

**REPORT TO:** Executive Board

**DATE:** 30<sup>th</sup> June 2011

**REPORTING OFFICER:** Strategic Director – Policy and Resources

**SUBJECT:** Halton Core Strategy – Submission to the Secretary of State

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

1.1 This report seeks the approval of the Executive Board to submit the Halton Core Strategy, May 2011 (**Appendix A**) to the Secretary of State for Communities and Local Government to commence the formal examination of the document.

## **2.0 RECOMMENDATION: That Council be recommended**

- (1) approve the Halton Core Strategy Revised Proposed Submission Document (May 2011) for Submission to the Secretary of State under Regulation 30 of the Town and Country Planning (Local Development) (England) Regulations 2008;**
- (2) agree that any minor editorial amendments required to improve the legibility of the Halton Core Strategy be agreed with the Inspector by the Operational Director for Policy, Planning and Transportation in consultation with the Executive Board Member for Physical Environment;**
- (3) delegate authority to the Strategic Director, Policy and Resources, to enter into discussions with parties and to suggest wording changes, as are deemed necessary by the Inspector to reach agreement on matters discussed at the examination into the soundness of the Core Strategy; and**
- (4) material weight to give to the Halton Core Strategy Revised Proposed Submission Document (May 2011) as a material consideration in Council Development Control policy decisions.**

### 3.0 SUPPORTING INFORMATION

- 3.1 On 31<sup>st</sup> March 2011, approval was received from the Executive Board to make changes to the Proposed Submission Core Strategy (November 2010) for the purposes of a further six week period of public consultation and for representations to be made.

#### **Public Consultation: 13 May 2011 – 24 June 2011**

- 3.2 A further period of public consultation on the Revised Proposed Submission Core Strategy (**Appendix A**) commenced on Friday 13<sup>th</sup> May 2011. The main matters provoking the need for a further period of public consultation were:

- Availability of evidence upon which the policies within the Core Strategy are founded
- Green Belt policy
- Daresbury Strategic Site policy
- Liverpool John Lennon Airport policy
- Core Strategy plan period not covering the required period of 15 years from adoption

Officers also took the opportunity to make other changes of a more minor nature across the whole document.

- 3.3 The Revised Proposed Submission Document (May 2011) shows all changes made since November 2010 as 'track changes', so that all of those individuals or parties who submitted representations at the previous stage can see how the document has been changed in response to the points they raised.
- 3.4 Those representations which were made on the Proposed Submission Document (November 2010) will be forwarded onto the Planning Inspector for consideration, unless they are withdrawn or amended. It is the role of the appointed Planning Inspector to consider the representations received at this stage, alongside their assessment of the soundness of the plan. Therefore, the Council is not required to respond to the individual representations made at this stage. The Council will be required to submit a **Statement of the Representations** to the Secretary of State, indicating the main issues raised at the final stage of consultation (May – June 2011).
- 3.5 The Council is also able to submit further minor editorial changes to the Inspector, alongside the submitted Core Strategy 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 Core Strategy will be submitted as a schedule attached to the submission document.

## **Submission of the Core Strategy to the Secretary of State**

- 3.6 Once the Revised Proposed Submission Core Strategy consultation period has closed (on 24<sup>th</sup> June 2011) and approval has been received from Executive Board and that decision has been ratified by full Council, this version of the Core Strategy can be submitted to the Secretary of State. This is expected to occur in late July 2011. An independent Planning Inspector will then be appointed on behalf of the Secretary of State to consider the representations received alongside the soundness of the plan. Indicative timescales published by the Planning Inspectorate suggest that the examination into the Core Strategy would commence in the autumn. Using this indicative timetable, it is hoped that the Halton Core Strategy can be adopted in spring 2012.
- 3.7 In accordance with Section 20 (2) of the Planning Act 2004, the Council must only submit its Core Strategy when it thinks it is ready for examination. This is to allow the examination process to proceed smoothly, without being held up by a lack of information or other unresolved matters that were known to the Council at the time of Submission.
- 3.8 The Halton Core Strategy is now ready for submission to the Secretary of State for examination. The Core Strategy is held to be both in legal compliance and “sound” and there are no outstanding pieces of evidence or information awaited which would have any bearing on the spatial planning strategy proposed through the document.
- 3.9 The Planning Inspector appointed by the Secretary of State to examine the Core Strategy will assess the plan to determine whether it is legally compliant and sound.
- 3.10 In order for the Core Strategy 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 to conform generally to the Regional Spatial Strategy for the North West of England<sup>1</sup>
  - prepared with regard to the Halton Sustainable Community Strategy.

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<sup>1</sup> It is the Government’s intention to abolish Regional Strategies through the introduction of the Localism Bill, see **Letter to Chief Planning Officers: Abolition of Regional Strategies 10 November 2010** (available at: [www.communities.gov.uk/publications/planningandbuilding/letterabolitionregional](http://www.communities.gov.uk/publications/planningandbuilding/letterabolitionregional)). The latest court hearing on the matter (27<sup>th</sup> May 2011) concluded that local planning authorities would be acting unlawfully if they took the intention to revoke into consideration when drawing up their development plans.

3.11 The term “soundness” relates to the requirement in the Government’s Planning Policy Statement 12: Local Spatial Planning, that in order for a Core Strategy to be sound, it must be:

- **Justified** -
  - founded on a robust and credible evidence base,
  - the most appropriate strategy when considered against the reasonable alternatives
- **Effective** -
  - deliverable,
  - flexible,
  - able to be monitored, and
- **Consistent with National Policy**

3.12 Prior to the commencement of the examination into the Core Strategy, the Inspector will determine which matters he or she wishes to be discussed. The examination will take place as a series of informal round table sessions, where the Council and interested parties will respond to questions posed by the Planning Inspector. Interested parties who submitted representations will also have an opportunity to ask questions of the Council. From the experience of recent Core Strategy examinations in other local authorities, it is expected that the examination will last for no more than 2-3 weeks, with the Inspector only sitting for three days each week to allow him/her to prepare accordingly.

3.13 During the examination, it may be the case that matters of disagreement between the Council and interested parties may be capable of being resolved through wording changes to the Core Strategy. Therefore, it is one of the recommendations of this report that delegated authority be granted to allow officers to enter into such discussions with parties at the examination, in order to resolve matters of disagreement. Such discussions will be held before the Planning Inspector who will provide independent scrutiny and advice to any such discussions and potential wording changes.

#### **4.0 POLICY IMPLICATIONS**

4.1 The Core Strategy is the central policy document within the Halton LDF. The Core Strategy 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. It is important that all efforts are made to ensure a successful outcome at the Core Strategy 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 A Healthy Halton**

The Core Strategy Proposed Submission document contains a number of policies intended to directly or indirectly contribute to addressing the

Borough's health problems. The SCS priority for a healthier Halton is strongly reflected 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 Core Strategy Revised Proposed Submission Document includes policy CS22: Health and Well-being which specifically looks to support healthy environments and lifestyles in the Borough.

## **5.2 Environment and Regeneration in Halton**

The Key Areas of Change 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.

## **5.3 Children and Young People in Halton**

A significant component of the content of the Core Strategy 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.

## **5.4 Employment, Learning and Skills in Halton**

One of the main thrusts of the Core Strategy is to support the maintenance and enhancement of the Borough's economy and hence economic growth. The Core Strategy also aims to consolidate and enhance linkages to the wider sub-region and deliver the economic benefits of Halton's strategic location and facilities to the Borough's residents and businesses.

## **5.5 A Safer Halton**

Making Halton safer is a key consideration for the Core Strategy, 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.

## **6.0 RISK ANALYSIS**

6.1 Despite the Council's view that the Halton Core Strategy is legally compliant and sound, there is still the risk that the soundness and legal compliance of the plan could be called into question by the Inspector at the Examination. Normally in these instances, the Inspector will call an Exploratory meeting before the examination to highlight their concerns and to decide whether any issues can be easily resolved through the provision of additional information.

6.2 After the examination, the Inspector will issue a Binding Report of their recommendations as to whether the Core Strategy is sound. There is the risk that the Inspector may find the Core Strategy to be unsound, and not capable of being found sound unless widespread changes were made. Given that the Inspector's Report is binding, any changes that he/she recommends would not be subject to further public consultation. Therefore if widespread changes are deemed to be 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.

## **7.0 EQUALITY AND DIVERSITY ISSUES**

7.1 An integral part of the Core Strategy 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. Equality Impact Assessments have been undertaken on the Core Strategy at the Preferred Options, Proposed Submission and Revised Proposed Submission stages to demonstrate whether the Plan has any significant foreseeable 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 Core Strategy is for the document to be submitted to the Secretary of State for examination. Officers are seeking Executive Board endorsement and full Council ratification to proceed to the examination stage for the Core Strategy.

## **9.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

9.1 No alternative options have been considered at this stage. Submitting the Core Strategy for examination is the next step in the process of the Core Strategy's production and is in accordance with the associated Regulations for the production of Development Plan Documents.

## **10.0 IMPLEMENTATION DATE**

10.1 It is envisaged that the Core Strategy will be submitted to the Secretary of State in late July 2011, with the examination phase commencing in autumn 2011, to be followed by adoption of the Core Strategy in spring 2012. After its adoption the Core Strategy 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 Core Strategy Proposed Submission Documents (November 2010)	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Copies of representations received on the Halton Core Strategy Proposed Submission Document (November 2010 - February 2011)	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Report of Representations Received November 2010 – January 2011 and Council Responses, May 2011	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Schedule of Changes made to the Proposed Submission document (May 2011)	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Halton Core Strategy <u>Revised</u> Proposed Submission Document Supporting Documents (May 2011)	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Copies of representations received to date on the Halton Core Strategy <u>Revised</u> Proposed Submission Document (May – June 2011)	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Executive Board Report – Halton Core Strategy – Changes to Proposed Submission Document for a period of further public consultation (31 <sup>st</sup> March 2011)	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Planning Policy Statement 12: Local Spatial Planning	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Planning Advisory Service – Plan Making Manual	Places, Economy and Transport Team, Rutland House	Alasdair Cross
The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008	Places, Economy and Transport Team, Rutland House	Alasdair Cross
Planning and Compulsory Purchase Act 2004	Places, Economy and Transport Team, Rutland House	Alasdair Cross

Name of Board: Executive Board

Date of Meeting: 30<sup>th</sup> June 2011

Report Title: Halton Core Strategy – Changes to Proposed Submission Document for a period of further public consultation

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