

REPORT TO: Council

DATE: 18 December 2019

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Halton Delivery and Allocations Local Plan (DALP) – Submission to the Secretary of State

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 Approval is sought from Full Council to submit the draft Delivery and Allocations Local Plan (DALP) August 2019 to the Minister for Housing, Communities and Local Government to allow formal examination of the draft DALP to commence.
- 1.2 The Delivery and Allocations Local Plan (DALP) and Policies Map are supported by the following suite of documents. This set of documents will be submitted to Government for examination.

Document	Web link
Delivery and Allocations Local Plan (August 2019)	https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/DALPPropSub.pdf
Policies Map	https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/PropSubMap.pdf
Infrastructure Plan	https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/InfrastructurePlan.pdf
Sustainability Appraisal (SA)	https://www3.halton.gov.uk/Pages/planning/policyguidance/sahra.aspx
Habitats Regulations Assessment (HRA)	https://www3.halton.gov.uk/Pages/planning/policyguidance/sahra.aspx
Health Impact Assessment (HIA)	https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/assessments/hia.pdf
Equalities Impact Assessment (EqIA)	https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/assessments/EQIAPropSub.pdf
Statement of Consultation	https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/dalpsoc19.pdf

- 1.3 Once the formal examination is complete, the Council may then choose to formally adopt the DALP, if it accepts any modifications that are recommended following the examination. If modifications are not acceptable, the Council

would need to produce a new plan and effectively start the plan production process again.

- 1.4 Once adopted by the Council, the DALP and Policies Map will form part of Halton statutory development plan for the Borough to the following effect:
- a) Replace the remaining saved policies of the Halton UDP (April 2005).
 - b) Replace the existing UDP Proposals Map (2005)
 - c) Update selected policies of the Core Strategy (April 2013).
 - d) Allocate land for residential, employment, retail, leisure and other uses.
 - e) Identify areas to be designated and protected for landscape, nature conservation, environmental and heritage reasons.
 - f) Provide policies to guide decision making in the development management (planning application) process.

2.0 RECOMMENDATION: That

- (1) The Delivery and Allocations Local Plan Proposed Submission Document (August 2019) is submitted to the Secretary of State under Regulation 22 of the Town and Country Planning Act (Local Development) (England) Regulations 2012 (see section 3.8 – 3.11)**
- (2) Delegated authority to make minor editorial amendments to the DALP be granted to the Operational Director for Policy, Planning and Transport in consultation with the Portfolio Holder for Physical Environment (see section 3.12).**
- (3) Delegated authority is granted to officers (in consultation with the Portfolio Holder for Physical Environment) representing the Local Planning Authority at examination to enter into discussions with relevant parties, and to suggest appropriate wording and policies map changes, as may be required to satisfy the examining Inspector on matters concerning the soundness of the Delivery and Allocations Local Plan (see section 3.17).**
- (4) From the point of submission to Government, material weight is given to the Delivery and Allocations Local Plan Proposed Submission Document (August 2019) as a material consideration in decisions made under the planning Acts. As the DALP represents an appropriate development strategy for the Borough and has undergone public consultation, the DALP is capable of being a material consideration in planning decisions.**

3.0 SUPPORTING INFORMATION

- 3.1 Public consultation has been an integral part of the DALPs formulation. The Council has listened to the feedback given from the public and stakeholders over the successive periods of consultation.

- 3.2 Previously, public consultation was undertaken on an earlier draft on the DALP during January – February 2018. Responses were received from 980 individuals and organisations including over 4,750 comments. Campaigns generated the majority of representations about proposed housing at Lynton Crescent, around Moore and Halebank. Subsequent changes to national guidance have allowed the Council to revisit the housing requirement and address, at least in part, many of these objections.
- 3.3 On 22nd March 2019, Executive Board approved a final 6 week period of public consultation on the DALP that was undertaken between August and September 2019.

Public Consultation: 8th August 2019 – 19th September 2019

- 3.4 Over 1,200 objections/comments were received from almost 250 individuals / organisations relating to the Plan, Policies Map and 7 supporting documents, 107 identified sites and 66 policies. All representations will be forwarded onto Secretary of State for consideration (unless they are withdrawn or amended). The Council is not required to respond individually to the representations made. A 'Statement of Representations' is appended to this report (**Appendix A**). This sets out a summary of representations received during the last consultation between August-September 2019.
- 3.5 As expected the greatest number of objections received were concerning Policy RD1 – Residential Development Allocations [362], followed by GB2 – Safeguarded Land [148] and ED1 – Employment Allocations [85] largely from residents of Moore concerning the proposed allocations to the rear of Manor Park.
- 3.6 Policy CS(R)6 - Green Belt received 62 objections whilst CS(R)17 – Liverpool John Lennon Airport received 57 objections mainly from residents of Speke and Hale objecting to the resignation of land from Green Belt for airport use.
- 3.7 Members should be aware that if they were minded to make any further changes to the Plan prior to submission, these would need to be subject to Sustainability Appraisal and would also have to be subject to a new 6 week period of public consultation before proceeding to submission.

Submission of the draft DALP to Government

- 3.8 In accordance with Section 20 (2) of the Planning Act 2004, the Council must only submit its draft Local Plan when it is ready for examination. This is to allow the public examination process to proceed smoothly, without being held up by a lack of information, or other unresolved matters that were known at the time of submission.
- 3.9 The draft DALP (Delivery and Allocations Local Plan) is considered by the Council to be in legal compliance and also “sound” (see section 3.15), with no outstanding pieces of evidence or information awaited which would have any bearing on the spatial planning strategy proposed through the document.

- 3.10 Having complied with the relevant regulations covering local plan preparation, the Council is in a position to submit to the draft local plan to the Secretary of State (under Regulation 22 of the Town and Country Planning Act Local Development) (England) Regulations 2012).
- 3.11 Submission will follow the approval by Full Council as soon as is practically possible.
- 3.12 The Council is also able to submit further minor editorial changes to the Inspector, alongside the submitted Delivery and Allocations Local Plan and associated documentation. These minor changes are those of a nature which would further improve the legibility of the document or ensure it is up-to-date. They should not constitute changes which would require further consultation. Any such minor changes to the Halton Delivery and Allocation Local Plan will be submitted as a schedule attached to the submission document, should any be required. It is therefore proposed that the Operational Director for Planning, Policy and Transportation, in consultation with the Portfolio Holder for Physical Environment be authorised to make such changes as may be necessary.

Examination of the draft DALP

- 3.13 The Secretary of State will appoint a Planning Inspector from the Planning Inspectorate to 'examine' the DALP. It is the role of the appointed Planning Inspector to consider the outstanding representations received, alongside their own assessment of the soundness of the Plan. The 'examination' covers the stages from Submission to receipt of the Inspector's Final Report. The Inspector is in charge of the examination and will be assisted by a dedicated Programme Officer who will be appointed by the Council.
- 3.14 In order for the Delivery and Allocations Local Plan to be legally compliant it must have been :
- prepared in accordance with the Halton Local Development Scheme and in compliance with the Halton Statement of Community Involvement and the relevant Regulations
 - been subject to Sustainability Appraisal
 - prepared with regard to National Policy
 - prepared with regard to the Halton Sustainable Community Strategy.
- 3.15 In order for the Delivery and Allocations Local Plan to be "Sound" it must be:
- **Justified** -
 - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence,
 - **Effective** -
 - deliverable over the plan period,
 - based on effective joint working on cross-boundary strategic matters
 - **Consistent with National Policy**

- 3.16 The examination is largely a written process with the Inspector considering the evidence provided, and asking for additional written submissions where necessary. The Inspector will determine which matters he or she requires additional written information on, and which matters they wish to hear verbal submissions on at 'hearing sessions'. The Inspector will invite the Council together with selected interested parties to take part in hearing sessions to respond to questions posed by the Planning Inspector and allow the third parties an opportunity to ask questions of the Council. It is expected that the hearing sessions associated with the examination will last for no more than 3-4 weeks, with the Inspector usually sitting for three days each week to allow him/her to prepare accordingly.
- 3.17 During the examination, where disagreement arises between the Council and interested parties, the Inspector may direct discussions with a view to achieving resolution through wording changes in specific policies in the DALP. Delegated authority is sought to allow officers, in consultation with the Portfolio Holder for Physical Environment, to engage in such discussions with parties at the examination, in order to attempt to resolve matters of disagreement.
- 3.18 The Inspector will limit their involvement to making recommendations for modifications that address the soundness or legal compliance of the Plan. The Council can ask the Inspector to consider additional modifications that are considered necessary to improve the DALP. Any changes identified through the examination process required to make the Plan 'sound' or to otherwise improve the Plan that are considered to be substantial in nature (known as Main Modifications) will have to be subject to a further, separate round of public consultation. Separate approval of Full Council will be required for any such consultation.
- 3.19 If the suggested modifications are acceptable to the Council, and following the public consultation referenced above, the Council is then able to formally adopt the DALP as its statutory development plan for the Borough, giving it full weight in making decisions under the planning Acts, for example in the determination of planning applications.
- 3.20 Formal adoption of the DALP has the impact described in section 1.5 above.

4.0 POLICY IMPLICATIONS

- 4.1 Following formal adoption, the Delivery and Allocations Local Plan will be the main policy document comprising the Halton Local Plan, along with the retained policies from the adopted Core Strategy 2013. The Delivery and Allocations Local Plan is a significant corporate policy document and as such, it will have widespread policy implications for the Council and its partners. It is important that all efforts are made to ensure a successful outcome at the Delivery and Allocations examination because of the time and resources that have been invested in the plan's production to date.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Healthy Halton

The DALP document contains a wide variety of policy content focussed on addressing the Borough's health problems; efforts to address health problems through the maintenance of well-designed places and spaces, through the support of accessible sustainable travel options and through the provision of a healthy, green local environment.

5.2 Halton's Urban Renewal

Through the employment and housing allocations, Key Regeneration Areas and policies, the DALP highlights policy approaches to encourage, urban renewal, either on a local scale or on a larger scale in association with some of the major regeneration and development projects affecting the Borough over the plan period.

5.3 Children and Young People in Halton

A significant component of the content of the DALP document is aimed at raising aspirations of younger people and supporting the provision of opportunities for them to enter higher education and employment. The aim to safeguard and enhance learning opportunities through the protection and improvement of physical infrastructure associated with educational establishments, as well as supporting the plans and policies of the Council's learning partners.

5.4 Employment, Learning and Skills in Halton

The DALP supports the maintenance and enhancement of the Borough's economy and supports economic growth.

5.5 Safer Halton

Making Halton safer is a key consideration for the DALP Document aiming 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.

6.0 RISK ANALYSIS

6.1 It is possible for the soundness and legal compliance of the plan could be called into question by the Inspector during the examination process. Normally in these instances, the Inspector will call a "Pre Examination Meeting" before the examination to highlight their concerns and explore/decide if whether any issues can be easily resolved through the provision of additional information.

6.2 After the examination, the Inspector will issue a report covering their recommendations and opinion as to whether the Delivery and Allocations Local Plan is sound. There is the risk that the Inspector may find the Delivery and Allocations Local Plan to be unsound, and not capable of being found sound without widespread changes. If widespread changes are deemed necessary to improve the plan, the Planning Inspector may recommend that

the plan be withdrawn to allow the Council to make amendments and for further public consultation to be undertaken on the policy areas requiring amendment.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 An integral part of the DALP document is to support a socially inclusive environment that takes into account Halton's diverse communities by breaking down unnecessary barriers and exclusions in a manner that benefits the entire Borough. The Equalities Impact Assessment demonstrates whether the policies have any significant implications for Halton's communities and ways that these potential effects should be mitigated.

8.0 REASON(S) FOR DECISION

8.1 The next stage in the production of the Halton Delivery and Allocations Local Plan is for the document to be submitted to the Secretary of State for examination. Full Council approval is sought to proceed to the examination stage for the draft DALP.

9.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9.1 No alternative options have been considered at this stage. Submitting the Delivery and Allocations Local Plan for examination is the next step in the process of the Local Plan production and is in accordance with the associated legal regulations covering the production of Development Plan Documents.

10.0 IMPLEMENTATION DATE

10.1 It is envisaged that the Delivery and Allocations Local Plan will be submitted to the Secretary of State as soon as is practicably possible following approval by Full Council, with the examination phase commencing in Spring 2020, to be followed by adoption of the Delivery and Allocations Local Plan in winter 2020/2021. After its adoption the Delivery and Allocations Plan and saved policies from the Core Strategy 2013 will then be used for development management purposes in the determination of planning applications and to direct development to the most appropriate locations in accordance with the adopted spatial strategy for the Borough.

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

Document	Place of Inspection	Contact Officer
Halton Delivery and Allocations Local Plan Proposed Submission Documents (August 2019)	Municipal Building, Widnes www.halton.gov.uk/DALP	Alasdair Cross
https://www3.halton.gov.uk/Pages/planning/planningandenvironment.aspx		
Copies of representations received on the Halton DALP Proposed Submission Document (August 2019 – September 2019)	Municipal Building, Widnes	Alasdair Cross
Summary of key issues from the DALP Proposed Submission Consultation (Sept 2019)	Municipal Building, Widnes	Alasdair Cross
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	Municipal Building, Widnes	Alasdair Cross
The Town and Country Planning (Local Planning) (England) Regulations 2012	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