

**REPORT TO:** Executive Board

**DATE:** 12<sup>th</sup> September 2024

**REPORTING OFFICER:** Executive Director Environment and Regeneration

**PORTFOLIO:** Climate Change and Urban Renewal

**SUBJECT:** Halton Local Development Scheme (LDS)

**WARD(S)** Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 This report seeks approval from the Board of the proposed update to the Local Development Scheme (LDS) (Appendix A). Councils are required to prepare and keep up to date Local Development Schemes that set out the timetable for production of their Local Plan(s). They identify and describe the Planning Policy documents that the Council intends to prepare and gives target dates for key stages in their production.

## **2.0 RECOMMENDED: That**

- 1) the report be noted; and**
- 2) the Board approves the Strategy.**
- 3) The Halton Borough Council Local Development Scheme 2024 Revision (Appendix A) be formally adopted and shall have effect from September 2024; and**
- 4) Authority be delegated to the Director of Planning and Transport in consultation with the Executive Board Members for Environment and Urban Renewal and Climate Change to approve any minor changes to the wording and/or timelines of the production of documents in the Local Development Scheme as required.**

## **3.0 SUPPORTING INFORMATION**

3.1 The statutory Development Plan is the set of Local Plans (also known as Development Plan Documents (DPDs)) that together form the statutory basis for determining whether or not planning permission should be granted.

3.2 The Local Plan for Halton currently comprises the adopted Delivery and Allocations Local Plan (2022) and the Joint Waste Plan (2013).

3.3 The Council also has the option to produce Supplementary Planning Documents (SPDs). Supplementary Planning Documents (SPD) (and

their predecessors, supplementary planning guidance) complement or expand upon local plan policies, for example, describing in more detail how an allocated site should be developed. An SPD cannot allocate new sites for development nor contain new policies for the use or development of land, and they must not conflict with the adopted DALP and Waste Local Plan. SPDs are subject to community involvement but do not require Independent Examination. They do not form a statutory part of the development plan for the authority but are a material consideration in the determination of any planning application to which they relate.

3.4 There is also a number of supporting and process documents that the Council is required to produce including:

- A Sustainability Appraisal (SA) is prepared alongside a planning document, to ensure that the document as a whole reflects a balance of sustainable development objectives (social, environmental and economic factors). The SA incorporates the requirements of the European Union (EU) Strategic Environmental Assessment (SEA) Directive 2001/42.
- A Habitats Regulations Assessment (HRA) is a requirement of the European Habitat Directive and seeks to assess the potential impact of a proposed plan in conjunction with the other plans and policies on one or more European Habitat sites. This is also referred to as the Appropriate Assessment (AA).
- An Infrastructure Delivery Plan (IDP) has been produced alongside the Local Plan to identify essential supporting infrastructure and services, how they will be delivered and by whom.
- A Statement of Community Involvement (SCI), which specifies how stakeholders and communities are involved
- A Local Development Scheme (LDS) that sets out details of each of the documents that will be produced, along with timescales and arrangements for their production.
- An Authority's Monitoring Report (AMR) setting out progress in terms of producing documents and in implementing policies.
- The LDS is a public statement of Halton Borough Council's policy team work programme. The process of making Local Plans is a lengthy one, made so by the detailed protocols set out in legislation and regulations.

#### **4.0 POLICY IMPLICATIONS**

4.1 Planning applications should normally be determined in accordance with the Development Plan.

*"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.” [Section 38(6): Planning and Compulsory Purchase Act 2004]*

- 4.2 This is reiterated in the National Planning Policy Framework (NPPF), which states that Plans should be reviewed at least every 5 years, and policies not reviewed within this time may be considered to be out-of-date. It is important, therefore, that Halton maintains an up-to-date Local Plan and that efforts are concentrated towards the most crucial elements of this.
- 4.3 Given resource constraints the current LDS is focussed on the delivery of Supplementary Planning Documents to support the policies in the recently adopted Delivery and Allocations Local Plan providing detailed guidance for the public, planners, housing providers, developers and their agents.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The LDS is a statutory ‘process document’ and as such has no direct financial implications beyond setting the timetable for the production of different planning documents that may incur expenditure on supporting evidence base or statutory assessments.

## **6.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES**

### **6.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence**

The LDS is a statutory ‘process document’ that sets out the programme for the updating of the Local Plan, which is intended to assist in the delivery of the Local Plan

### **6.2 Building a Strong, Sustainable Local Economy**

The LDS supports the above by providing additional information to develop a strong and sustainable local economy through its policies.

### **6.3 Supporting Children, Young People and Families**

The LDS supports the above by providing additional information to support Children, Young people and Families by its policies and strategies to encourage strong and vibrant communities to grow, learn and live in.

### **6.4 Tackling Inequality and Helping Those Who Are Most In Need**

The LDS supports the above by providing additional information to develop a fair and equitable borough by providing policies that shape our community.

### **6.5 Working Towards a Greener Future**

The LDS supports the above by providing additional information to guide developers and investors in the borough of the aspirations of the borough

to reduce its carbon footprint.

## **6.6 Valuing and Appreciating Halton and Our Community**

The LDS contains policies that supports the delivery of affordable homes and the enhancement of the communities in which we will live and work.

## **7.0 RISK ANALYSIS**

7.1 An LDS is a statutory document. Not having an up to date LDS 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 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. Planning Policy documents are subjected to Equality Impact Assessments during their production to ensure compliance.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 The LDS provides an opportunity to shape and manage future development and its impact on the Climate by encouraging the use of new and innovative technologies to reduce its carbon footprint.

## **10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

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<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Halton Local Development Scheme 2021	Municipal Building, Widnes	Rebecca Taylor
The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	Municipal Building, Widnes	Rebecca Taylor
National Planning Policy Framework (NPPF 2023)	Municipal Building, Widnes	Rebecca Taylor
National Planning Practice Guidance (PPG)	Municipal Building, Widnes	Rebecca Taylor
Halton Delivery and Allocations Local Plan (DALP 2022)	Municipal Building, Widnes	Rebecca Taylor
Waste Local Plan (2013)	Municipal Building, Widnes	Rebecca Taylor

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