

Halton Borough Council

# **Halton Delivery and Allocations Local Plan (incorporating Partial Review of the Core Strategy)**

## **PAS Self-Assessment Toolkit – Legal Compliance**

**July 2019**

Enterprise, Communities and Resources  
Halton Borough Council  
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This Planning Advisory Service checklist is based on Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012.

Glossary:

"Act" means the Planning and Compulsory Purchase Act 2004 (as amended)

"NPPF" means the National Planning Policy Framework published March 2019

"Regulations" means the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012

LDS means Local Development Scheme

SCI means Statement of Community Involvement

DPD means Development Plan Document

## Stage one: The early stages

Where the 'possible evidence' column refers to a document that will not be complete until a later stage (for example, the sustainability appraisal report), documents that will contribute to that report are relevant at the earlier stages. This way, the submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.

## Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Councils Response
<p>I. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 17</p>		<ul style="list-style-type: none"> <li>i. The adopted LDS at the time of commencement, publication and submission of the DPD</li> <li>ii. The relevant authority monitoring report (if changes need to be explained)</li> </ul>	<p>The timetable for the production of the DALP DPDs was included within Halton's 2009 Local Development Scheme.</p> <p>Yearly updates on progress made with the Delivery and Allocations Local Plan and changes needed to explain delays were published annually on the Councils website and also in revisions to the LDS in 2006/7, 2007, 2009, 2016 and 2017.</p> <p>The Local Plan consultation on the Delivery and Allocations Local Plan Scoping Document took place between 10th February 2014 and 25th March 2014. Alongside the LDS 2009 and website updates.</p> <p>Implications arising from the implementation of the National Planning Policy Framework, national Planning Policy Guidance and local evidence base studies indicated the need to widen the 'scope' of the DALP to encompass selected policies from the Core Strategy Local Plan. This necessitated</p>

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					<p>repeating the (Reg.18) scoping consultation.</p> <p>A report seeking the approval of the production of the revised scope of the DALP was obtained from the Environment and Regeneration Policy and Performance Board at their meeting on the 25<sup>th</sup> November 2015. In addition Executive Board approval was also obtained on the 14<sup>th</sup> January 2016.</p> <p>Updates and revisions to the LDS were provided on the council's website, and via enquiries and email.</p> <p>This represented preparatory work under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>A revised timetable for the production of the DALP was included within Halton's 2017 Local Development Scheme. This states that Publication would be reached in October 2017, followed by Submission in June/July 2018, and eventual adoption in July 2019. Due to changes associated with</p>

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					<p>the National Planning Policy Framework and the 2019 revision, the timetable for the DALP slipped slightly. It is anticipated that the Proposed Submission of the DALp will be consulted upon from July 2019, with Submission to the Secretary of State on Autumn 2019 and adoption in Summer 2020 subject to the Planning Inspectorate being able to accommodate an EiP. This will be reference in the next LDS.</p> <p>The consultation was carried out in accordance with the requirements included within the adopted Halton Borough Council's Statement of Community Involvement 2013 and the updated SCI April 2019.</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3)  Regulation 18	NPPF paras 15, 16 and 17	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	i. The SCI ii. The project plan for the DPD	<p>A Statement of community Involvement was produced by the Council setting out how community engagement would be programmed into the preparation of the Local Plan.</p> <p>The approval and adoption of the SCI was obtained from the Executive Board</p>

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					on the 5 <sup>th</sup> September 2013, following this an updated SCI was approved by Exec Board on 11 <sup>th</sup> April 2019.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25-4.26	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> <li>i. The SCI</li> <li>ii. Reports and decisions setting out the approach to specific and general consultation bodies</li> <li>iii. Consultation statement</li> </ul>	<p>The Statement of Consultation outlines the formalised public and stakeholder consultation undertaken to date.</p> <p>The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—</p> <ul style="list-style-type: none"> <li>The Environment Agency;</li> <li>Historic England);</li> <li>Natural England;</li> <li>The Mayor of Liverpool</li> <li>The Civil Aviation Authority;</li> <li>Homes England;</li> <li>Halton and St Helens Primary Care Trust</li> <li>Clinical Commissioning Group;</li> <li>National Health Service Commissioning Board</li> <li>Cheshire Police</li> <li>Merseyside Police</li> <li>Halton Parish Councils</li> <li>The Coal Authority</li> <li>The Environment Agency</li> <li>United Utilities</li> <li>The Office of Rail Regulation</li> </ul>

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					<p>Highways England;  Secretary of State for Transport  The Marine Management Organisation.  Liverpool City Region Local Enterprise Partnership  Liverpool City Region Local Nature Partnership  Cheshire Local Nature Partnership</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 24 to 27 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<p>SCI</p> <p>Duty to Cooperate Statement</p> <p>Consultation Statement – City Region</p> <p>Liverpool City Region Duty to Cooperate Statement describes the agreed position of how strategic planning is currently undertaken. This document describes how strategic priorities that will have significant impact on the City Region will be identified and addressed.</p> <p>A Statement of Common Ground which is to be signed by adjacent LPA's will identify the main cross boundary issues and develop an agreement between signatories that these issues will be addressed.</p>

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		listed at NPPF Para 20			
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 24 to 27</p>	<p>Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<p>The local planning authorities of the City Region have a history of working together to identify and jointly address strategic environmental issues. One of the principle means available to them in this regard is the jointly-funded Merseyside Environmental Advisory Service (MEAS) which provides local planning authority-specific services and collaboration across administrative administration boundaries for plans and projects. MEAS plays a role in joint commissioning and joint evidence base work for biodiversity and nature conservation, waste, minerals, contaminated land, renewable energy and the historic environment.</p> <p>At each stage of consultation, the LEP and LNPs have received written notification of the consultation and an invitation to submit representations. Responses to each stage of the consultation can be found in the consultation statement.</p>

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6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section 13	NPPF para 31-177		<ul style="list-style-type: none"> <li>i. Documents dealing with collection of baseline information</li> <li>ii. Relevant technical studies</li> <li>iii. The annual monitoring report</li> </ul>	<p>A full list of background and evidence base documents that have supported the development of the DALP are set out on the Council's website in the document LDF Evidence Base document.</p> <p>Copies of each document are available on the Council website and available for inspection</p> <p>Annual Monitoring has been undertaken to ensure that the policy is kept up to date.</p>
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	<p>NPPF para 32</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<ul style="list-style-type: none"> <li>i. Sustainability report scoping document</li> <li>ii. Sustainability appraisal report</li> </ul>	<p>The Sustainability Appraisal (SA) Of Revised Core Strategy Policies and Delivery and Allocations Document contains an updated Sustainability Appraisal Framework (SAF) in line with comments received from each of the scoping documents produced in February 2014 and January 2016. The SAF includes indicators which can be kept up to date through LDF Annual Monitoring to ensure that the sustainability of LDF documents can be accurately assessed.</p>
8. Have you consulted the statutory environment	Regulations 9 and 13 of The Environmental Assessment of	<p>NPPF para 32</p> <p>SEA Guide</p>	The Strategic Environmental Assessment consultation bodies are	Copies of the consultation letters sent to and any responses	At each stage of consultation, the Specific consultation Bodies have received written notification of the consultation and an invitation to submit

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consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Plans and Programmes Regulations 2004 No 1633.	chapter 3	also amongst the 'specific consultation bodies' which are defined in Regulation 2).	from the bodies	representations. Responses to each stage of the consultation can be found in the consultation statement.