

REPORT TO: Council

DATE: 2 March 2022

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

PORTFOLIO: Environment and Urban Renewal

SUBJECT: Adoption of the Halton Delivery and Allocations Local Plan (DALP) including consequential deletion of specific Core Strategy policies and the deletion of saved Unitary Development Plan policies

WARDS: Boroughwide

1. PURPOSE OF THE REPORT

- 1.1. This report invites Council to formally adopt the Halton Delivery and Allocations Local Plan. This follows receipt of the Planning Inspectors Report of Examination, into the soundness of the plan (Appendix A), which has concluded that the Plan as proposed to be modified is ‘sound’ and can be formally adopted.

2. RECOMMENDATION: That Council be recommended to:

- (1) Accept the findings of the Planning Inspector’s report into the soundness of the submitted Halton Delivery and Allocations Local Plan including the Main Modifications that are necessary for the document to be sound (Appendix A).**
- (2) Adopt the Halton Delivery and Allocations Local Plan(Appendix B) and supporting Local Plan Policies Map (Appendix C), including the Inspector’s Main Modifications and Council’s Minor Changes¹ as part of the Development Plan for Halton, to be used for development management purposes.**
- (3) Authorise the Operational Director for Policy, Planning and Transportation in consultation with the Portfolio Holder, to make final editorial amendments to the Halton Delivery and Allocations Local Plan prior to final publication. These amendments will be restricted to correcting minor errors and formatting text and shall not alter the meaning of the Delivery and Allocations Local Plan.**
- (4) Note that a number of saved policies in the Core Strategy (as listed in Appendix C of the DALP) will be deleted and replaced by policies**

¹ Minor Changes produced in December 2021 have already been approved by Council and through delegated powers as part of the December 2021 Full Council meeting, seeking approval for consultation on the modifications to the Delivery and Allocations Local Plan.

in the Delivery and Allocations Local Plan, and the saved policies of the Halton Unitary Development Plan will be deleted.

(5) Withdraw the following Supplementary Planning Documents

- **Affordable Housing SPD**

3. SUPPORTING INFORMATION

Delivery and Allocations Local Plan

3.1. The Halton Delivery and Allocation Local Plan is a key corporate document and the principal planning policy document for the future of Halton, setting out the development framework for the period 2014-2037. Officers commenced production of the DALP after adoption of the Core Strategy Local Plan in 2013, and the Plan has undergone five formal periods of public consultation during its evolution;

- Scoping, approved by Executive Board 09-01-2014
- Revised Scoping, approved by Executive Board 10-12-2015
- Publication draft, approved by Executive Board 16-11-2017
- Proposed Submission draft, approved by Council 14-03-2019 and
- Proposed Modifications, approved by Council 08-12-2021.

3.2. The DALP was submitted to the Secretary of State on the 5th March 2020 for formal Examination. Planning Inspectors, Caroline Mulloy BSc (Hons) DipTP MRTPI and David Troy BSc (Hons) MA MRTPI, were appointed on behalf of the Secretary of State to examine the Plan. Following an initial delay to allow further progress on the LCR Recreation Mitigation Strategy, the Inspectors issued a number of 'Matters, Issues and Questions' before proceeding to public hearing sessions over a 5 weeks across March 2021 – June 2021 to consider representation into the 'soundness' of the plan. Due to ongoing Covid restrictions the hearing sessions were held online and made available on YouTube.

3.3. The Inspectors formally wrote to the Council on the 01st October 2021 indicating that they considered that a number of changes known as 'Main Modifications' were required to make the Plan capable of being found 'sound' and suitable for adoption.

Main Modifications

3.4. Council approved a number of Main Modifications to the submitted DALP for public consultation together with other minor changes known as 'Additional Modifications' that do not affect 'soundness' at its meeting on the 8th December 2021. The public consultation ran between 9th December and 21st January 2022. All representations received were then considered by the Inspectors.

3.5. The consultation identified the following issues affecting the policies map that did not go to soundness and could be rectified through 'Further Additional Modifications',

- Agreed change of part of SG11 to green space
- Boundary amendment to site GT6
- Notation on Halebank playing field

At the Inspectors direction, a short consultation with key interested parties was undertaken from 7th February.

Inspector's Report

- 3.6. The Council has now received the Inspectors Report (Appendix A) on the Examination of the Halton Delivery and Allocations Local Plan. The report concludes that the Plan, as proposed to be modified (Dec'21) has met the duty to cooperate and "satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound".
- 3.7. Receipt of a satisfactory report completes the Examination process and allows the Council to proceed to adopt the Plan as the main development plan document for Halton. A copy of the Written Statement accompanies this report as Appendix B and the Policies Map as Appendix C. Please see link below:

<https://www3.halton.gov.uk/Documents/council%20and%20democracy/meeting%20documents>

Halton's Development Plan

- 3.8. Following the adoption of the Delivery and Allocations Local Plan, Halton's development plan consists of two documents;
- (1) Delivery and Allocations Local Plan (incorporating saved policies from the Halton Core Strategy Local Plan (2013))
 - (2) Joint Merseyside and Halton Waste Local Plan (2013)

4. POLICY IMPLICATIONS

- 4.1. The Delivery and Allocations Local Plan is a key corporate document and the central 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 2013 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, having the DALP as the long term planning policy basis for Halton.

5. OTHER IMPLICATIONS

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

6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

- 6.1. A significant component of the content of the DALP is aimed at supporting raising 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.

Employment, Learning and Skills in Halton

- 6.2. 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.

A Healthy Halton

- 6.3. 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 DAP includes policy CS(R) 22: Health and Well-being which specifically looks to support healthy environments and lifestyles in the Borough.

A Safer Halton

- 6.4. 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.

Halton's Urban Renewal

- 6.5. 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. RISK ANALYSIS

- 7.1. As the Planning Inspectors have found the Halton Delivery and Allocations Local Plan to be sound, it is capable of being adopted. The Council must advertise its decision to adopt the DALP, thereby allowing any person aggrieved by the adoption to apply to the High Court for permission to apply for a judicial review of the decision. Any such application to the High Court must

be made within a six week period from the date of adoption and must be made on the grounds that:

- The document is not within the appropriate power; or
- A procedural requirement has not been complied with.

No such challenges are anticipated and the Council believe that the DALP has been prepared in accordance with the relevant legislation.

8. EQUALITY AND DIVERSITY ISSUES

- 8.1. It is not foreseen that the adoption of the DALP will 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. REASON(S) FOR DECISION

- 9.1. A considerable amount of time and resources have been invested in the production of the DALP since work commenced on the document in 2013. Officers from across the Council and Members from across all parties have been involved in the production of the document since its inception. It is therefore recommended that the Delivery and Allocations Local Plan be adopted to form part of the Development Plan for Halton.

10. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 10.1. The Inspector has concluded that by making the main modifications appended to his report, the Halton Delivery and Allocations Local Plan satisfies the requirements of Section 20 (5) of the 2004 Planning and Compulsory Purchase Act and meets the criteria for soundness in the National Planning Policy Framework.
- 10.2. The only alternative option available to the Council is to not proceed to adoption and to formally abandon the Delivery and Allocations Local Plan. This would have a set of negative consequences including, not having an up-to-date development plan resulting in the application of the 'tilted balance' in favour of all development proposals, potential 'planning by appeal' and risks the Council's planning function being placed in 'special measures' by the Secretary of State, or being directed to adopt the Plan by the Secretary of State.

11. IMPLEMENTATION DATE

- 11.1. The policies of the Halton Delivery and Allocations Local Plan have been used as a material consideration in development management decisions since the Council resolved to submit the document to the Secretary of State in March 2020. It is proposed that the Halton Delivery and Allocations Local Plan be formally adopted as part of the Development Plan for the Borough and as such,

planning applications must be determined in accordance with the development plan from the date of this decision, unless material considerations indicate otherwise.

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

Document	Place of Inspection	Contact Officer
Delivery and Allocations Local Plan	Municipal Building, Widnes	Alasdair Cross
Delivery and Allocations Local Plan Policies Map	Municipal Building, Widnes	Alasdair Cross
Halton Local Development Scheme 2021	Municipal Building, Widnes	Alasdair Cross
Sustainability Appraisal 2019	Municipal Building, Widnes	Alasdair Cross
Habitat Regulations Assessment (AECOM) 2020	Municipal Building, Widnes	Alasdair Cross
The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	Municipal Building, Widnes	Alasdair Cross
Planning and Compulsory Purchase Act 2004	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
Examination Library, including; <ul style="list-style-type: none"> ○ Submission Documents ○ Post Submission Documents ○ Matters Statements ○ Examination Documents 	Municipal Building, Widnes	Alasdair Cross