

REPORT TO: Executive Board

DATE: 19 June 2008

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: Secretary of State's Proposed Changes to the Draft Regional Spatial Strategy

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Executive Board of the Secretary of State's Proposed Changes to the draft Regional Spatial Strategy (RSS) and seek retrospective approval of Halton response that has been submitted to the Government Office for the North West.

2.0 RECOMMENDED: That

- (1) the importance of the content of the Regional Spatial Strategy is noted in relation to the development of the emerging Halton Local Development Framework.**
- (2) Halton's response to the Secretary of State's Proposed Changes, detailed at Appendix 1, are endorsed.**

3.0 SUPPORTING INFORMATION

- 3.1 Due to the new status of Regional Spatial Strategy (RSS) as part of the 'development plan', as set out in the new Planning and Compulsory Act 2004, the issues arising in the new RSS are of importance to Halton Borough Council in the production of the new Halton Borough Local Development Framework (LDF) and in decisions on planning applications.
- 3.2 The Secretary of State's response to the Draft Regional Spatial Strategy (RSS) represents the latest, and an advanced, stage in the production of a new regional plan for the North West. The Secretary of State's Proposed Changes were issued for public consultation in March 2008, with the period for comments running until 23 May. The SoS's Proposed Changes were issued in response to the publication of the Panel Report into Draft RSS (March 2007) which was itself issued subsequent to the Examination in Public (EiP) into the draft document that was held between 31st October 2006 and 15th February 2007. The EiP considered the content of the Submitted draft RSS (January 2006).

- 3.3 Halton has played a full and active role at all stages of RSS production and has had some notable successes in influencing redrafting of the emerging document to reflect our priorities. This has occurred in co-ordination with the Merseyside Policy Unit (MPU) who have also submitted comments regarding emerging RSS on behalf of the Merseyside authorities, including Halton.
- 3.4 The Secretary of State's Proposed Changes detail recommendations for amendments to emerging RSS in relation to the proposals contained in the Panel Report. Many of the Panel's suggested changes have been accepted by the Secretary of State (SoS), however, on occasion the SoS has rejected the recommendation of the Panel and made a different recommendation. Where this has happened, full reasons have been given in the Proposed Changes document.
- 3.5 It is anticipated that the final version of RSS will be published in mid 2008.
- 3.6 It has been frequently mentioned from the time of the EiP that draft RSS was produced very rapidly and this has led to deficiencies in the policy content of the document. The Panel previously stated that they did not feel that the content of emerging RSS was satisfactory, even if altered in line with recommendations. They therefore recommended that RSS be the subject of an early and wide ranging review. This has been endorsed in principle by the Secretary of State, with a Partial Review of RSS to take place to cover matters of housing policy, Housing Market Areas, regional car parking standards, waste policies (specifically regionally significant waste management facilities), broad locations for renewable energy and accommodation for travelling showpeople, gypsies and travellers. A Project Plan has already been issued, with the Partial Review expected to be completed by the end of 2010.

4.0 POLICY IMPLICATIONS

- 4.1 As the SoS's response to the Panel Report represent such an advanced stage in Plan preparation, it has to be recognised that there are now limitations to which changes to RSS can be influenced and expected. For example, it would be inappropriate to 'go over old ground' regarding matters that have already been fully considered by the Panel and the SoS. However, it is appropriate for Halton to make representations regarding clear material changes to RSS in light of changes proposed by the SoS in relation to the individual policies, explanatory text and spatial diagrams within the document. These representations would need to be considered by the SoS and any changes that are considered to be appropriate would then need to be made prior to RSS being adopted.
- 4.2 The section of this report below after paragraph 4.5 therefore 1) details the main recommendations made by the SoS that may have policy

implications for Halton Borough Council; 2) where appropriate, proposes representations (either objections or clarifications) that Officers suggest should be made in response to the SoS's recommendations in order that Halton's policy position can be fully taken into account. The suggested wording for these representations is given for endorsement at Appendix 1.

- 4.3 The broad basis for Halton's suggested objections to the SoS's Proposed Changes can be summarised as follows: 1) seek clarification regarding the status of selected third tier town/ cities in Policy RDF1 (Spatial Priorities); 2) request a better definition of "exceptional substantial strategic change" within Policy RDF4 (Green Belts); 3) seek clarification regarding whether the sub regional employment land figures detailed in table 6.1 which relate to Policy W3 (Supply of Employment Land) represent a ceiling. Seek a precise definition of what "2005 supply" in row 1 of the table includes; 4) Object to Policy RT2 (Managing Travel Demand) by seeking the inclusion of the Silver Jubilee Bridge; 5) Object to Policy RT6 (Ports and Waterways) explanatory text by seeking the inclusion of Weston Docks; 6) object to the Regional and Liverpool City Region Key Spatial Diagrams because these are incorrect in relation to the Widnes (with access to the West Coast Main Line (Liverpool Branch)) indicative Inter Modal Freight Terminal location i.e. Ditton. The former shows this at Runcorn and latter omits it completely; 7) object to a) the failure to publish the Implementation Plan alongside the Secretary of State's Proposed Changes in connection with Policy RT10 (Priorities for Transport Management and Investment) b) the omission of the Mersey Gateway Bridge from the Plan and in particular Policy LCR1 (Liverpool City Region Priorities); 8) Object to the omission of Halton (i.e. Daresbury) as a location for Regionally Significant Economic Development in Policy LCR1.
- 4.4 In addition to the objections and clarifications above, it is also of note that RSS places several potentially onerous requirements at the local level in terms of Plan production and scheme justification. This will have staff resource implications. For example, the requirement for Habitat Regulatory Assessment has been passed disproportionately to the local level, a multi-modal transport model may need to be produced for the Borough and Halton needs to incorporate effective policies promoting Code for Sustainable Homes and the Building Research Establishment's Environmental Assessment Method (BREEAM) standards. There is also a requirement to undertake a Strategic Housing Market Assessment (SHMA).
- 4.5 The content of RSS can broadly be divided into six key areas in accordance with chapters of the document, these being 1) Spatial Development Principles and the Regional Spatial Framework; 2) Working in the North West; 3) Living in the North West; 4) Transport; 5) Environment, Minerals and Waste; 6) The Sub Regional Strategies,

including the Liverpool City Region. Each of these is now considered in turn:

1) Spatial Development Principles and the Regional Spatial Framework

Development Principles

- The Panel's recommendations have largely been accepted, meaning that there are substantial changes to the Development Principles set out in RSS. A single overarching policy identifies 8 spatial principles; 8 following policies (DP2-9) expand upon each of these. Most notably, Policy DP4 promotes a sequential test to development, with first choice being existing buildings within settlements and previously developed land and buildings, suitable infill as the second choice and the development of other well located land as third choice.

Spatial Priorities and the Settlement Hierarchy

- The SoS proposes to delete Table 7.1, which provided the settlement hierarchy for the Region, and included Runcorn and Widnes as 'Regional Towns and Cities'. Associated Policy RDF1 has been reworded to refer to named towns and cities as part of a three tier priority for growth and development. The first priority is the regional centres of Manchester and Liverpool, with second priority being inner areas surrounding the regional centres, including Housing Market Renewal Areas. Widnes and Runcorn are now within a third priority of named towns and cities. This third priority contains 6 towns/ cities in bold text (Carlisle, Chester, Crewe, Lancaster, Preston and Warrington) out of the 29 listed. It is considered that clarification is required regarding whether these emboldened centres are prioritised and, accordingly, a representation has been drafted at Appendix 1.
- Policy RDF2 refers to Key Service Centres, however, this deals with centres in rural areas.

Green Belt

- The Panel have recommended changes to the policy in relation to the Green Belt, this includes the presumption against exceptional substantial strategic change to the Green Belt before 2011 within Merseyside, Cheshire, Greater Manchester or Lancashire. There appears to be no definition of 'exceptional substantial strategic change' within emerging RSS, with this to be considered on a case by case basis. However, the policy appears to contradict explanatory text at paragraph 5.26, so a representation has been drafted at Appendix 1 to seek clarification. The policy goes on to say that LDFs may provide for detailed changes in Green Belt boundaries to accommodate the expansion of Liverpool John Lennon Airport (LJLA). In the case of Halton, this would entail considering whether land would need to be removed from the green belt in relation to the LJLA eastern runway extension. Co-ordination

with Liverpool City Council upon this matter would be advisable in order to ensure 'soundness' of our LDF documentation.

2) Working in the North West

Employment Land

- Table 6.1 provides figures for the Provision of Employment Land. The SoS has agreed with the Panel in principle and has therefore recommended a number of significant changes to this table as the approach taken by the NWRA was considered to be inconsistent and flawed. The table now refers to 'all' employment land; this means that Merseyside and Halton now require an extra allocation of 476ha of employment land (including any additional Regionally Significant Economic Development sites). This is a higher figure than had been suggested by the Panel but lower than that in Submission Draft RSS. However, the explanatory text to the policy usefully clarifies that Inter Modal Freight Terminals, such as Ditton or Newton-le-Willows do not form part of this quantum of allocation.
- There are two matters that need clarification regarding this table, these being whether the sub regional figures for employment land in table 6.1 represent a ceiling and what the definition of existing employment land in the table includes. A representations in relation to these matters has been drafted at Appendix 1.
- The SoS recommends that local authorities should review their employment land portfolio every three years, which is more onerous than national advice. The fact that RSS only provides a land figure for the Greater Merseyside sub region emphasises a need for cross-boundary working in order to disaggregate this to the local authority level. This is a challenge, because presently Liverpool, Wirral and St Helens Councils have 'gone it alone' in carrying out their own employment land reviews. However, Halton has been working in partnership with Sefton, Knowsley and West Lancashire Councils to overcome this problem and the four authorities recently commissioned BE Group to undertake a Joint Employment Land Study. Part of this commission entails BE Group disaggregating the sub-regional figures to the local level.
- The SoS has followed the Panel recommendation that table 8.1, which set out the broad locations for Regionally Significant Economic Development Sites (which included South East Halton), should be deleted. To facilitate this, the SoS has recommended amendments to associated Policy W2. In accordance with the Panel recommendation, this policy is now criteria based, however it now only states that Regionally Significant Economic Development Sites will be located close to transport nodes within certain areas, the relevant location in Halton's case merely stating the urban areas of the Liverpool City Region, rather than the Panel's previously recommended 'Halton'. All reference to a location in Halton has now therefore been removed. Refer to the Liverpool City Region section below for further comments in this regard and an objection at Appendix 1.

- An additional test has been added that Regionally Significant Economic Development Sites should not be used for development that could be accommodated elsewhere and should not be developed in a piecemeal manner. The Council will now be required to demonstrate that Daresbury meets the criteria set out in this policy before allocating it as a Regionally Significant Economic Development site within the LDF.
- Knowledge based services (such as Daresbury) should be clustered close to significant research establishments.
- The SoS has accepted the Panel recommendation and removed reference to 'reserve sites', which had included Daresbury and were intended to be held back to accommodate 'investment that would otherwise be lost to the Region'.
- It is of note that Inter Modal Freight Terminals are considered under a separate policy, RT8; this is considered below under the Transport chapter.

Retail

- Policy W5 of the RSS provided the retail hierarchy for the North West. Halton and the Merseyside Policy Unit (MPU) made representations at the EiP for the inclusion of Widnes and Halton Lea within the second tier of retail centres of this policy. Unfortunately, neither the Panel nor the SoS were persuaded by the argument put forward for their inclusion and they have not been named in this second tier. However, it should be noted that Policy W5 encourages investment of an appropriate scale in non-named centres, and this was a change to policy wording as a direct result of a separate representation by Halton. Additionally, Table 8.4, which had set out the indicative floorspace for each sub-regional grouping of authorities, has been deleted. This deletion means that Halton is no longer within a grouping of local authorities containing larger retail centres, which may have taken a larger slice of the indicative floorspace suggested by Table 8.4.

3) Living in the North West

Residential

- The Secretary of State has included a new policy on residential density, broadly in accordance with the Panel's recommendation but with one important difference. The proposed policy indicates that the density of new residential development should not be less than 30 dwellings per hectare (dpha) net and in urban areas it should be higher, particularly in locations that are within walking distance of good public transport services. The previous draft of this policy indicated that the dpha in urban areas should be at least 40, with higher densities in more accessible locations.
- RSS has indicated that at least 70% of residential development should take place on previously developed land (pdl) in the North West. It provides new indicative pdl targets for each authority or grouping of local authorities. The new pdl target for residential

development for Halton with St Helens has been confirmed to be at least 65%.

- There are no changes in relation to recommendations regarding Halton's housing figures, with this remaining at 9,000 dwellings between 2003 and 2021. This is equivalent to an average of 500 dwellings per annum. The Council has strongly supported these housing figures throughout the production of the RSS. It is to be assumed that this annual average requirement will continue for a limited period beyond 2021.
- The SoS has clarified that the total of 416,000 dwellings to be provided between 2003 and 2021 for the whole Region (and therefore also by individual Local Authority) should now no longer be regarded as a ceiling in line with the Government's approach to housing set out in the Housing Green Paper. Paragraph 7.19 provides clarification as to when the principle of exceeding the stated figures might be applied. These are where there is evidence of need, demand, affordability and sustainability and where it would fit with relevant local and sub-regional strategies.
- Policy L2 indicates that Local Authorities should undertake Strategic Housing Market Assessments; in Halton's case this would need to be done in conjunction with St Helens and Warrington who also fall within the Mid Mersey sub-region. The policy states that a comprehensive approach to overcoming increasing issues of affordability should be adopted. In line with PPS3, an affordable housing target will be expected to be included within the Partial Review.
- Accommodation for travelling showpeople, gypsies and travellers is not currently dealt with by RSS and this will be addressed by the Partial Review.

4) Transport

- Policy RT1 (Integrated Transport Networks) states 'Transport problems in the region should be examined on a multi-modal basis to develop sustainable, integrated and accessible solutions for all users'. Other guidance such as Transport Assessment also emphasises this approach of managing person trips rather than just traffic, and may lead us, along with neighbouring authorities to need to produce a multi modal transport model for the borough, which has significant resource implications.
- Paragraph 8.3 makes a presumption against new road building, which may have implications for the Mersey Gateway. Whilst it is possible that this may be balanced by a successful reintroduction of a reference to MGB in RSS (see bullet point below in relation to Policies RT10 and LCR1) it will be vital to prove that the scheme will deliver network and demand management, and an increased role for public transport, which are the key strategies for dealing with congestion mentioned by this paragraph.
- Parking standards shown are to be reviewed in the current RSS Partial Review. This is welcomed as the standards shown are

limited and place Halton's parking standards on a level with other Merseyside authorities. The new guidance is expected to have more flexibility based on accessibility and location.

- Policy RT2 (Managing Travel Demand) makes reference to tackling the most congested parts of the motorway network. This should also include reference to other strategic routes such as the Silver Jubilee Bridge and an objection has been drafted accordingly at Appendix 1.
- Policy RT5 (Airports) now includes reference to airport boundaries. It states that 'Airport boundaries, as existing or as proposed, should be shown in Local Development Documents. Development that would impede the operational requirements of an airport should not be permitted within this boundary.' This needs to be considered in conjunction with Policy RDF4 (Green Belts) which has already been discussed above.
- There is a policy dealing with Ports and Waterways, which seeks to optimise the use of these assets and makes reference to the Manchester Ship Canal. It appears that this includes Weston Docks but clarification has been sought in this respect. Port operators should produce land surface access plans and port boundaries, as existing or proposed, should be shown in Local Development Documents.
- A new policy, RT8, which deals with the development of inter-modal freight terminals is included in line with the Panel's recommendation, except that this is now located within the Transport chapter rather than Working in The North West. 3MG is listed within the policy as Widnes (with access to the West Coast Main Line (Liverpool Branch)). The policy indicates that a review of green belt boundary in the Local Development Framework would be justified in order to accommodate an inter-modal freight terminal in accordance with this policy. It is of note in this respect that a further broad location for a facility is indicated for Newton-le-Willows. Proposals for inter-modal freight terminals should satisfy several criteria, including that 'Sites should be allocated and planning permission granted only where the local planning authority is satisfied that interchange between transport modes is the primary purpose of the development.' It is of note that both the North West and Liverpool City region key diagrams are incorrect in relation to 3MG and an objection is drafted accordingly at Appendix 1.
- Policy RT10 sets out the priorities for Transport Management and Investment. The wording for this policy has been changed so that schemes for which funding has been allocated, and those that are under investigation or proposed for investigation, are listed in a separate Implementation Plan. This means that Table 10.2 (Transport Investment Priorities) has been deleted and proposals within that table and that were intended to be shown on the sub-regional diagrams (including The Mersey Gateway and the Silver Jubilee Bridge) are no longer part of RSS but are intended to be part of the Implementation Plan. An up to date version of the Implementation Plan has not been produced alongside the SoS's

Proposed Changes and a previous draft version made no reference to schemes in table 10.2. However, clarification of the broad type of schemes that might be included as part of the Implementation Plan is given at paragraph 8.37. The Mersey Gateway's current status with the DfT is "Programme Entry" (the next stage would be "conditional approval"). Therefore as the scheme does not yet have full approval there seems to be no guarantee it will always be referred to in the adopted RSS via the Implementation Plan referred to in paragraph 8.37. The uncertainty surrounding the detailed content of the Implementation Plan is unacceptable and it should have been published alongside the Secretary of State's Proposed Changes. An objection dealing with this matter is drafted at Appendix 1, which also cross refers comments regarding the Liverpool City Region policies.

5) Environment, Minerals and Waste

Regional Parks

- The policy dealing with Regional Parks identifies three broad areas of search, including the North West coast and the Mersey Basin, both of which may encroach into Halton. It is likely that the Halton Core Strategy will have to develop this matter further, for example in co-ordination with work being undertaken by other organisations in relation to the Weaver Valley and Mersey Waterfront Regional Parks.

Waste

- The SoS has agreed to recommendations made by the Panel and has made amendments to the tables accompanying Policy EM13, in relation to the provision of waste management facilities (non-hazardous commercial and industrial waste, hazardous waste and municipal waste). Halton's waste arisings have been moved from being shared with Warrington to being shared with Merseyside. This is in line with the decision by the Council to work with the Merseyside Authorities on a Joint Waste DPD, as opposed to Warrington Borough Council. Policy EM13 states that regionally significant waste facilities may be needed to serve the Mersey Belt, which includes the Manchester and Liverpool conurbations. As has been indicated above, the Partial Review will identify broad locations for regionally significant waste management facilities.

Energy Conservation

- Local authorities should reduce energy requirements by incorporating policies promoting Code for Sustainable Homes and the Building Research Establishment's Environmental Assessment Method (BREEAM) standards.

Decentralised and Renewable Energy

- At least 10%, 15% and 20% of the electricity supplied within the region should be from renewable energy sources by 2010, 2015 and

2020 respectively. Broad locations for renewable energy generation will be identified as part of the Partial Review. A new policy has been included which deals with Plans setting targets for decentralised sources of supply. These are supplies of small scale and would locally serve a development or site.

Habitat Regulatory Assessment

- As a general point, it is of note that the SoS's proposed changes scatter reference to the need to carry out Habitat Regulatory Assessment at various points throughout the document e.g. in relation to the policies dealing with airports and ports. This is a potentially onerous requirement which has been 'bounced' to the local level and will affect Halton due to the presence of the Mersey Estuary Special Protection Area. It is an unfortunate consequence of the HRA process being carried out late in the production of RSS rather than forming an integral part of the process. MPU have commented to this effect, so it is not necessary to repeat their concerns.

6) Sub Regional Strategies

Liverpool City Region

- To a certain extent, this section provides co-ordination with the other topic based parts of RSS considered above. However, in doing so it is Officer opinion that there are some notable omissions in the primary Liverpool City Region policy LCT1.
- It is of note that the SoS proposes that Vale Royal and West Lancashire are now moved into the Liverpool City Region and references to Warrington have been removed. This is to avoid areas of overlap. Vale Royal has been moved into a sub area including Chester and Ellesmere Port, which reflects local government reorganisation in 2009.
- A bullet point is included within Policy LCR1, which states that plans and strategies should 'maximise the employment potential of the Strategic Investment Areas (SIAs) and Economic Development Zones (EDZs)'; this would include Widnes Waterfront. It also includes a bullet point to 'improve the City Region's internal and external transport links in line with the priorities for transport investment and management set out in Policy RT10'. However, as explained above, table 10.2, which included reference to the Mersey Gateway Bridge, the Silver Jubilee Bridge and the Halton Curve, has been removed by the SoS. This underlines the importance of a site specific reference to major transport schemes being included within the Liverpool City Region Policy LCR1. The Panel had previously rejected Halton Borough Council's and MPU's requests to include reference to Mersey Gateway Bridge, citing duplications with policies elsewhere. Quite clearly, this duplication would no longer exist in RSS and therefore an objection has been worded accordingly at Appendix 1.

- Similar to the point above, Policy W2 in the employment chapter has removed reference to Merseyside (including Ellesmere Port and Halton) as a suitable location for Regionally Significant Economic Development. This has been replaced with the more generic 'Liverpool City Region'. The primary Liverpool City Region policy LCT1 should complement W2 by being more specific regarding suitable locations in the Liverpool City Region and therefore an objection has been drafted accordingly.

5.0 OTHER IMPLICATIONS

- 5.1 RSS is expected to be adopted in mid 2008. Once adopted it will form part of the 'Development Plan' and will be used in the making of decisions on planning applications.
- 5.2 Emerging RSS also has implications for the production of the Local Development Framework (LDF) and in particular for the Halton Core Strategy. As the key document within the LDF, the Core Strategy is currently being produced and covers the period to 2026. Each of the recommendations highlighted above will have to be considered within the Core Strategy and, where appropriate, changes will have to be made. This will need to be done to ensure that the Core Strategy remains in general conformity with the RSS, as required by PPS 12.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 Children and Young People in Halton
As part of the Development Plan, RSS 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
RSS 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
RSS would support key objective c) to promote a healthy living environment.
- 6.4 A Safer Halton
RSS 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 Halton's Urban Renewal
RSS would support all key objectives a) – e).

7.0 RISK ANALYSIS

- 7.1 At this stage it is not possible to determine the exact content of the RSS, as the document has still to be finalised. Therefore there will continue to be risks associated with the use of the emerging RSS within planning policy production. However, given that the existing RSS (March 2003) will be superseded upon adoption of the emerging RSS, there is little option but to work with this risk.

8.0 EQUALITY AND DIVERSITY ISSUES

Not applicable

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

Document	Place of Inspection	Contact Officer
The Planning and Compulsory Act 2004	Planning & Policy Division Rutland House	Neil Macfarlane
Submission Draft RSS	Planning & Policy Division Rutland House	Neil Macfarlane
Panel Report	Planning & Policy Division Rutland House	Neil Macfarlane
SoS's Response to Panel Report	Planning & Policy Division Rutland House	Neil Macfarlane
PPS 3: Housing	Planning & Policy Division Rutland House	Neil Macfarlane
PPS 12: Local Development Frameworks	Planning & Policy Division Rutland House	Neil Macfarlane