para 204 NPPF and MHC&LG (2014) Guidance on the planning for mineral extraction in plan making and the application process.
- **Policy changes to HE11** wording amended to align with the requirements of NPPF. Agreed with Historic England (SOCG) the exclusion of point 7d.
- **Policy changes to GRI** justification amended to include National Design Guide 2021.
- **Policy changes to GR2** wording amended to align with the requirements of NPPF.
- **Policy changes to GR3** wording amended to avoid conflict with PD rights.
- **Policy changes to GR5** wording amended to align with the requirements of NPPF. Agreed with Historic England (SOCG)
- **Policy changes to GB2** wording amended to align with the requirements of NPPF.
- **Modification to NPPF Requirements Appendix B** to reflect NPPF 2021.
- **Deletion of Core Strategy Requirement Appendix C -** as no longer appropriate the DALP replaces all relevant Core Strategy requirements.
- **Modification to Parking Standards Appendix E -** to reflect revisions to the Use Classes Order (October 2020).
- **Modification to Appendix G - Monitoring Framework** to incorporate the strategic objectives and ensure SMART indicators and policy targets are identified.