

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 13th June 2012

REPORTING OFFICER: Strategic Director – Policy and Resources

PORTFOLIO: Physical Environment

SUBJECT: Local Development Scheme - Update

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to inform the Board of the proposed updates to the Local Development Scheme (LDS) (**Appendix 1**). The LDS is the timetable for production of Halton's Local Development Framework (LDF) / Local Plan. It identifies and describes the Development Plan Documents (DPDs) and gives target dates for production. These documents that comprise the LDF / Local Plan set out how the Borough will develop over the next 15 years and form the basis for all decisions under the Town and Country Planning Acts. All Councils are required by the Planning and Compulsory Purchase Act (2004) to produce an LDS and keep it updated.

2.0 RECOMMENDATION: That the provisional Local Development Scheme, appended to this report (Appendix 1), and the LDF / Local Plan documents highlighted in the LDS are noted.

3.0 SUPPORTING INFORMATION

3.1 The Local Development Framework (LDF) is the name given to the system of Development Plans introduced by the Planning and Compulsory Purchase Act 2004. The Local Development Framework will gradually replace the Unitary Development Plan (UDP). The National Planning Policy Framework (released March 2012) rebrands the LDF as a 'Local Plan' (though this 'Local Plan' may still consist of multiple documents so is a change in name only).

3.2 Rather than a single plan, the LDF / Local Plan takes the form of a portfolio of documents:

- Local Development Documents comprise Development Plan Documents (e.g. Core Strategy, Waste DPD, Site Allocations DPD) and Supplementary Planning Documents (e.g. Sandymoor, Planning for Risk, Affordable Housing, Hot Food Takeaway).
- The Statement of Community Involvement specifies how stakeholders and communities are involved

- A Local Development Scheme sets out details of each of the Local Development Documents that will be produced - timescale and arrangements for production.
- An Authority's Monitoring Report setting out progress in terms of producing documents and in implementing policies.

3.3 The LDS is a public statement of Halton Borough Council's three year work programme for producing the Local Development Framework (LDF) / Local Plan. The process of making Local Plans is a lengthy one made so by the detailed protocols set out in legal acts and regulations. If due process is not followed this becomes a viable legal ground for challenges either in front of an Inspector at Examination or via court action leading to the Plan being found unsound or quashed by the High Court.

3.4 The attached LDS allows for a degree of over-programming to ensure that resource capacity is continually engaged, for example during public consultation periods where work on a document is stalled by necessity. During these periods work on Supplementary Planning Documents (SPD) can take place. The effect of this over-programming is that it can be difficult to manage SPDs to strict deadlines as work on them is fitted around high priority deliverables.

4.0 POLICY IMPLICATIONS

4.1 The documents that comprise the Local Plan have primacy in all planning decisions. This is by virtue of the Planning and Compulsory Purchase Act 2004 – Section 38(6):

*"If regard is to be had to the development plan for the purpose of **any determination to be made under the planning Acts the determination must be made in accordance with the plan** unless material considerations indicate otherwise."*

4.2 The above legal statement is reiterated in the National Planning Policy Framework (NPPF). The Local Plan therefore has significant policy implications across a range of social, economic and environmental issues. All planning application decisions in the Borough will be made in accordance with the policies in the Local Plan.

4.3 NPPF further states, that "where plans are absent, silent or relevant policies are out-of-date" authorities should grant planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits". It is important therefore that Halton maintains an up-to-date LDF/'Local Plan' and that efforts are concentrated towards the most crucial elements of this.

4.4 Given resource constraints it is imperative that the LDS is focussed on the delivery of the key documents that will have the most significant impact for the Borough.

4.5 For the above reason it is proposed that the following documents will not be produced in the next 2 years and hence will be dropped from the current LDS

(LDS 2009). The documents below therefore do not appear in the LDS 2012 (Appendix 1).

Widnes Town Centre Area Action Plan
West Runcorn Area Action Plan
Sustainable Development and Climate Change SPD
Widnes Waterfront SPD (Update)
Local List (Heritage Conservation) SPD
Halton Lea SPD
Widnes Town Centre SPD
Greening the Legacy SPD
Planning Obligations SPD

4.6 In many of the geographic areas named in the above table, delivery of development schemes and regeneration will be left to the market. For example, Halton Lea will not have a dedicated SPD to guide future planning applications and therefore future development will be determined by market forces and the development industry. The Core Strategy will still guide the broad development principles across the Borough.

5.0 OTHER IMPLICATIONS

5.1 An LDS is an essential tool in policy production as it allows future participation to be scheduled in advance by stakeholders, industry and the public. The LDS gives prior notice on when Local Plan documents will be being produced and the key stages of production. Representations, ideas, and sites for development can then be put forward at the appropriate time. Regular updates on the milestone in the LDS are published on the Council's Website.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 The LDS supports the delivery of the Council's priorities because it is the timetable for the production of planning policy documents that assist the delivery of the Sustainable Community Strategy and 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 An LDS is a statutory document. Not having one puts the Authority at the risk of legal challenge. Stakeholders are entitled to rely upon forward notice of the Local Plans that will be produced and may directly impact on their assets or business.

7.2 The LDS is an explicit commitment to the delivery of the LDF / Local Plan over a definite period. Not having a specific and relatively fixed work programme for Local Plan delivery means that resources are not prioritised and used as effectively as they could be.

7.3 The risk of not having an up-to-date Local Plan needs to be fully understood. Without a current Local Plan, the development industry has no certainty over where different types of land use will be permitted; appeals against refusal of planning permission are more likely to be upheld in the developer's favour with the possibility of costs awarded against the Council. An up-to-date Local Plan is needed to retain local control over decision making.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Building stronger communities through community engagement and good planning is a key aspect of the Local Plan. The Council is already committed to equality regardless of age, sex, caring responsibility, race, religion, marital status, maternity issues, gender reassignment, socio economic need, sexuality or disability and these commitments are reflected in the Local Plan as far as is relevant.

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

Document	Place of Inspection	Contact Officer
Local Development Scheme 2009	Municipal Building, Widnes	Tim Gibbs

APPENDIX 1 – Provisional Halton Local Development Scheme - June 2012

Development Plan Documents

*The Town and Country Planning (Local Planning) (England) Regulations 2012

	Preparation of a Local Plan (Reg 18*)	Publication (Reg 19*)	Submission (Reg 22*)	Examination (Reg 24*)	Adoption (Reg 26*)
Core Strategy	Preferred Options September – November 2009	November - Jan 2010 Republication May-June 2011	22 nd Sept 2011	28.11.11-22.12.11	Winter 2012
Joint Merseyside and Halton Waste	Preferred Options 2 – New Sites Report 9 th May – 19 th June 2011	23 rd Nov 2011 – 20 th Jan 2012	17 th Feb 2012	June 2012	Winter 2012
Site Allocations and Development Management	June – July 2012	Jan – Feb 2013	May 2013	August 2013	Winter 2013/14
Community Infrastructure Levy (CIL) Charging Schedule	Early 2013	Summer 2013	Autumn 2013	Winter 2013	Spring 2014

Supplementary Planning Documents

	Adoption
Affordable Housing	Adoption Autumn 2012
Transport and Accessibility	By 2013
A number of separate Local Development Order - Daresbury DSIC Enterprise Zone	By 2013
West Runcorn SPD (in conjunction with Peel Holdings)	2013/14
Runcorn Old Town SPD [if required to support wider regeneration priorities]	2013
West Bank SPD [if required to support wider regeneration priorities]	2013/14

Supporting Evidence Requirements

Green Belt Review Study	2012
Strategic Housing Land Availability Assessment (Annual Update)	2012
Gypsy and Traveller Accommodation Assessment	2012
Borough Development Viability Study (to support Community Infrastructure Levy Charging Schedule)	2012