

REPORT TO: Executive Board

DATE: 20 September 2007

REPORTING OFFICER: Strategic Director – Environment

SUBJECT: Halton Unitary Development Plan Saved Policies

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 further 'saving' of policies from the Halton UDP as part of the 'Development Plan' (**Appendix 1**).

2.0 RECOMMENDATION That:

- i) **Policies listed within Appendix 1 are submitted to the Government Office for the North West (acting on behalf of the Secretary of State) with a request that they are 'saved' as part of the 'Development Plan' for Halton beyond the expiry of the automatic three year period from adoption of the Halton UDP;**
- ii) **Policies listed within Appendix 2 are submitted to the Government Office for the North West (acting on behalf of the Secretary of State) with a request that they are no longer maintained as part of the 'Development Plan' for Halton beyond the expiry of the automatic three year period from adoption of the Halton UDP;**
- iii) **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 Government Office for the North West;**
- iv) **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; and**
- v) **The importance of replacing 'saved policies' with a new style Local Development Framework, starting with the progression of the Halton Core Strategy, is acknowledged.**

3.0 SUPPORTING INFORMATION

3.1 With the adoption of the Planning and Compulsory Purchase Act in September 2004, the system of old style plans was abolished. The 2004 Regulations,

which accompanied this Act, allowed the adopted Halton Unitary Development Plan (UDP) to be automatically saved for a period of three years from either the date of commencement of Section 38 of the Planning & Compulsory Purchase Act 2004 on 28th September 2004 or the date the plan was adopted, whichever was the latter. The UDP was adopted on 7th April 2005, therefore 'old' policies are automatically saved until 6th April 2008. The Act requires authorities to apply to the Secretary of State (via the Government Office) to issue a direction, if it becomes necessary to save specified policies beyond this three year period. This must be done six months prior to 6th April 2008 in Halton's case i.e. by 6th October 2007.

- 3.2 The Halton Local Development Framework (LDF) is intended to replace the UDP. However, given the time taken to produce the documents contained within the LDF it will be necessary to continue to save many of the 'old' policies within the UDP for a number of years, whilst these LDF documents are being prepared.
- 3.3 This situation means that the Council will have to make a request, to the Secretary of State, that a number of the 'old' adopted UDP policies are saved beyond the automatic 3 years. In general terms, authorities will be required to demonstrate that the policies they wish to "save" reflect the principles of Local Development Frameworks; are consistent with current national policy; and, in Halton's case, that it is not feasible or desirable to replace them by 6th April 2008.
- 3.4 The Government will take compliance with criteria i) – vi) below into account in considering extensions to UDP saved policies beyond the automatic 3 years. These are used to assess the extent to which policies reflect the principles of LDFs. These were detailed in a letter received from the Department for Communities and Local Government which explained the Secretary of State's protocol for requesting an extension of saved policies beyond the three year period (Appendix 3). This built upon advice contained at paragraph 5.15 of Planning Policy Statement 12 (Local Development Frameworks). Officers have analysed all UDP policies against these criteria and have produced two tables as a result detailing those policies that are intended to be requested as saved (Appendix 1) and those that are proposed to not be saved beyond the automatic 3 years (Appendix 2). These can be read in conjunction with Appendix 4 (Transitional Arrangements) of the Halton Local Development Scheme 2007 that was approved by Executive Board on 22 February 2007 and by GONW on 12 March 2007. Unsurprisingly, given that the UDP is up to date and policies and proposals within it were intended to cover a period up to 2016, Officers propose that only a small number of policies should not be saved beyond the 3 automatic year period: The criteria for consideration are:
 - (i) where appropriate, there is a clear central strategy;
 - (ii) policies have regard to the Community Strategy for the area;
 - (iii) policies are in general conformity with the regional spatial strategy or spatial development strategy;

- (iv) policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
- (v) there are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged; and
- (vi) policies are necessary and do not merely repeat national or regional policy.

In addition, the Government will also have particular regard to the following, which are referred to under the 'other' column of the tables in Appendix 1 and 2:

- Policies that support the delivery of housing, including unimplemented site allocations, up to date affordable housing policies, policies relating to the infrastructure necessary to support housing;
- Policies on Green Belt general extent in structure plans and detailed boundaries in local plans/UDPs;
- Policies that support economic development and regeneration, including policies for retailing and town centres;
- Policies for waste management, including unimplemented site allocations;
- Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources.

3.5 It is of note that criteria iv) is presently not applicable because the Halton Core Strategy has not been adopted. Not all policies that are proposed to be saved meet all of the other remaining criteria listed above (as in some instances specific criteria are simply not applicable) and in those instances an 'on balance' decision has been made in relation to the perceived weight attached to the criteria that have been met. A summary assessment of each policy is contained in the comments column, situated at the right hand side of the tables.

3.6 The Government Office for the North West (on behalf of the Secretary of State) need to have determined the Council's request before the 7th April 2008, as this is three years since the date the Halton Unitary Development Plan was adopted. As no determination for any Local Authority within the North West has been published to date, it is not known what the likelihood is of approval without amendment to the submitted request.

3.7 Once the Government Office has made a decision, the portfolio of 'saved policies' will gradually be reduced as documents within the new style LDF are adopted. The Council's Annual Monitoring Report (AMR) will be the mechanism to identify which saved policies are no longer required. This will mean that the UDP, as a comprehensive plan for the Borough will no longer exist.

3.8 To ensure continuity and a comprehensive spatial plan for Halton is maintained, it is imperative that emphasis now moves towards producing the portfolio of LDF documents. This process has already begun, with the adoption of a number of Supplementary Planning Documents, but more importantly with preparation of the Halton Core Strategy. Once adopted, the Core Strategy will provide the strategic spatial direction for the Halton LDF.

4.0 POLICY IMPLICATIONS

- 4.1 The 'Development Plan' forms the starting point in the consideration of planning applications for the development or use of land and currently consists of both the Regional Spatial Strategy (RSS), prepared by the regional planning bodies and the Halton UDP.
- 4.2 Once the development plan documents within the LDF are prepared these will form part of the 'Development Plan', along with the RSS. However, due to the time taken to produce these documents, they will not be adopted before 7th April 2008. Therefore in order to retain consistency in the 'Development Plan' it is necessary to ensure that all the relevant UDP policies are saved. Without the submission of the portfolio of policies that are proposed to be saved to the Government Office by 6th October 2007, the policies contained within the UDP will simply cease to exist after 6th April 2008. This reflects advice at paragraph 5.16 of PPS12.

5.0 OTHER IMPLICATIONS

- 5.1 There are no other implications.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 Children and Young People in Halton – 'saved' policies within the Unitary Development Plan would support key objectives a) ensure that children and young people in Halton enjoy a healthy lifestyle; b) to ensure that all children and young people in Halton grow up and thrive in safe environments; and e) to ensure that all children and young people in Halton have positive futures after school by embracing life long learning, employment opportunities.
- 6.2 Employment, learning and skills in Halton – 'saved' policies within the Unitary Development Plan would support key objectives a) to foster a culture of enterprise and make Halton an ideal place to start and grow economic activity and d) to develop a strong, diverse, competitive and sustainable knowledge based local economy.
- 6.3 A Healthy Halton – 'saved' policies within the Unitary Development Plan would support key objective c) to promote a healthy living environment.
- 6.4 A Safer Halton – 'saved' policies within the Unitary Development Plan would support key objective c) to create and sustain better neighbourhoods that are well designed, well built, well maintained, safe and valued by the people that live in them, reflecting the priorities of residents.
- 6.5 Urban Renewal – as a key document in supporting this priority, 'saved' policies within the UDP would support all key objectives a) – e).

7.0 RISK ANALYSIS

- 7.1 No legal or financial risks to the Council can be identified.

7.2 The Halton UDP and the Halton LDF have both been subject to a sustainability appraisal, which should have identified and mitigated for any social, environmental or economic implications of these documents.

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

Document	Place of Inspection	Contact Officer
Town and Country Planning (Local Development) (England) Regulations 2004	Planning & Policy Division Rutland House	Andrew Pannell
Planning and Compulsory Purchase Act 2004	Planning & Policy Division Rutland House	Andrew Pannell
Planning Policy Statement 12: Local Development Frameworks	Planning & Policy Division Rutland House	Andrew Pannell
Adopted Halton UDP (April 2005)	Planning & Policy Division Rutland House	Andrew Pannell
Halton Local Development Scheme 2007	Planning & Policy Division Rutland House	Andrew Pannell