

REPORT TO: Executive Board

DATE: 15 July 2021

REPORTING OFFICER: Strategic Director – Enterprise, Community & Resources

SUBJECT: Halton Local Development Scheme

PORTFOLIO: Environment and Urban Renewal

WARDS: Borough-wide

1. PURPOSE OF THE REPORT

- 1.1. This report seeks the Board's approval to update the Local Development Scheme (LDS) (Appendix 1). Under statute, a council must prepare and keep updated a 'Local Development Schemes' (LDS) that provides a timetable for the production of their statutory development plan (or 'Local Plan'). An LDS describes the planning policy documents that a council intends to prepare, and gives target dates for key stages in their production. The attached LDS update covers the remaining stages in the preparation of the Delivery and Allocations Local Plan that has recently gone through examination by an independent government inspector.
- 1.2 The Environment and Urban Renewal Policy and Performance Board considered this item on the 23 June 2021 and recommended approval and adoption of the LDS by the Executive Board.

2. RECOMMENDATION: That

1. the Local Development Scheme 2021 (Appendix 1) is adopted as a formal part of Halton's planning framework.

3. SUPPORTING INFORMATION

- 3.1. The Local Plan for Halton currently comprises the Core Strategy (2013), the Joint Waste Plan (2013) and remaining saved policies from the Unitary Development Plan (2005). The Delivery and Allocations Local Plan will supersede the remaining 'saved' UDP policies and selected policies from the Core Strategy; and will sit alongside the Joint Waste Plan to provide the statutory development plan for Halton.
- 3.2. The Council has the option to produce Supplementary Planning Documents (SPDs) (e.g. Design of Residential Development) to support policies within the Local Plan or to provide additional guidance.
- 3.3. There are 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 updated 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 Annual Monitoring Report (AMR) setting out progress in terms of producing documents and in implementing policies.
- 3.4. The LDS is a public statement of Halton Borough Council's three year work programme for production of the Local Plan. The process of making Local Plans is a lengthy one, made so by the detailed protocols set out in legislation. 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.

4. POLICY IMPLICATIONS

- 4.1. The planning Acts state that planning applications should be determined in accordance with the Development Plan.

“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.” [Section 38(6): Planning and Compulsory Purchase Act 2004]

- 4.2. This is reiterated in the National Planning Policy Framework (NPPF), which states that Plans should be reviewed at least every 5 years, and policies not reviewed within this time may be considered out-of-date. 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.

- 4.3. Given resources, the current LDS is focussed on the production of the Delivery and Allocations Local Plan, the key document that will have the most significant impact for the Borough.

5. FINANCIAL IMPLICATIONS

- 5.1. The LDS is a statutory 'process document' and as such has no direct financial implications beyond setting the timetable for the production of different planning documents. Costs will be met from existing budgets.

6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1. No direct impacts identified. The LDS is a statutory 'process document' that sets out the programme for updating the statutory development plan for Halton.

7. RISK ANALYSIS

- 7.1. An LDS is a statutory document. Not having an up-to-date LDS presents a risk of legal challenge during the production of planning documents. Stakeholders are entitled to rely upon forward notice of the processes and policies that may directly impact on their land, property, assets or business.
- 7.2. The LDS represents 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. Finally, the government can step in and take control over the local plan process if progress is not made.

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

| Document | Place of Inspection | Contact Officer |
|--|----------------------------|------------------------|
| 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 |