

# **Halton Local Development Scheme**

- 1.1. This document is the Local Development Scheme (LDS) for Halton, and sets out the documents that Halton Borough Council will produce, along with a timetable for the preparation and review of these documents. It provides the starting point for local communities, businesses, developers, service and infrastructure providers and other interested stakeholders to find out what local planning policy documents relate to their area and the timetable for their preparation. The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare, maintain and publish a LDS.

## **Policy Context**

- 1.2. The primary legislation that guides the planning system, including the production of Local Plans is set out in the Planning and Compulsory Purchase Act 2004 with amendments from the 2008 Planning Act and 2011 Localism Act. Further detail on procedures for producing Local Plans is contained within the associated regulations, the latest being the Town and Country Planning (Local Development) (England) Regulations 2012 which came into force in April 2012.
- 1.3. The Localism Act (2011) included a number of changes to the “plan-making” system including the ability for local communities to prepare neighbourhood development plans that would form part of the overall development plan for the area. Another important aspect of the legislative changes is the duty to co-operate which requires the Council to co-operate with other local planning authorities and prescribed bodies to maximise the effectiveness of the preparation of the Local Plan and supporting activities so far as it relates to a strategic matter.
- 1.4. The National Planning Policy Framework (NPPF) was published in March 2012 by the Department for Communities and Local Government. It sets out the Government’s planning policies for England and the Government’s requirements for the planning system.
- 1.5. National Planning Practice Guidance was launched by CLG in March 2014, it is a completely online resource and is live, which means that guidance can be quickly amended in order to keep it up to date. It provides guidance from CLG to planning professionals to guide them in developing sites, making policies and taking decisions on planning applications.

## **Development Plan**

- 1.6. The statutory Development Plan is the set of Local Plans (also known as Development Plan Documents (DPDs)) that together form the statutory basis for determining whether or not planning permission should be granted.

- 1.7. Local Plans are planning documents that contain policies for the use and protection or development of land, usually including the allocation of land for development. These must be in general conformity with government guidance, in particular the National Planning Policy Framework.
- 1.8. Neighbourhood development plans are community based documents initiated through a parish council or neighbourhood forum. They are required to undergo formal consultation and preparation procedures including an examination by an independent person and a public referendum. Subject to the successful completion of these procedures the neighbourhood development plan will ultimately be adopted by the council as part of the statutory development plan.
- 1.9. The Development Plan for Halton currently comprises: the Halton Local Plan Core Strategy (2013), the Joint Waste Local Plan (2013) and parts of the Halton UDP (2005) that have not been replaced by the Core Strategy or Waste Plan and have not been deleted.
- 1.10. It is intended that in future the Development Plan for Halton will comprise the Halton Local Plan and the Joint Waste Local Plan, along with any Neighbourhood Development Plans that are adopted.
- 1.11. Because Parish Councils or neighbourhood forums must agree to produce Neighbourhood Plans on their own behalf and in their own timescale, the local development scheme does not seek to set this out. To date no parishes or neighbourhood areas in the Borough have yet begun the formal process to begin the development of such a plan.

## 2. Development Scheme

- 2.1. Halton Borough Council is currently only preparing one Development Plan document and this is the Halton Local Plan.

### **Halton Local Plan**

- 2.2. Once adopted, the new Local Plan will provide a robust and up-to-date policy framework to guide future development within the Borough. Specifically, the new Local Plan will:
- a. Replace both the Halton Local Plan Core Strategy (adopted April 2013) and the remaining saved policies of the Halton UDP (adopted April 2005). A Delivery and Allocations Local Plan will no longer be prepared.
  - b. Refresh and update the Vision, Objectives and Strategic Policies of the Core Strategy.
  - c. Include allocations of land for residential, employment, retail, leisure and other land uses.
  - d. Identify areas to be designated and protected for landscape, nature conservation, environmental and heritage reasons.
  - e. Provide policies to guide decision making in the development management process.

#### **Timetable**

Start:	January 2014
Initial Consultation (Reg 18):	January 2014
Publication:	September / October 2016
Submission:	May / June 2017
Pre-exam Meeting:	September 2017
Hearing:	November 2017
Receipt of Inspector's Report:	March 2018
Adoption:	June 2018

- 2.3. More detail is provided in Appendix A.
- 2.4. Other documents being prepared by the Council include:
- a. Community Infrastructure Levy (CIL)
  - b. Transport and Accessibility SPD
  - c. Environmental Protection SPD

- 2.5. The following supporting documents may be produced by the Council to support the policy contained within the Local Plan and to provide more guidance to those undertaking development or to those making decisions on planning applications.
- 2.6. **Supplementary Planning Documents (SPD)** (and their predecessors, supplementary planning guidance) complement or expand upon local plan policies, for example describing in more detail how an allocated site should be developed. A SPD cannot allocate new sites for development nor contain new policies for the use or development of land, and they must not conflict with the adopted development plan.
- 2.7. SPDs are subject to community involvement but do not require independent Examination. They do not form a statutory part of the development plan for the authority but are a material consideration when assessing any planning application to which they relate.
- 2.8. **Local Development Orders (LDO)** are policy instruments that extend permitted development rights for certain forms of development that the local authority considers to be suitable, either in general or limited to defined areas. LDOs are intended to simplify development. Development that conforms to an LDO would not require planning permission.

### **Process Documents**

- 2.9. A **Sustainability Appraisal Report (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.
- 2.10. **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).
- 2.11. An updated **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.
- 2.12. **Community Infrastructure Levy (CIL)** will set out a statutory charging schedule for new development contributing to the provision of new infrastructure resulting from that development.
- 2.13. **Authority Monitoring Report (AMR)** will set out whether the Council is on target to meet the milestones set out in the LDS, it will provide information on whether the

policy targets included in the Local Plan are being achieved and will identify key issues that are relevant to the borough that should be used to revise the LDS if necessary.

- 2.14. **Statement of Community Involvement (SCI)** – The Halton SCI was updated and approved in 2013. It sets out how the community will be involved in the preparation, alteration and review of planning policy documents produced by the Council and how they can be expected to be consulted on planning applications.

### 3. Evidence Base

- 3.1. The key pieces of Halton's existing evidence base which will be used to support the Local Plan are set out below (please note that other existing evidence base documents may also be used, where required, alongside these):
- a. **Mid Mersey Strategic Housing Market Assessment** (GL Hearn and JGC, 2011): This has been undertaken with St Helens and Warrington Council's and provides an assessment of past, current and future trends in housing type and tenure, household size and housing need.
  - b. **Mid Mersey Strategic Housing Market Assessment Update**: Work ongoing
  - c. **Joint Employment Land and Premises Study** (BE Group, 2010): The study assesses the quantity and quality of employment land in the Borough and recommends future allocations of employment land to maintain economic growth.
  - d. **Halton Retail and Leisure Study** (GVA Grimley, 2009): This is a capacity study looking to identify trading roles and performance of the Borough's main retail centres and to quantify the need, if any, for additional provision.
  - e. **Halton Landscape Character Assessment** (TEP, 2009): This identifies, describes and maps areas according to various landscape character types.
  - f. **Halton Open Space Study** (PMP and HBC, 2006). The study assesses existing and future needs for open space, sport and recreation in Halton and the current ability to meet these needs.
  - g. **Halton Strategic Flood Risk Assessment** (HBC, 2007): Provides a detailed assessment of the extent and nature of the risk of flooding and the implications for future development.
  - h. **Halton Level 2 Strategic Flood Risk Assessment** (JBA, 2011): Focuses on three primary watercourses and development areas in the Borough.
  - i. **Liverpool City Region Renewable Energy Capacity Study** (Arup, 2010): This study identifies Energy Priority Zones for the delivery of low and zero carbon technologies.
  - j. **Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment** (ORS, 2014): In association with the Cheshire Partnership this document assesses accommodation and related service needs of Gypsies, Travellers and Travelling Showpeople.
  - k. **Liverpool City Region and Warrington Green Infrastructure Framework Draft** (Mersey Forest, 2013): This Framework provides information and new perspectives on green infrastructure across the seven local authorities.
  - l. **Liverpool City Region and Warrington Green Infrastructure Framework Action Plan** (Mersey Forest, 2013): This Plan identifies actions at a city region level that meet key priorities of the Green Infrastructure Framework.
  - m. **Listed Buildings in Halton**: This document details each of the buildings Listed in Halton (at the time of writing the document), including a map and an image of the property or structure.
  - n. **Mersey Gateway Regeneration Strategy** (HBC and GVA, 2008)

- o. **Widnes and Hale Green Belt Study:** This study reviews and assesses the Widnes and Hale Green Belt (work ongoing).
- p. **Strategic Housing Land Availability Assessment** (annual update): This is the main mechanism to identify a deliverable and developable supply of sites in the Borough for housing.
- q. **Halton Housing Land Availability Report** (annual update): This report provides data on land availability and take-up (build) rates for housing within Halton
- r. **Halton Employment Land Availability Report** (annual update): This report provides data on land availability and take-up (build) rates for employment uses within Halton
- s. **Borough Development Viability Study:** This study will assess the economic viability of development
- t. **Liverpool City Region Transport Plan for Growth:** This document combines the key elements from the Local Transport Plans for Merseyside and Halton (2015).
- u. **Playing Pitch Strategy:** This strategy is currently being prepared and will assess existing and future needs for playing pitch provision in Halton.
- v. **Halton Local List:** This document will be prepared and will identify the non-designated heritage assets in Halton.
- w. **Liverpool City Region Ecological Network** (MEAS, 2015)

## **4. Delivery**

- 4.1. There will always be an element of uncertainty associated with a document of this nature. It is legitimate to ask how reasonable and achievable are the targets set out above, and what issues may affect the overall delivery of the LDS.
- 4.2. An assumption has been made over the amount of time that will need to be allocated to public and stakeholder involvement. Whilst this has been based on past experience, it cannot accurately predict how many people will wish to engage with the Council on a particular project.
- 4.3. The programme has to be flexible in terms of staff, both the turnover and the allocation of work – neither can be fully accounted for over a three year period.

### **Project Management and Resources**

- 4.4. Preparation of the planning documents will be led by the Council's planning policy team. The work will be complemented by other council officers with specialist expertise in particular areas e.g. housing, urban design, heritage and conservation, leisure, transport, environment, health and legal. In addition, external resources may be called upon, including Merseyside Environmental Advisory Service (MEAS) and consultants for certain projects.
- 4.5. The Operational Director for Policy, Planning and Transportation has a strategic overview of the production of planning policy documents; the Principal Officer for Planning and Transport Strategy is responsible for the management of the programme and document production.
- 4.6. Elected member involvement in plan preparation is primarily via the Local Plan Working Party. This group provides advice and feedback to officers on a range of planning policy matters. The decision to submit the Local Plan to the Secretary of State and subsequent stages up to and including adoption will be via full Council resolution, but agreement to publicly consult on draft documents can be given by the Executive Board?

### **Monitoring and Review**

- 4.7. To ensure that the plan process is achieving its objectives, the Authority Monitoring Report (AMR) will set out the progress and effectiveness of the plan preparation processes. The AMR is published annually and will report key milestones in relation to the progress of the development plan documents and other relevant items.
- 4.8. Unforeseen developments such as the closure of a major employer may lead to the requirement for the Local Development Scheme to be reviewed earlier as this may

require new SPDs or DPDs to be produced urgently whilst other documents are delayed.

## **Risk Assessment**

4.9. The table below identifies possible risks that could be encountered in the implementation of this LDS. It sets out an evaluation of the significance of the potential risk and the mitigation measures to manage risk should it occur.

	<b>Risk</b>	<b>Likelihood</b>	<b>Issue</b>	<b>Mitigation</b>
1	IT Systems	Medium	<ul style="list-style-type: none"> <li>• Insufficient expertise</li> <li>• Resources – software, hardware and staff</li> <li>• Loss of data</li> <li>• Lack of access to data held by other teams</li> <li>• Changes to systems used</li> </ul> <p>Could all lead to slippage in the programme.</p>	Staff training, appropriate resourcing, and improvements to data access could reduce these risks.
2	Staffing Issues	High	<ul style="list-style-type: none"> <li>• Loss of experienced staff</li> <li>• Reduced numbers of staff</li> <li>• Sickness</li> </ul> <p>Could lead to slippage in the programme, reduced staff moral and motivation, over work of existing staff potentially leading to sickness within the team and thereby increasing the issue.</p>	Prompt recruitment of new staff, or temporary staff and careful management of the work programme could reduce these risks.
3	Political Delay	Medium	<ul style="list-style-type: none"> <li>• Committee cycle dates</li> <li>• Last minute changes and amendments</li> <li>• Change in National or Regional Government</li> </ul> <p>Reporting procedures and long lead in times may lead to slippage in the programme.</p>	Ensuring involvement of members throughout the process and regular reviews of the programmed should help to reduce this risk.
4	Change in National / Local Government Policy	High	<p>All stages of Local Plan preparation are influenced by government policy.</p> <p>Changing policies/priorities and uncertainty for the Local Plan.</p>	Ensure that policy team is abreast of changes in policy.
5	The Planning Inspectorate (PINS) Capacity	Unknown	<p>PINS have an important influence on the Local Plan timetable, particularly at Examination stage. Inability of PINS to meet deadlines due to nationwide demand will lead to delays in adoption.</p>	This is outside of the our control but will be addressed by National Government where necessary.

	Risk	Likelihood	Issue	Mitigation
6	Team undertaking other work	High	Resources are finite. If the project team is required to input in to other priority areas of the Authority, this is likely to cause slippage in the programme.	Local Plan to be a corporate priority ensuring team remain focused on delivery.
7	Volume of work greater than anticipated	Medium	This may include a higher number of representations than expected, new work areas, or additional evidence base requirements leading to slippage in the programme.	Ensure timetable is realistic and has a degree of built-in flexibility.
8	Duty to Co-operate	Medium	<ul style="list-style-type: none"> <li>• Joint Working</li> <li>• Negotiation</li> </ul> <p>When working to differing timelines, priorities for joint working may differ and lead to delays in evidence or discussion taking place.</p>	Ensure that timetables are realistic and reflect partner authorities' / organisations' ability to contribute to joint working.
9	Consultation Fatigue	Medium	<ul style="list-style-type: none"> <li>• Lack of responses</li> <li>• Lack of understanding with regard to the purpose/content of the plan.</li> </ul>	Ensure approach set out in the SCI is used, where possible adopt new ideas to improve consultation. Use plain English.
10	Local Plan is found unsound	Low	The Local Plan cannot be adopted without additional work leading to delay in adopting the plan.	Work closely with PINS to ensure risk is minimised. Utilise the PAS Soundness Toolkit. Keep up to date with best practice and ensure that staff receive appropriate training.
11	Need for further consultation	Medium	It can be hard to predict where and when extra consultation may be required, but may be as a result of the Hearing or due to the levels of comments received.	Ensure timetable is realistic, reviewed regularly and has a degree of built in flexibility.
12	Need for specialist Input	High	It is normally possible to foresee where there is a need for specialist involvement therefore reducing the risk associated with this issue. However, on occasions e.g. where new Government guidance is created, it may be necessary to use specialists without additional time being built into the programme, therefore causing delays.	Ensure that policy team is abreast of changes in policy and allow for some flexibility in the AMR.

## Acronyms

AMR	Authority Monitoring Report
CIL	Community Infrastructure Levy
CLG	Department of Communities and Local Government
DPD	Development Plan Document
LDO	Local Development Order
LDS	Local Development Scheme
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework
PPG	National Planning Policy Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document
UDP	Unitary Development Plan

## Appendix A:

### Local Development Scheme Details

<b>Delivery and Allocations Local Plan (including Policies Map)</b>		
<b>Document Details</b>		
Title	Halton Local Plan (including Policies Map)	
Role and Content	Sets out the vision, objectives and strategy for the development of Halton, including site allocations and development management policies.	
Status	Development Plan Document	
Geographical coverage	Borough wide	
Chain of Conformity	Conforms with the National Planning Policy Framework	
<b>Timetable and Milestones</b>		
Start	Begin collation of evidence and start engaging stakeholders in the early preparation of the document	Commenced
SA Scoping	Consultation on the scope of the Sustainability Appraisal	Jan 2016
Initial Consultation (Regulation 18)	Iterative process – identifying issues and options, developing preferred options and taking account of the evidence base	Jan 2016
Publication (Regulation 19/20)	Publish the final draft document and consult for 6 weeks on the content prior to submission	Sep/Oct 2016
Submission (Regulation 22)	Submit the document to the Secretary of State for examination	May/Jun 2017
Pre-exam meeting	To discuss the format of the Examination. (8 weeks after submission)	Sep 2017
Examination hearings	Independent Examination into the soundness of the document. (14weeks after submission)	Nov 2017
Receipt of the Inspectors Report	When the Council receives the report of the Examination from the Inspectorate	Apr 2018
Adoption	Document adopted and published	Jun 2018
<b>Arrangements for Production</b>		
Lead Department	Planning Policy	
Management arrangements	Local Plan Working Party will guide the development of the Plan. Executive Board approval will be required for public consultation on draft Plan(s). Full Council approval will be required for Submission to the Secretary of State and subsequent stages up to and including adoption.	
Resources	To be provided within the Planning Policy budget.	
Involving Stakeholders and Community	Consultation will be undertaken in line with the Regulations and the Statement of Community Involvement (SCI).	
<b>Post Production</b>		
Monitoring	Monitored by the Authority Monitoring Report (AMR).	
Review	The effectiveness of this Local Plan will be reviewed through the data collected within the AMR.	

## Community Infrastructure Levy (CIL)

Document Details		
Title	Halton Community Infrastructure Levy	
Role and Content	Sets out the charging schedule to fund necessary infrastructure for different categories of development across areas of Halton.	
Status	Development Plan Document	
Geographical coverage	Borough wide	
Chain of Conformity	Conforms with the National Planning Policy Framework	
Timetable and Milestones		
Start	Begin collation of evidence and start engaging stakeholders in the early preparation of the document	Commenced
SA Scoping	Consultation on the scope of the Sustainability Appraisal	Jan 2016
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