

**REPORT TO:** Executive Board

**DATE:** 12th February 2009

**REPORTING OFFICER:** Strategic Director – Environment

**SUBJECT:** Local Development Scheme 2009

**WARDS:** Borough Wide

## **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to seek the Board's approval of the Local Development Scheme (LDS) (**Appendix 1**).

## **2.0 RECOMMENDATION:**

- i) **That the revision to the Local Development Scheme, appended to this report, shall come into effect from 31/03/09 or from the date on which the Council receive notification from the SoS in accordance with Regulation 11 (2) of The Town and Country Planning (Local Development) (England) Regulations 2008, whichever is earlier.**
- ii) **That the Operational Director (Environmental & Regulatory Services) in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal be authorised to make any changes to this document as required by the Planning Inspectorate or the Government Office for the North West.**
- iii) **Further editorial and technical changes and/or correction of printing errors that do not affect the content be agreed by the Operational Director – Environmental & Regulatory Services before the document is published.**

## **3.0 SUPPORTING INFORMATION**

3.1 The LDS is a public statement of Halton Borough Council's three year work programme for producing of the Local Development Framework (LDF). All Councils are required by the Planning and Compulsory Purchase Act (2004) to produce an LDS.

3.2 This LDS forms the fifth LDS that has been prepared by Halton Borough Council and moves the preparation of the LDF forward to the 2009 – 2012 period. The LDS has been reviewed at this stage following the issues highlighted in the Annual Monitoring Report and to ensure that the requirements of PPS12 are met.

- 3.3 The Government Office for the North West are keen for LDSs to become definitive programme management documents and from 1 April 2009 will only expect them to be departed from in exceptional circumstances or as agreed in response to annual monitoring. They have stated that Local Authorities should *'use experience gained from managing your LDF work programmes so far to ensure that the revised LDSs are realistic both in terms of the nature and number of DPDs proposed and the timescales proposed to prepare and submit them.'*
- 3.4 The first year of the LDS was mostly given over to the adoption of the Halton Unitary Development Plan (UDP) and the production of Supplementary Planning Documents (SPDs), which are in support of the saved policies from the UDP. The second LDS has seen the Statement of Community Involvement (SCI) adopted and the first consultation stage of the Core Strategy Development Plan Document (DPD) started. The third LDS was prepared purely to incorporate the joint working with the other Merseyside authorities on the Waste DPD. The fourth LDS was prepared to incorporate a revision to the timetabling of the Core Strategy and production of further SPDs.
- 3.5 This new LDS involves the production and adoption of further SPDs, the next stage of consultation on the Core Strategy DPD, the second stage of consultation on the Waste DPD.
- 3.6 Much of the LDD production that has happened so far has been possible on the basis of Housing and Planning Delivery Grant. This has provided funding to cover the increased printing and advertising costs and to pay for consultants to undertake certain elements of work. Housing and Planning Delivery Grant will be an important resource in terms of meeting the time schedules set out in the new LDS 2009.
- 3.7 The work programme set out in the LDS allows for the Development Plan Documents (DPDs) be produced after the North West Regional Spatial Strategy adopted in September 2008, thus providing a clearer context for the next wave of new documents. Due to the new status of RSS as part of the 'development plan', as set out in the new Planning and Compulsory Act 2004, the issues arising in the new RSS are of significant importance to Halton Borough Council and the production of the LDF.

### **Requirements of the Local Development Scheme (LDS)**

3.8 There are several requirements that all LDSs must adhere to:

- All Local Authorities must submit their LDS to the Secretary of State for confirmation, in accordance with Regulation 10(3) of the Town and Country Planning (Local Development) (England) Regulations 2008, that the Secretary of State does not intend to issue a direction; and
- The LDS has to show how Public Service Agreement 6 (PSA6) (set out in *Spending Review 2004, Public Service Agreement 2005-08*, ODPM, 2004) will be met.

3.9 GONW represents the Secretary of State, to whom we will submit our LDS. The Government Office will assess whether the LDS is 'fit for purpose'. It will consider the following questions:

- Is there a robust and appropriate approach to the document preparation, particularly in terms of its priorities?
- Is the LDS deliverable and is there a realistic timetable and key milestones in line with PSA targets?
- Does the LDS set out a comprehensive approach to document production, especially developing the evidence base?
- Are there any obvious omissions?
- Is the LDS easy to understand in terms of accuracy and clarity of proposals?

#### **4.0 POLICY IMPLICATIONS**

4.1 The LDS sets out the general approach to document preparation. It is important that this approach reflects the Council's priorities. Once adopted, the LDS will provide a publicly available work programme for the Planning & Policy Division, providing timescales for any work started over the next three years.

4.2 The LDS must be approved by the Executive Board and submitted to the GONW. The LDS should come into effect four weeks after being submitted to the GONW, unless the Secretary of State intervenes in this period or requests more time.

#### **5.0 OTHER IMPLICATIONS**

5.1 Due to the requirement to meet the milestones set in the LDS it may be necessary in certain circumstances to call a special meeting of Full Council, to consider the strategy stages of development plan preparation.

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

The LDS supports the delivery of the Council's priorities because it is the timetable for the production of planning policy documents in assisting the delivery of the Sustainable Community Strategy. In particular the following priorities

Children & Young People in Halton

Employment, Learning & Skills in Halton

A Healthy Halton

A Safer Halton

Halton's Urban Renewal

## **7.0 RISK ANALYSIS**

- 7.1 This ambitious timetable of work will depend on continued full staff levels in the Planning Division and continued use of consultants to provide specialist background research on matters where there is no in-house expertise. If staff levels fall either on a temporary or permanent basis, or sufficient consultancy budgets are not available then the work programme as set out in the LDS will not be achieved.
- 7.2 It is also important the statutory DPDs are backed up and justified by substantial research and evidence and a thorough sustainability appraisal. This will enable it to stand up to the test of 'soundness' that is required by Government Planning Policy Statement 12. This sets out a number of tests of 'soundness' including:
- the strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives and they are founded on a robust and credible evidence base.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

- 8.1 There are no Equality and Diversity implications arising from this report.

## **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>
Town and Country Planning (Local Development) (England) Regulations 2008	Planning & Policy Division Rutland House	Neil MacFarlane
Spending Review 2004, Public Service Agreement 2005-08	Planning & Policy Division Rutland House	Neil MacFarlane
LDS 2005, LDS 2006 LDS 2006/7 & LDS 2007	Planning & Policy Division Rutland House	Neil MacFarlane