Report to Warrington Borough Council

by Mike Fox
an Inspector appointed by the Secretary of State for Communities and Local Government
Date 12 May 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO WARRINGTON
LOCAL PLAN CORE STRATEGY

Document submitted for examination on 19 September 2012
Examination hearings held between 4 -7 June, 11 June 2013 and 5 March 2014

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Abbreviations Used in this Report

AA  Appropriate Assessment
AH  Affordable Housing
CIL  Community Infrastructure Levy
DCLG  Department for Communities and Local Government
dpa  Dwellings per annum
DTC  Duty to Cooperate
EA  Environment Agency
EH  English Heritage
EM  Exploratory Meeting
EU  European Union
FRA  Flood Risk Assessment
The National Planning Policy Framework (NPPF)
Framework
G&T  Gypsies and Travellers
GI  Green Infrastructure
GTAA  Gypsy and Traveller Accommodation Assessment
Ha  Hectare(s)
HA  Highways Agency
HEaDROOM  Housing and Economic Development Evidence Base Overview Study (carried out by Nathaniel Lichfield & Partners)
HGV  Heavy goods vehicle
HMA  Housing Market Area
HRA  Habitats Regulations Assessment
IDP  Infrastructure Development Plan
IDS  Infrastructure Delivery Schedule
LDS  Local Development Schedule
LEP  Local Enterprise Partnership
MM  Main Modification
MMTM  Multi modal transport model
MOU  Memorandum of Understanding
NE  Natural England
NLP  Nathaniel Lichfield & Partners
NWRSS  North West Regional Spatial Strategy
PDL  Previously developed land (also known as brownfield land)
PHM  Pre Hearing Meeting
PINS  The Planning Inspectorate
PPG  Planning Practice Guidance
RS  Regional Strategy
RSS  Regional Spatial Strategy
SA  Sustainability Appraisal
SCG  Statement of Common Ground
SCI  Statement of Community Involvement
SCS  Sustainable Community Strategy
SEA  Strategic Environmental Assessment
SFRA  Strategic Flood Risk Assessment
SHLAA  Strategic Housing Land Availability Assessment
SHMA  Strategic Housing Market Assessment
SPD  Supplementary Planning Document
URS  URS Infrastructure & Environment Ltd
Non-Technical Summary

This report concludes that the Warrington Local Plan Core Strategy provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the Plan. Warrington Borough Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Council.

These modifications can be summarised as follows:

- **Sustainability**
  - Change to policy CS1 to align it with the national policy regarding the presumption in favour of sustainable development.

- **Housing provision**
  - Firm proposals for housing and other uses in policy CS7 (Omega/Lingley Mere), and policy CS10 (Waterfront/Arpley Meadows) and updated housing delivery table.
  - Deletion of policy CS9 (strategic opportunity sites at Appleton Cross, Grappenhall Heys, Peel Hall and Pewterspear Green).
  - New policy (CS3) to address possible review of the Plan’s housing land provision, in order to ensure an ongoing 5 years’ deliverable and a subsequent 5 years’ supply of developable housing land within Warrington.
  - Changes to affordable housing text to policy SN2 to enable appropriate flexibility.
  - Changes to policy SN3 and text regarding strategic guidance for Gypsy and Traveller accommodation.

- **Economy**
  - Changes to policies TC1, SN5 and PV5 relating to the sequential test and retail floorspace provision within the town centre and elsewhere.
  - Changes to policy CS11 and text to address the potential expansion of Port Warrington in relation to its Green Belt location.

- **Transport**
  - Increased flexibility for public transport provision in policy MP4.

- **Energy**
  - Changes to policy QE1 and text to include a renewable energy target.
  - Inclusion of definition of ‘energy needs’ in the Glossary (Appendix 1)
  - Increased flexibility for policy QE2 regarding mitigation.

- **Flooding**
  - Changes to policy QE4 regarding clarity to flood risk.

- **Environment**
  - Changes to policy QE5 to refer to EU protected species; policy CS8 to enhance the quality of green infrastructure and biodiversity; policy QE6 in relation to living conditions; policy QE8 regarding Heritage Assets; and to policy IW2 to preserve and enhance the historic interest of Victoria Park.

- **Infrastructure**
  - Changes to policy MP10 to refer to viability.
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Introduction

1. This report contains my assessment of the Warrington Local Plan Core Strategy, which I refer to as the Plan, in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the Duty to Co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (which I refer to as the Framework⁴) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective; and consistent with national policy(paragraph 182).

2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound Plan. The basis for my Examination is the submitted Draft Plan (September 2012) which is the same as the document published for consultation in May 2012, with the exception of a small number of non-material differences between the two documents.

3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.

4. The main modifications (MMs) that go to soundness have been subject to public consultation on two separate occasions; a first round of MMs (Round 1) went out for public consultation over the period 19 August – 30 September 2013; the Council then announced a further round of MMs (Round 2) which were consulted on over the period 15 January – 26 February 2014.

5. The second round of consultation followed the Council’s letter of 11 October 2013, in which it formally requested under Section 20(7C) of the Act that I recommend MMs to make the Plan sound, including recommending any further MMs that I considered necessary to this effect. In my letter of 23 October 2013, replying to the Council, I advised of the need to undertake further consultation on changes to the proposed new policy (CS3) to maintain a 10 year forward supply of housing land (see MM2 below), in addition to two further MMs suggested by the Council in relation to environmental policies (see MM22 and MM26 below).

6. The Council also considered it appropriate to prepare a Sustainability Appraisal (SA) Update Addendum, which was extended to set out a discussion of the reasonable alternatives (where relevant) to the proposed MMs. I held an additional Hearing session in order to ensure that these MMs, insomuch as they related to the proposed new policy to maintain a 10 year forward supply of housing land, and the SA Update Addendum, were subjected to public scrutiny and debate.

⁴ DCLG: National Planning Policy Framework (the Framework); March 2012.
7. At the final Hearing in March 2014 I gave an opportunity for further written representations in relation to the 6 matters below (deadline 21 March 2014), and I confirmed this in my letter of 7 March 2014:

- Responses to the Council’s Representation Comments Schedule in response to the January 2014 consultation (i.e. Round 2 MMs), dated 3 March 2014.
- The Hunston Judgments\(^2\) and their relevance to the Warrington Core Strategy Local Plan.
- The National Planning Practice Guidance (PPG)\(^3\), which was issued the day after the March 2014 Hearing.
- The speaking note of legal representations made on behalf of Satnam Millennium Ltd, which was tabled on the day of the March 2014 Hearing.

8. In addition, I asked for a number of documents to be added to the Library, including:

- The Statement of Common Ground (SCG) in respect of Waterfront/Arpley Meadows.
- The relevant extract from the Council’s commissioning letter to URS consultants regarding the Sustainability Appraisal (SA) Update Addendum.
- The speaking note of legal representations made on behalf of Satnam Millennium Ltd, which was tabled on the day of the March 2014 Hearing.

9. I have taken all the consultation responses in relation to the submitted Plan, Round 1 and Round 2 of the MMs and my letter of 7 March 2014 into account in writing this report.

### Assessment of Duty to Co-operate

10. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation. The Act, the Framework and the recently issued PPG refer to the need to demonstrate effective cooperation between local planning authorities and other bodies on strategic matters, including evidence of effective collaboration and a continuous process of engagement, which is more than consultation.

11. Preparation of the Plan was underway when Section 33A of the Act came into force on 15 November 2011. The Council’s *Statement of Compliance with the Duty to Cooperate* (DTC)\(^4\) demonstrates the approach the Council has taken in actively pursuing constructive engagement in the preparation of the Plan; the

\(^2\) High Court Judgment between Hunston Properties Ltd and (1) secretary of State for Communities and Local Government (2) St Albans City and District Council; 5 September 2013; and England and Wales Court of Appeal (Civil Division) Decisions between St Albans City and District Council (Appellant) and The Queen (on the application of) Hunston Properties Ltd (1st Respondent), Secretary of State for Communities and Local Government (2nd Respondent); 12 December 2013.

\(^3\) DCLG Planning Practice Guidance (PPG): Section 9; 6 March 2014

\(^4\) Warrington Borough Council: *Statement of Compliance with Duty to Cooperate*; September 2012 [Examination Document LDF050].
nature of the cooperation; the concerns that were discussed; and the key stages in the preparation of the Plan.

12. From reading all the submissions and listening to the evidence presented at the Hearings, it is clear that the Council has worked closely with its neighbouring authorities and where relevant, other prescribed authorities which are included in the list in Part 2 of the Regulations\(^5\) and in the PPG\(^6\). The close engagement during the preparation of the North West Regional Spatial Strategy (NWRSS)\(^7\) has continued since the DTC came into force.

13. Whilst there is no memorandum of understanding (MOU) between the Council and its neighbouring authorities, it is clear that joint work has been carried out on a wide range of strategic matters, including housing and employment land provision, affordable housing needs, gypsy and traveller accommodation, transport modelling, water cycle scoping and outline studies, strategic flood risk assessments, habitats conservation and infrastructure provision.

14. Halton and St Helens Councils submitted a Joint Statement\(^8\) asserting that there has been ongoing and meaningful discussions and joint working between these authorities and Warrington Borough Council over many years, focusing on housing matters and other topics of strategic interest. A list of relevant groups and meetings in the Joint Statement supports their conclusion that the ongoing dialogue “demonstrably satisfies the requirements of DTC”.

15. The neighbouring Cheshire authorities of Cheshire East and Cheshire West and Chester also submitted a Joint Statement\(^9\) in which they concluded that it can be demonstrated that the three Councils (including Warrington) are proactive in meeting regularly to discuss cross-border issues, although the Joint Statement asserted that: “there are no strategic policy matters which need to be addressed”, i.e. through the Plan. I therefore cannot agree with those representors who assert that the DTC has been a 'bolt on' to the preparation of the Plan.

16. I now turn to the Council’s relationship with the Cheshire and Warrington Local Enterprise Partnership (LEP). Although the PPG states that LEPs are not subject to the requirements of DTC\(^10\), the LEP’s sub-regional study, *Unleashing the Potential*\(^11\), includes several references to Warrington as integral to that study which demonstrates that Warrington has cooperated beyond the strict requirements of DTC. The LEP’s recent draft *Housing Land Capacity Study*\(^12\) refers to joint working between Warrington and its neighbouring councils. At

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\(^6\) PPG: Paragraph 005 Ref. ID: 9-005-21040306 – Are other public bodies subject to the duty to cooperate and what is required of them?
\(^7\) Government Office for the North West: *North West of England Plan – Regional Spatial Strategy to 2021* [Examination Document RP 011].
\(^8\) Joint Statement by Halton Borough Council and St Helens Council [Examination Document EXS34].
\(^9\) Joint Statement by Cheshire West and Chester Council and Cheshire East Council; dated 17 May 2013 [Examination Document EXS49].
\(^10\) PPG: Paragraph 006 Ref. ID: 9-006-21040306 – Are Local Enterprise Partnerships and Local Nature Partnerships subject to the duty to cooperate?
\(^11\) Draft Sub-Regional Study: *Unleashing the Potential of Cheshire and Warrington*; July 2010 [Examination Document SRP016].
\(^12\) Cheshire and Warrington Local Enterprise Partnership (LEP): *Housing Land Capacity Study* – Draft for Discussion; 17 April 2013 [Examination Document SRP018].
least one of the consultants representing housing developers at the Examination Hearings also acknowledged that the Council was involved in regular stakeholder meetings.

17. Taking account of all of the evidence submitted and the discussions at the Hearings, I am satisfied that the requirements for the DTC have been satisfactorily met by the Council in the preparation of the Plan.

Assessment of Soundness

Preamble

18. Warrington is located halfway between the cities of Manchester and Liverpool where routes linking these cities intersect with the main north-south road and rail routes between England and Scotland. It has close functional links with its Mid-Mersey neighbouring authorities of Halton and St Helens and enjoys good transport links with all its neighbouring cities, towns and rural settlements.

19. Growth in Warrington’s population and economy ‘took off’ following its New Town designation in 1968. This was in contrast to many other parts of the North West where population growth has been relatively low and the local economy has generally been moribund. The Plan signals a shift from the previous ‘New Town’ focus on outward expansion towards an emphasis on regeneration and the process has already started. Many of Warrington’s unprepossessing inner areas have been positively enhanced through recently completed residential and commercial schemes on previously developed land (PDL), easily accessible to the town’s facilities and services.

20. This ‘regeneration first’ strategy is aligned to the now revoked NWRSS, which identified the first growth priority in the regional centres of Manchester and Liverpool; and secondly, in the areas immediately surrounding these centres. Towns such as Warrington were included in the third out of four regional priorities, with the requirement that development should be focused in and around the centres of these places. As part of this pattern of development, NWRSS stated that there was no need for any exceptional, substantial strategic change to the Green Belt and its boundaries within most of the North West before 2011, whilst Warrington is singled out in NWRSS policy RDF4 for no strategic change to its Green Belt before 2021.

21. The Government’s intention, announced in 2010, to revoke Regional Strategies, was delayed by a series of High Court judgments. The NWRSS revocation announcement was made after the Pre-Hearing Meeting (PHM) on 19 February 2013. Consultation was therefore extended, from 18 April to 17 May 2013, and also covered the DCLG Household Interim Projections (2011 to 2021) in England\textsuperscript{13}, which were published on 9 April 2013; and the NLP report\textsuperscript{14} dated April 2013, which looked at the application of the Framework to Local Plans Examinations over the 12 months since its introduction.

\textsuperscript{14} Nathaniel Lichfield & Partners (NLP): Objectively Speaking-12 months of applying the NPPF to housing targets on Local Plans: A review of examinations; April 2013.
22. My report is based on the fact that the NWRSS has been revoked. The household interim projections and the NLP report are discussed under Issue 2 below, which addresses the approach to housing supply.

Main Issues

23. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearings, I have identified seven main issues upon which the soundness of the Plan depends.

Issue 1 – Does the Plan provide the most appropriate spatial strategy for the sustainable development of Warrington over the plan period?

The spatial context

24. Local Plans should be consistent with the principles and policies in the Framework (paragraph 151). This includes the presumption in favour of sustainable development, which is fully taken on board in the Council’s proposed change to sustainable development policy CS1 [MM1], which accords with the PINS model policy and national planning policy.

25. The Introduction to the Plan explains that it has been informed by Warrington’s Sustainable Community Strategy\(^\text{15}\). It seeks to translate its vision (for a prosperous and vibrant, environmentally responsive, safe and strong, healthy and active and ambitious and achieving Borough) into ‘on the ground’ activity. There is no evidence of discord between the Plan and any of the Council’s community documents.

26. The Plan articulates a clear spatial vision for Warrington. Its strategic objectives aim to secure the primarily housing-led regeneration of its older areas and strengthen its role as an attractive employment and business location. Other strategic objectives include continued Green Belt protection; making use of its rivers and waterways; enhancing its Green Infrastructure (GI); improving the town centre; reducing its carbon footprint; promoting distinctive design; and encouraging sustainable travel and accessibility.

Sustainability Appraisal and Habitats Regulation Assessment

27. The strategic direction of the submitted Plan has been informed by the Sustainability Appraisal (SA)\(^\text{16}\). The SA analysed three options, based on different levels of growth, and explained the reasons why the preferred strategy was selected. At the Exploratory Meeting (EM) on 11 December 2012, I expressed concern that all three strategic housing options tested by the SA were below the level selected in the Plan. In response, the Council issued a SA Clarification Statement\(^\text{17}\) which explained that the levels of housing appraised in the SA related to the projected housing numbers coming forward after 2010. Within this context, the SA tested a range of housing

\(^{15}\) Warrington Sustainable Community Strategy: 2011 Refresh; April 2011 [Examination Document LPS023].

\(^{16}\) Local Plan Core Strategy: Sustainability Appraisal Report; September 2012 [Examination Document LDF035].

\(^{17}\) Warrington Local Plan Core Strategy: Examination Clarification–Sustainability Appraisal; January 2013 [Examination Document LDF 110].
totals from within which the preferred option for the next 15 years has been selected.

28. The Council prepared a further SA Update Report\textsuperscript{18} to accompany Round 1 of the MMs; it also commissioned a SA Update Addendum\textsuperscript{19} to accompany Round 2 of the MMs.

29. Options for greater dwelling totals than those included in the SA were put forward by and on behalf of several house builders and landowners. These higher figures considered Warrington’s housing needs in isolation, and not in relation to the Mid-Mersey sub-region. For reasons which are set out under Issue 2 in my report, I do not consider options for Warrington in isolation to be reasonable alternatives for the SA to appraise.

30. A number of criticisms of the SA process were expressed, especially in the Round 2 MMs consultation and at the March 2014 Hearing. The main arguments were:

   (i) The full extent of the instructing written material passing between the Council and the SA consultants (URS) were not disclosed;

   (ii) Lack of a properly informed site selection procedure, whereby none of the SA reports assessed all of the sites which were put forward by representors for possible development in Warrington;

   (iii) The outcome of the SA Update Addendum was pre-determined, so that it amounted to a post facto justification of the local authority’s selection of the Omega/Lingley Mere site;

   (iv) There were no highways investigations into the assessment of the Omega/Lingley Mere site;

   (v) There has been no scoping consultation with the consultation bodies set out in Regulation 4 of the SEA Regulations;

   (vi) Testing the proposed modification alternative is not reasonable; and

   (vii) Somehow, the Plan had changed during the course of the Examination from a Core Strategy type plan to a detailed site allocations plan, which should have changed the way the SA was carried out.

31. In support of the allegations that the SA process was not adequately documented or justified, my attention was drawn at the March 2014 Hearing to the Cogent Land High Court Judgment\textsuperscript{20}, and in particular to paragraph 95 [1], which refers to a SA Addendum produced by independent consultants, which must not be undertaken as an exercise to justify a predetermined strategy; and paragraph 102, where the Judge rejected the claimant’s contention that the Addendum was an "ex post de facto justification" or a

\textsuperscript{18} Warrington Borough Council: Sustainability Appraisal Update Report - Consideration of Post Submission Changes; August 2013 [Examination Document LDF 148].

\textsuperscript{19} URS: Sustainability Appraisal (SA) of the Warrington Local Plan Core Strategy - SA Report Addendum; January 2014 [Examination Document 154].

\textsuperscript{20} High Court Judgment between (1) Cogent Land LLP and (2) Rochford District Council and (3 Bellway Homes Ltd); 21 September 2012.
“bolt-on consideration of an already chosen preference” to justify a decision that had already been taken.

32. In considering these arguments in turn, and with the Cogent Land Judgment in mind, my response is as follows: (i) At the March 2014 Hearing I requested the Council to put their instructions to the SA Update Addendum consultants onto the Council’s website. The Council duly did this, subject to withholding details of commercial confidentiality, which I regard as entirely reasonable. The letter, which clarified the commissioning arrangements between URS and the Council\(^{21}\), confirmed that the report was completed independently by URS (the consultants) and: “represents our independent viewpoint based upon the Local Plan evidence base (updated as necessary), established methodologies for appraisal and our professional judgement.” I am therefore satisfied as to the independent status of the SA Update Addendum.

33. In response to (ii), I consider that the range of sites assessed in the SA has been reasonable at a strategic level, which is appropriate for the consideration of a Local Plan Core Strategy. There is no requirement in the PPG that a Council should test every site put forward in representations to the Plan\(^{22}\). Furthermore, as the SA consultants made clear at the March 2014 Hearing, several key sites were assessed individually in the Appendix to the SA Update Addendum prior to being combined in the main document. I therefore consider that the SA, as clarified by the Council (see footnote 17), and subsequently the Update and Update Addendum Reports, have been soundly prepared in accordance with the national guidance for the preparation of SAs\(^{23}\), and the SEA Directive\(^{24}\), which only requires reasonable alternatives to be appraised, as opposed to all alternative options.

34. Turning to (iii), the issue of whether the SA Update Addendum was predetermined was discussed at the March 2014 Hearing. The SA consultants made it clear that the SA was a decision aiding process and not a decision making process, which the consultants had carried out independently of the Council. I therefore disagree with the contention that the SA Update Addendum was a post facto justification of the Omega/Lingley Mere site.

35. In relation to highways implications at Omega/Lingley Mere (iv), accessibility was one of several themes that were considered in the SA. In addition, a full opportunity was given for transport issues to be debated at the June 2013 Hearings. However, none were raised as significant issues in relation to any of the strategic sites, and there was relatively little debate on this matter during the Hearings. Although the Round 2 MMs consultation response from the Highways Agency (HA) stated that there were still transport mitigation measures that needed to be implemented in relation to Omega/Lingley Mere, the HA raised no soundness concerns.

\(^{21}\) URS letter to the Council – Clarification of Commissioning Arrangements; 12 March 2014 \[(Examination Documents AED006 and AED006a).\]

\(^{22}\) PPG: Paragraph 018 Ref. ID: 9-018-21040306 – How should the sustainability appraisal assess alternatives and identify likely significant effects? Nowhere in this section does the advice require the plan-maker to consider every option put forward in representations.


36. Regarding (v), the PPG states that a formal scoping process is not required by law\textsuperscript{25}. It does, however, state that when deciding on the scope and detail of information that must be included in the report, the plan-maker must consult with the consultation bodies. The Council did consult with the consultation bodies (English Heritage (EH), Natural England (NE) and the Environment Agency (EA)) at a formal scoping level in 2006 and again in 2009, whilst all of these bodies were included as consultees at other stages including the SA Update Addendum. Only NE responded at the Round 2 MMs stage, and its comments were that any outstanding uncertainties should be explained and appropriate mitigation put in place to avoid negative effects; this is not a verdict of unsoundness of the SA.

37. I am therefore satisfied that the SA process, both in relation to scoping and subsequently in relation to the Plan and its options, has been undertaken in accordance with the requirements as set out in legislation and the PPG.

38. In relation to the appropriateness of testing the preferred option (vi), the PPG states that the SA needs to compare all reasonable alternatives including the preferred approach\textsuperscript{26}. I therefore consider that the inclusion of the preferred option was the correct approach.

39. In response to the final point (vii), the Plan has always been a core strategy local plan (hence the title) and not a detailed site allocations local plan. There is no guidance in either the Framework or the PPG that rules out broad locations from being considered in core strategy local plans. The MMs which refer to Omega/Lingley Mere and Waterfront/Arpley Meadows refer to strategic locations for new developments, which I consider are appropriate for inclusion in the Plan.

40. The changes to the Plan address the requirement in the PPG for local plans to make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered\textsuperscript{27}. The PPG goes on to state that this can be done by setting out broad locations, as well as through specific allocations or policy designations. I am satisfied that the strategic nature of the Plan has been maintained throughout the Examination and that neither the SA Update Addendum nor the MMs for Omega/Lingley Mere or Waterfront/Arpley Meadows have compromised the Plan’s strategic approach.

41. The Council’s \textit{Habitats Regulations Assessment (HRA) Report}\textsuperscript{28} supported the Plan’s strategy. Its methodology and conclusions were supported by both Natural England and the Environment Agency. No adverse comments were submitted. I therefore conclude that the HRA was soundly prepared.

\textbf{Provision of homes and jobs}

42. The provision of homes in the Plan is based on the needs and opportunities

\textsuperscript{25} PPG: paragraph 014; Ref. ID: 11-014-20140306 – What is required at the scoping stage?
\textsuperscript{26} PPG: paragraph 018; Ref. ID: 11-018-20140306 – How should the sustainability appraisal assess alternatives and likely significant effects?
\textsuperscript{27} PPG: paragraph 002; Ref. ID: 12-002-20140306 – What should a local plan contain?
\textsuperscript{28} Warrington Borough Council: \textit{Habitats Regulation Assessment-Appropriate Assessment of Core Strategy and Third Local Transport Plan}; January 2012 [Examination Document LDF 053].
within the Mid-Mersey Housing Market Area (HMA), comprising Warrington and its neighbouring authorities of Halton and St Helens. This grouping, which stems from the NWRSS, has been endorsed at various levels over the last few years and is addressed in more detail under Issue 2 below.

43. Policy CS2 aims to deliver a minimum of 10,500 new homes between 2006 and 2027, with 80% of all new homes to be developed on previously developed land (PDL) and 60% to be developed within Inner Warrington. These aims are supported by the evidence base in the Council’s latest version of the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA provides detailed site locations within each phase of the Plan and trajectories of expected housing delivery, both in total and on PDL over the plan period.

44. Policy CS2 also supports economic growth by providing 277 ha of employment land over the plan period. Its relatively large employment land provision reflects Warrington’s role as an economically vibrant centre within its sub-region.

**Transport**

45. Policy CS3 sets out the strategic transport parameters for Warrington, to support its role as a regional transport gateway.

**Green Belt**

46. Policy CS4 affirms the Council’s commitment to the long term protection of the Green Belt, which washes over much of the Borough and is contiguous with the Green Belt in Merseyside, Greater Manchester and North Cheshire. This strategy is in accordance with the Framework, which states (paragraph 79) that the Government attaches great importance to Green Belts, and that the essential characteristics of Green Belts are their openness and permanence, and that once established, Green belt boundaries should only be altered in exceptional circumstances (paragraph 83).

47. There are no proposals to review the Green Belt during the plan period, which I consider to be sound for reasons that I explore more fully further on in my report.

**Strategic overview**

48. Taking all these matters into consideration, I conclude that the spatial strategy of the Plan is the most appropriate for Warrington. It is therefore justified and accords with national policy.

**Issue 2 – Is the Plan’s approach to the Borough’s housing provision, both in terms of its requirement, and its distribution and delivery, sound? Are the needs for particular types of housing addressed satisfactorily, including affordable housing?**

49. The Plan’s approach to both its housing requirement and its housing provision and delivery was challenged on a number of grounds, both in written
submissions and at the Hearings. These go to the heart of the Plan and are therefore addressed in some detail below.

(a) Housing requirement

*Has the Housing Market Area (HMA) for Warrington been identified properly, and is it the appropriate starting point for considering Warrington’s housing requirement?*

50. The importance of the HMA as the geographical basis for assessing housing need is set out in paragraph 47[1] of the Framework. The weight attached to the Mid-Mersey HMA and the Strategic Housing Market Assessment (SHMA) which is based on this area and its underlying planning principles is critical to the soundness of the Plan. My Key Matters and Issues Discussion Note\(^{30}\) asked whether the Mid-Mersey HMA was the appropriate ‘building block’ for assessing Warrington’s housing requirements, and whether alternative scenarios, such as linking with the other Cheshire authorities or concentrating on Warrington alone, were valid.

51. The PPG defines a functional HMA as: “a geographical area defined by household demand and preferences, reflecting the key functional linkages between places where people live and work”\(^{31}\). The PPG also makes it clear that the HMA could cover two or more local authority areas\(^{32}\).

52. The Mid-Mersey HMA was defined in research conducted in 2008, which analysed travel to work and migration patterns and spatial variations in house prices in the North West, in consultation with developers and estate agents\(^{33}\). It was accepted as the basis for the successful New Growth Point initiative, involving Halton, St Helens and Warrington, in 2008. It was also recognised as a functional housing market in the preparation of the Liverpool City Region Housing Strategy in 2010.

53. The Mid-Mersey SHMA Report\(^{34}\), dated October 2011, confirms that the HMA still hangs together as a self-contained housing market. The 2001 Census also points to a high level of self-containment, and it was accepted at the March 2014 Hearing that there has been no more recent official detailed data issued which would challenge this finding.

54. Warrington is identified as the key economic driver within the HMA, whilst commuting distances between Warrington and the other towns and settlements in the HMA are considered to be sustainable. In relation to economic and other sustainability criteria, the SHMA follows the approach in the DCLG Advice Note\(^{35}\). Regarding commuting distances, none of the main

\(^{30}\) Warrington Local Plan Core Strategy Examination: Inspector’s Key Matters and Issues (Issue 1.7); 29 April 2013.

\(^{31}\) PPG: paragraph 010; Ref. ID: 2a-010-20140306 – What is a housing market area?

\(^{32}\) PPG: paragraph 007; Ref. ID: 3-007-20140306 – What geographical area should the assessment cover?

\(^{33}\) Nevin Leather Associates, Inner City Solutions and University of Sheffield: The Definition of Housing Market Areas in the North West Region; 2008.

\(^{34}\) The Mid-Mersey Strategic Housing Market Assessment (SHMA): Report for Halton, St Helens and Warrington: Final Report (Amended); October 2011 (authors GL Hearn in association with JG Consulting) [Examination Document SRP014].

\(^{35}\) DCLG: Identifying Sub-Regional Housing Market Areas-Advice Note; 2007.
towns in the HMA (Widnes, Runcorn, St Helens and Newton-le-Willows) are more than 8.5 miles from Warrington town centre, via adequate roads. Moreover, some of the Borough’s employment sites are closer to towns in other districts than to the centre of Warrington.

55. One representor commented that because the HMA did not look towards the two Cheshire authorities to the south, this was: “perverse given that Warrington, Cheshire East and Cheshire West and Chester comprise a Local Enterprise Partnership Area and have strong economic and housing linkages”. However, Warrington’s grouping with the other Cheshire authorities in a HMA was not supported by robust economic or housing evidence.

56. The Cheshire authorities submitted a further Joint Statement, which concluded that there are few significant and direct relationships between these authorities and Warrington in terms of travel to work patterns, shopping/leisure catchments or housing markets. This Joint Statement was also not challenged by the Local Enterprise Partnership (LEP) at any point in the Examination of the Plan. There are marked differences between the industrialised and densely populated Mid-Mersey sub-region to the north of the River Mersey and the largely rural Cheshire Plain to the south, which contains relatively few settlements of any size. Also, the distances from Warrington to the main Cheshire towns, such as Chester, Northwich and Macclesfield, are significantly greater than to the other Mid-Mersey towns.

57. The absence of a formal agreement between the three HMA authorities to take a specified share of Warrington’s housing needs was cited as a reason not to base the Plan’s housing strategy on the HMA. The initial Joint Statement by Halton and St Helens (see footnote 8), however, asserted that the Mid-Mersey SHMA approach was found to be sound by the Inspectors of their Core Strategy Examinations.

58. Some representors commented that the responses from Halton and St Helens Councils to the Round 1 MMs consultation, where they suggested changes to the proposed new policy CS3 to ensure that each Council in its own area assessed its own need, indicated that these neighbouring authorities were now pursuing their own separate agendas and wanted “nothing to do with Warrington any more”. However, both of these neighbouring Councils wrote in support of the continuation of the Mid-Mersey HMA as the basis for planning to meet Warrington’s housing needs.

59. It was also made clear at the March 2014 Hearing session that there is still a willingness for the three authorities to recommission a further joint SHMA at the appropriate time. I also heard evidence from a senior Warrington Borough Council Member that a possible merger of funding arrangements for procuring affordable housing between Warrington and St Helens was under serious consideration.

60. I therefore consider that the Mid-Mersey HMA is an appropriate starting point which provides the strategic housing context for the Plan.

*Has Warrington’s full housing requirement been identified?*

36 Joint Statement of Cheshire West and Chester Council and Cheshire East Council; dated 17 May 2013 [Examination Document EXS49].
61. The Plan’s provision of a minimum of 10,500 dwellings over the plan period (2006 – 2027) includes a 15 year time horizon from its submission for Examination in 2012, in accordance with the Framework’s preference (paragraph 157 [2]). This gives a total annualised provision of 500 dwellings over the entire plan period. The NWRSS provision for Warrington of 380 dwellings per annum (dpa) was increased to 500 dpa for two main reasons:

- Firstly, Warrington’s successful designation of Growth Point status in June 2008 carried with it a requirement to boost housing delivery by 20% above the NWRSS total over the Growth Point period 2008-2017, which brought the Plan’s required housing provision to 456 dpa.

- Secondly, the Mid-Mersey SHMA housing requirement, based on the 2008 DCLG trend-based household projections, indicated growth of around 1,560 dpa across the HMA37. The other two recently adopted Mid-Mersey Core Strategies propose delivery of 500 dpa for Halton and 570 dpa for St Helens. Thus, Warrington’s requirement would need to be in the region of 490 dpa for its housing supply to meet the 2008-based projections. On this basis, the Plan’s provision of 500 dpa would ensure that Warrington played its part in meeting the objectively based housing needs across the Mid-Mersey sub-regional housing market from 2006 to 2026.

62. The NWRSS also laid the foundation for satisfactory cooperation between neighbouring authorities and planning strategically across local boundaries. I therefore do not agree with the view of some representors that the revocation of the NWRSS effectively “wipes the slate clean”.

63. In particular, the spatial framework of the Plan takes on board the NWRSS regeneration agenda, which aligns itself with a number of the core principles in the Framework (paragraph 17), most notably bullet points 5 (protecting the vitality of our main urban areas and protecting Green Belts); 6 (supporting the transition to a low carbon future); 8 (encouraging the effective use of PDL; and 11 (making fullest possible use of public transport, walking and cycling). RS revocation does not of itself constitute the very special circumstances to justify a review of the Green Belt, as set out in national policy. The Framework (paragraph 8 and elsewhere) also requires full housing needs to be met as far as is consistent with sustainable development; and it still attaches great importance to protecting Green Belts (paragraphs 79f), as does the PPG38.

64. Several representors, including the three signatories to a SCG39, considered that the Plan should provide for about 1,100 dpa. The main arguments in support of a higher ‘objective needs’ total for Warrington than in the submitted Plan were based on the following considerations:

   (i) The analysis of the 2008-based DCLG household projections indicates that the number of households in Warrington will increase between 2008 and 2028 by 17,000 (850 dpa).

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37 Mid Mersey SHMA, paragraph 4.25 [Examination Document SRP014].
38 PPG: paragraph 034; Ref. ID: 3-034-20140306 – Can unmet housing need outweigh Green Belt protection?
39 Statement of Common Ground (SCG) signed by Peel Holdings (Management) Ltd, Taylor Wimpey UK Ltd, and Mr M Waheed; dated 15 April 2013 [Examination Document EXS35].
(ii) This level of household growth is increased to a level of 1,040 additional households in the latest 2011 DCLG household interim projections, which should be increased to 1,100 dpa once an allowance has been made for vacant dwellings and second homes.

(iii) Two separate housing requirement analyses by planning consultants demonstrated that a level of housing provision somewhere between 850 dpa and 1,300 dpa would comprise a more sustainable target.

(iv) The revoked NWRSS housing requirement is based on household projections at least 10 years out-of-date. Its strategy to distribute development away from Mid-Merseyside towards the regional centres of Manchester and Liverpool is no longer in place. Warrington must meet the full housing needs of its community, based on up-to-date evidence. Furthermore, it is clear from the responses of Halton and St Helens Councils to Round 1 of the MMs, where they indicated that they are looking to meet their own individual needs, that Warrington now has to address its own housing need on a Borough-wide basis.

65. In response to point (i), it is accepted that the Plan under-provides housing in relation to both the 2008 and the latest (2011) interim household projections, when taken in isolation. However, for the reasons already stated, I consider that Warrington’s housing provision should be assessed in relation to the projected need for the HMA as a whole.

66. It is clear from the SHMA, and the evidence provided by Halton and St Helens Councils, that there is an understanding between the three Mid-Mersey local authorities that the HMA growth of 1,560 dpa is intended to meet the needs of all three authorities, despite the lack of a formal agreement to this effect, and that there is a need to ensure a consistent approach across the Mid-Mersey HMA\(^40\). The DTC is a further significant indicator that local plans are not to be prepared in isolation, and the Framework (paragraph 47 [1]) requires local plans to meet their housing need in their HMA.

67. Turning to point (ii), the DCLG 2011-based Interim Household Projections cover a shorter period (2011-2021) than is normal for such projections (usually 25 years) and also warns: “There are limitations in the use of the projections, as they are demographic and trend-based only and do not take into account any policy changes that may affect actual household formation in future”.

68. This message is reinforced in the PPG which, firstly warns that establishing future need for housing is not an exact science\(^41\), and then states that household projections are trend based\(^42\), which has a huge implication for a former New Town in transition, such as Warrington. Thirdly, the PPG states that, although wherever possible, local needs assessments should be informed by the latest available information, it also accepts that this does not automatically mean that housing assessments are rendered outdated every

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\(^{40}\) Joint Statement by Halton Borough Council and St Helens Council in response to Matter 1 [Document EXS52].

\(^{41}\) PPG: paragraph 014; ref. ID: 2a-014-20140306 – What methodological approach should be used?

\(^{42}\) PPG: paragraph 015; ref. ID: 2a-015-20140306 – What is the starting point to establish the need for housing?
time new projections are issued\textsuperscript{43}. This warning is particularly relevant for Warrington, where a high proportion of its recent population growth has been migration-led, as a former New Town.

69. It is therefore reasonable to assume that migration into Warrington may not continue at the same high rates as in the decades following its designation as a New Town, and this, together with the economic downturn could partly explain Warrington’s significant drop in housing completions from 2008/09 onwards; or, to quote the Council: \textit{“The trend-based nature (of these projections) is still evidently distorted by the New Town legacy.”} The recently issued PPG also advises that plan makers should consider their local circumstances, based on alternative assumptions\textsuperscript{44}, so long as they are clearly explained and justified.

70. Although the 2011-based figures show an increased household projection for Warrington, looking at the Mid-Mersey HMA as a whole (taken from Live Table 406) they show only a marginal increase in the projected number of households when compared against the 2008-based projections. The 2008-based figure of 1,588 additional households pa over the period 2010-2026, slightly increases with the 2011-based interim figure of 1,610 pa over the period 2011-2021. These figures are not significantly different from those used by some of the representors in their HEaDROOM analysis\textsuperscript{45}, also based on the latest 2011 data, which show an increase of 1,714 new households pa over the period from 2011 to 2027 across the Mid-Mersey sub-region.

71. The adopted Core Strategies of Halton\textsuperscript{46} and St Helens\textsuperscript{47} together propose 1,122 dpa, which together with Warrington’s submitted Plan provision of 500 dpa, total 1,622 dpa. This provision would therefore accommodate the new 2011-based requirement of 1,610 dpa for the HMA. I therefore consider that the objective needs assessment for the HMA as a whole would be met by the provision of 500 dpa in Warrington.

72. Regarding point (iii), the two housing requirement analyses by consultants appear to be based on Warrington’s needs in isolation, and also demonstrate how different assumptions can result in quite widely differing estimates of housing need. In order to ensure that the Plan’s housing provision remains deliverable throughout the plan period, the Council has suggested the inclusion of a new policy, CS3, and supporting text to commit it to a review of its housing land if a 10 year supply can no longer be sustained \[\text{MM2 – MM3}\]. This is required in the interests of effectiveness and accordance with national policy. The idea of the acceptability of a review of housing land availability also seems to be implicit in stage 4 of the PPG’s housing and economic land availability assessment guidelines\textsuperscript{48}.

\textsuperscript{43} PPG: paragraph 016; ref. ID: 2a-016-20140306 - How often are the projections updated?
\textsuperscript{44} PPG: paragraph 017; Ref. ID: 2a-017-20140306 - Can adjustments be made to household projection-based estimates of housing need?
\textsuperscript{45} Nathaniel Lichfield & Partners (NLP): Warrington Local Plan Core Strategy – Examination in Public: Hearing Statement 5; 9 April 2013; Updated PopGroup Baseline model, Table 2.3 [Examination Document EXS 51].
\textsuperscript{46} Halton Borough Council: Local Plan Core Strategy; April 2013 (policy CS3).
\textsuperscript{47} St Helens Council: Local Plan Core Strategy; October 2012 (policy CH1).
73. Some changes to MM2 have been introduced following the Round 1 consultation, principally to link the trigger to the housing supply situation in Warrington rather than in the entire Mid-Mersey HMA which the original version of MM2 referred to. This removes ambiguity and reflects the fact that the Council has no jurisdiction beyond its own boundary. It does not, in my view, undermine the joint approach to housing need in the Mid-Mersey HMA, which all three constituent authorities clearly support, but it does make policy CS3 more workable and therefore effective. The changes from the Round 1 MM2 also clarify the quantitative triggers by specifying both a 5 years’ deliverable and a further 5 years’ developable supply of housing land. This aligns the policy more closely with the terminology in the Framework (paragraph 47, footnotes 11 and 12).

74. New policy CS3 commits the Council to bring on-stream additional housing sites as required. Implementation of the policy would be based on whether monitoring indicated that an ongoing 5 years’ supply of deliverable housing land and a subsequent 5 years’ supply of developable housing land could no longer be sustained within Warrington. Priority would then be given to reuse PDL and avoid Green Belt sites. The PPG49 reinforces the message of one of the core planning principles in the Framework (paragraph 111) that planning policies should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

75. The policy was considered to be unsound by some representors for two principal reasons, firstly that it was introduced as a ‘surprise’ or a ‘mystery’ in the proposed MMs without the opportunity being afforded to test the policy at the June 2013 Hearings; and secondly, that the policy was a “sticking plaster” for a later identified fault, rather than positively planning for the appropriate level of housing provision to last for the entire plan period.

76. In response to these comments, firstly, the proposed new policy had its ‘gestation’ during the debate on the strategic housing allocations on Day 2 of the Hearings, and the proposed MMs 2 and 3 were tabled on Day 3; hard copies were circulated on Day 4. However, in response to a number of representations to the Round 1 MMs, and in order to ensure that everyone had the opportunity to participate in the debate, I included the proposed new policy CS3 on the agenda of the final Hearing session on Day 6 (5 March 2014).

77. I now turn to the ‘sticking plaster’ argument. The new policy will effectively ensure that additional land for new housing is identified and brought forward to meet the requirement in the Framework (paragraph 47 [2]) for a 5 years’ supply of deliverable housing land throughout the plan period.

78. In relation to point (iv), although the vision of the Plan and its strategic objectives were prepared under the strategic direction and priorities of the NWRSS, it accords with the Framework (paragraph 47, [1]), which refers to meeting the housing need in the housing market area (HMA), which for the reasons stated is the Mid-Mersey sub-region.

49 PPG: paragraph 025 Ref. ID: 10-025-20140306 - How should viability be considered for brownfield sites in plan-making?
79. In relation to the response of Halton and St Helens Councils to Round 1 of the MMs, the fact remains that both of these Councils continue to be supportive of policy CS3, as amended in Round 2 of the MMs. This means that they both support the concept of assessing the total housing need for Mid-Mersey, and that this overall target should not be exceeded in a way that would harm their agendas for urban regeneration, which are embedded within their recently adopted Core Strategies.

*Should the start date of the plan period be changed from 2006 to 2011?*

80. The primary concern behind the suggestion that the start date of the plan should be changed to 2011 is unsurprisingly linked to the fact that a significant amount of the Plan’s housing provision, considerably in excess of the annualised 500 dpa, has already been completed in Warrington since 2006. This reduces the residual (2011-2027) delivery to 362 dpa in order to meet the Plan’s housing target over the remainder of the plan period, i.e. less than the NWRSS figure. Indeed, Warrington’s house building rate from 2006 to 2011 has been impressive, with 5,075 new homes being completed over this period.

81. There are implications in ‘writing off’ this amount of housing from the Plan. The Plan has to consider housing provision in relation to the requirements for schools, retail development, employment land, health care and other community provision. These needs have been considered together over the plan period, the start of which has not changed since the inception of the Plan, and subsequent public consultation.

82. It was argued that the relatively low level of housing delivery from 2011 to 2027 would be inadequate to meet Warrington’s housing needs. The start date in 2006 was also considered to be arbitrary, and it was argued that a start date of 2011 would link in to the latest household projections.

83. The nub of this matter relates to the treatment of housing ‘oversupply’. In the absence of any national guidance at the time of the June 2013 Hearings, the DCLG document *Land Supply Assessment Checks* was cited in support of deleting previous oversupply from the Plan. However, this research document has no statutory force, whilst its conclusion on housing oversupply is unclear. Paragraph 4.17, which was quoted at the Hearings, refers to the *London Plan*, whilst paragraph 4.11 refers to (unspecified) DCLG guidance which states that assessment should be: “…based on current development plan (LDF or adopted RSS figures) - adjusted for historic over or under performance”.

84. It is widely perceived as good practice for Councils to be required to make up an historic shortfall in the next plan period, two of the most recent examples being Liverpool and Sedgefield. I am not persuaded that writing off housing oversupply is the logical mirror image of this good practice, and in any event the Plan is ensuring a continuation of at least 500 dpa over the remainder of the plan period, as is stated below in the section on housing distribution and delivery. The PPG, however, helpfully addresses this issue. It states that in assessing the housing requirement, consideration can be given to evidence

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51 *Planning Magazine*, pages 14-17; 31 May 2013.
that the Council has delivered over and above its housing need in previous years\textsuperscript{52}. Taking all the above matters into consideration, I conclude that the existing plan period is appropriate.

\textit{Allowances for empty properties and second homes}

85. I agree with the Council that there will always be a proportion of vacant properties as part of a functioning market, and that the existing rate of 3\% in Warrington is not abnormal. The issue of second homes was not substantively raised during the Examination, and I am not persuaded that any such allowance needs to be factored in for Warrington.

\textit{Housing requirement - conclusion}

86. Taking into account the above considerations, I conclude that the appropriate geographical unit or ‘building block’ for assessing Warrington’s housing requirements is the Mid-Mersey HMA, which has been defined objectively. It includes the Boroughs of Halton, St Helens and Warrington. The needs of the Mid-Mersey HMA are some 1,600 dp\(a\) over the plan period, of which Warrington should supply 500 dp\(a\). Therefore the Plan, subject to the proposed main modifications, is consistent with meeting the full housing needs of Warrington over the plan period, having regard to all the considerations that I have addressed above.

87. Some representations alleged that the preparation of the Plan was flawed in relation to the recent Hunston Judgments. One representor, referring to the Hunston Judgments, stated that there are three key steps that must be followed by local planning authorities when identifying the objectively assessed need for housing, namely identifying the objectively assessed need; examining relevant constraints; and considering the objectively assessed need for housing across the whole of the HMA to test whether a shortfall in one area could be addressed elsewhere.

88. Whatever the provenance of these three key steps, I accept that they are relevant for consideration in the Examination of the Warrington Plan. Firstly, I consider that the objectively assessed need for housing for Warrington has been considered as part of the Mid-Mersey HMA; that the only permanent constraint has been the Green Belt; and that part of the support of the two neighbouring authorities in the Mid Mersey HMA for a suppressed total within Warrington is predicated on the close relationship between jobs and housing within the HMA and the dominance of Warrington as the main employment area, which attracts in-commuters from the other two authorities.

89. The Hunston Court of Appeal Judgment stated, in essence, that Inspectors are not entitled to use a housing requirement figure derived from a revoked plan\textsuperscript{53}, which of course means that local plans cannot rely on the constrained housing requirement set out in a RS. In fact, the submitted Plan breached the RS housing figures by a significant margin, and at no point during the Examination has the Council’s housing provision case relied on the RS, either

\textsuperscript{52} PPG: paragraph 036 Ref. ID: 3-036-20140306 – Can previous over-supply of housing be considered when determining the objectively assessed need for housing?

\textsuperscript{53} Hunston Court of Appeal Judgment; 12 December 2013; paragraph 25 [Examination Document AED005].
In conclusion, I consider that the Hunston Judgments have not necessitated a radical rethink of the Plan’s housing provision, whilst the preparation of the Plan has not been contrary to the three key steps identified above.

(b) Housing distribution and delivery

The lack of clarity in the submitted Plan relating to some of the key housing policies on what will or will not be delivered, where and when, as required by the Framework (paragraphs 154, 157 and 159), was a key concern, which I expressed in advance of and at the Exploratory Meeting (EM).

Prior to the EM, the Council issued several Clarification Statements and it has since suggested changes to address my concerns on the distribution and delivery of housing. These included changes to policy CS7 (strategic location at Omega – Lingley Mere) to a strategic proposal, with provision for 1,100 dwellings within the plan period; and deletion of policy CS9 (strategic locations – Appleton Cross, Grappenhall Heys, Peel Hall and Pewterspear Green), as these sites were not proposed for development within the plan period and their inclusion within the Plan gave rise to uncertainty. (This also requires the deletion of other references in the Plan to bring forward these sites for possible development including the 5th bullet point of policy CS2, the penultimate paragraph of policy SN1, deletion of these sites from the Key Diagram, Figure 6.1 and other text); [MM5 – MM7]. The above recommended main modifications are necessary to make the plan justified and effective.

The Council also suggested changes to policy CS10, to include the provision of around 625 dwellings within the last 5 years of the plan period, with a significant proportion (about 2,075) to be implemented beyond the plan period, due to site constraints at Waterfront/Arpley Meadows; together with the inclusion of a new policy to set the parameters for a review of housing land provision (already covered above). These changes are all required in the interests of plan justification and effectiveness. The PPG also advises that local planning authorities should identify a supply of specific, developable sites or broad locations for growth, where possible, for years 11-15, and the Plan clearly accords with this advice in relation to Waterfront/Arpley Meadows.

A new summary table showing the primary sources of housing land identified in the Plan was suggested by the Council. It includes the likely number of completions from modified policies CS7 and CS10, together with estimates for windfalls, unlocking suitable but constrained sites, and completions from the latest version of the SHLAA. This identifies a wide range of sites and sets out three 5-year phases for the developments that have a realistic prospect of delivery within each of these periods.

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54 Warrington Borough Council: Examination Clarification Statements – Viability and Deliverability Issues [Examination Document LDF095]; Strategic Location Omega and Lingley Mere [LDF098]; Inner Warrington [LDF099]; Strategic Locations of Appleton Cross, Grappenhall Heys, Peel Hall and Pewterspear Green [LDF100]; and Waterfront [LDF101]; all dated November 2012.

55 PPG: paragraph 027 Ref. ID: 3-027-20140306 – Is it essential to identify specific developable sites or broad locations for housing growth for years 11-15?
95. The summary table, based on the SHLAA, which was not challenged during the Examination, estimates housing delivery of 607 dpa over the 15 year period from 2012 to 2027, i.e. a 20% buffer over the Plan’s minimum provision of 500 dpa over the entire plan period. I have concluded, based on all the evidence, that the Plan therefore satisfies the requirements in the Framework for deliverable sites, plus in excess of the 5% buffer (paragraph 47[2]); and that the trajectory also shows that the Plan complies with the Framework for years 6-10 and 11-15 (paragraph 47 [3] and [4]).

96. The amount and distribution of housing in the Plan will not require any Green Belt development, so there is no need for a Green Belt review during the plan period. I therefore consider policy CS4, which safeguards the long term maintenance of the Green Belt, to be justified, effective and in accordance with national policy.

97. Halton and St Helens Councils argue that the emphasis on focusing new housing on PDL within the older parts of their authorities could be frustrated if a significant amount of relatively inexpensive greenfield land were opened up for housing within easy reach of these neighbouring authorities. I consider that this argument carries some weight. This regeneration emphasis also links closely with the Liverpool City Region Housing Strategy, which stands to be compromised by an emphasis on greenfield sites in places such as Warrington.

98. The low level of greenfield housing provision in the Plan was criticised on two main grounds; firstly, that such sites are needed for ‘aspirational housing’, to attract the entrepreneurs and business investors who are necessary to develop the local economy. Some representors argued that without a significant greenfield provision, such housing would not be delivered in the quantum required.

99. The term ‘aspirational housing’ has no provenance in planning legislation, the Framework or the PPG, and I note the Council’s comment that “all housing is aspirational”. It appears to be predicated on an assumption that housing in Warrington’s inner areas is intrinsically of a lower, less marketable quality than housing on greenfield sites. I visited several recent housing schemes on PDL sites, including Saxon Park, Chapelford Urban Village, Greenalls, Eagle Ottowa and New World. They generally achieved high design standards, on a par with many recent greenfield developments, and in some cases incorporated large family residences. I am not persuaded from the evidence, including my site observations, that the existing and future homes on inner urban sites will not be ‘aspirational’ or beneficial to the Borough.

100. The second argument was that the low level of greenfield housing provision would fail to meet the legitimate housing requirements for the rural settlements in the Borough, such as Burtonwood, Culcheth and Lymm, villages which would be ideal locations for aspirational housing; and it was therefore argued that Warrington’s qualitative housing requirements were not going to be met. Several representors saw these villages as separate housing markets, but the evidence from the SHMA fails to support this assertion. These settlements are not defined as service centres, and Lymm for example is also linked to the nearby housing market based on Trafford in Greater Manchester.
Distribution and delivery of housing - conclusion

101. The proposed changes have introduced an acceptable level of certainty in terms of where the required level of housing will be delivered and when. They also show that the minimum level of housing provision of 500 dpa is likely to be exceeded over the remainder of the plan period, whilst if at some point during the plan period, the reverse appears to be likely, a review mechanism will be brought into play to secure 10 years’ housing supply. The emphasis on PDL and limited greenfield housing development protects the Green Belt and promotes regeneration, both in Warrington and in the other towns within the HMA, which was a key point emphasised by Halton and St Helens Councils. Therefore the Plan, subject to my recommended main modifications, sets an appropriate strategic framework for the distribution and delivery of the full housing needs of Warrington over the plan period.

(c) Other housing needs

Affordable housing

102. Policy SN2 sets the framework for securing a mix of housing types. It requires all developments of 5 or more dwellings to make 20% provision for affordable housing (AH), with the proportion rising to 30% on developments of 15 or more dwellings on sites outside the town centre and Inner Warrington, and 30% on all greenfield sites. The policy was tested by a Viability Assessment in September 201056 and an Additional Note in January 201357 in response to my request for clarification. The Additional Note included sensitivity testing of a wide range of development scenarios, covering schemes from 5 to 100 dwellings, with varying dwelling mixes, a range of AH proportions (10-40%), and the application of these scenarios to indicative locations within the Borough.

103. This viability work supports policy SN2’s AH targets and demonstrates that the Plan’s requirements as a whole do not threaten the deliverability of the Plan’s AH provision. The potential number of AH units could be exceeded on certain sites, such as those with low existing use values and/or where grant contributions would be forthcoming. The policy requires demonstration of lack of viability where developers claim that the proportion of AH sought by the Council would not be achievable, and it gives a clear steer on the proportion of social rented and intermediate housing being sought by the Council.

104. The Council’s Housing Service supports the AH targets and thresholds in policy SN2, whilst stressing the importance of negotiation and ensuring a reasonable on-going provision rather than placing an undue focus on trying to meet the same fixed parameters on every site. The Council’s suggested main modification to clarify the need for flexibility in negotiating precise dwelling types on a site-by-site basis, linked to locally identified needs with reference to the most up-to-date SHMA [MM10], is required on the grounds of effectiveness.

56 Adams Integra: Final Report – Affordable Housing Financial Viability Assessment; September 2010 [Examination Document TPS069].
57 DSP Housing and Development Consultants: Brief Additional Note on the scope of the Council’s Affordable Housing Financial Viability Assessment; January 2013 [Examination Document LDF109].
Specialised housing

105. Policy SN1 provides a strategic framework for other forms of specialist housing, including for the elderly and infirm. The suggestion for a threshold of 10,000 people to trigger developments for the elderly in sustainable locations was not supported by robust evidence. Student housing is not considered to be a strategic matter in Warrington, and I do not disagree. I therefore have no soundness concerns in relation to policy SN1.

Gypsies, travellers and travelling showpeople

106. Policy SN3 sets out a minimum requirement for the number of permanent and transit pitches required by the travelling communities. A SCG between the Council and the gypsy and traveller (G&T) representative\(^58\) agreed that the level of need set out in policy SN3 is sound, and I see no reason to come to a different view. Whilst the G&T representative welcomed the Council's commitment to provide an adequate supply of sites in response to identified needs, concern was expressed at the slow rate of progress to implement sites and pitches on the ground and the need for urgent 'frontloading' was emphasised. Disappointment was also expressed that the Plan does not identify sites, but relies on a subsequent Local Plan to do this.

107. The recommended main modifications to policy SN3 and supporting text suggested by the Council [MM11-MM12] have taken on board a number of suggestions made by the G&T representative. These include a commitment to annual updates of deliverable sites through the Monitoring Report and reference to an updated Gypsy and Traveller Accommodation Assessment (GTAA). This GTAA will inform a subsequent G&T Local Plan, on which the Council intends to start work as a matter of urgency. These changes are required in the interests of the positive preparation, justification and effectiveness of the Plan.

Overall housing - conclusion

108. Subject to the recommended main modifications, the Plan's approach to housing, as part of the Mid-Mersey HMA, is positively prepared, justified, effective and consistent with the principles set out in the Framework (paragraphs 6-10) and the PPG. Its total housing provision and its policies towards AH, G&T and other specialist accommodation are justified. Housing distribution is reasonably focused on a number of key strategic areas, and the evidence, primarily through the SHLAA, indicates that there is a reasonable prospect of adequate housing site delivery over all three 5-year phases of the plan period, which is likely to exceed the minimum housing provision by a reasonable margin. However, this will need to be continually monitored through the AMR, and provision is made for a review if a 10 year supply of housing land appears unlikely at any future stage in the plan period.

\(^{58}\) Statement of Common Ground (SCG) between Warrington Borough Council and Alison Heine in response to the Inspector's published key issue 1.20: Gypsy and Traveller Accommodation; 7 June 2013 [Examination Document EXS54].
Issue 3 – Is the framework for the economy, including employment provision and retail and office development in the town centre and elsewhere, appropriate to meet the needs of Warrington and the wider area?

Employment land provision

109. Warrington is, as the Employment Background Paper\(^{59}\) states, “an attractive and vibrant location in which to work and live”, and it has a proven track record for delivering economic growth. Its excellent accessibility makes it a natural choice for businesses to locate, a convenient focus for commuting from nearby districts and a key warehouse distribution location.

110. The criteria in policy PV1 allow some flexibility for development in existing employment areas, whilst safeguarding the viability of nearby employment uses. The policy also directs new major warehousing and distribution developments to preferred locations at Appleton and Stretton Trading Estates, Omega and Woolston Grange. This steer for developments which are likely to generate high volumes of HGVs and other commercial traffic to sites which are located with close access to the motorway network is justified; the impact of HGV movements on local living conditions (noise and disturbance) was raised as an issue by several participants at the Hearings.

111. Much of the Borough’s more recent ‘New Town’ employment development is located on peripheral sites. Although they have contributed to Warrington’s prosperity, levels of car commuting are high. A key challenge for policy CS7 (as modified) for employment development at Omega and Lingley Mere will be to maximise active travel (cycling and walking) and the use of public transport (penultimate bullet point). The associated transport infrastructure to mitigate the impact of the later phases of the Omega and Lingley Mere developments will include widening and signalisation of the M62 motorway, but the need for and deliverability of this work has been recognised by the HA. There has also been employment growth linked to the regeneration of the town centre and some inner areas, which is supported by policy CS6.

112. Some concerns were voiced at the ‘disconnect’ between perceived low levels of housing growth and the high employment land provision in policy CS2, together with unsustainable levels of commuting and steep increases in house prices if supply is exceeded by demand. Warrington, however, is the economic driver for a wider area including the authorities of Knowsley, Halton, St Helens and Wigan, which was acknowledged in the NWRSS\(^{60}\), and this has not been challenged by more recent, objective evidence. In this context, it is not inappropriate to plan for economic growth to serve a wider area than the Borough, including the Mid-Mersey sub-region, and this again underlines the value of achieving a balance between planning for the economy and housing provision over a relatively self-contained area.

113. Another concern is the Plan’s perceived over-reliance on a small number of employment sites and their distribution. Additional suggestions included the expansion of the Taylor Business Park, just to the south of Culcheth, and new

\(^{59}\) Warrington Borough Council: *Employment Background Paper*; May 2012 [Examination Document LDF025].

\(^{60}\) NWRSS paragraph 10.20 [Examination Document RP011].
employment land at Lymm. It was stated at the Hearings that the Taylor Business Park was 90% occupied, with a waiting list. However, its proposed 15 ha expansion would be an incursion into the Green Belt.

114. There was no dissent at the Hearings from the Council’s view that the Business Park is an asset to the Borough. However, the Framework (paragraph 87) states that inappropriate development is, by definition, harmful to the Green Belt (which the Business Park expansion would be in planning terms) and should not be allowed except in very special circumstances. In a Borough which has a relatively healthy economy and ample employment land, I am not persuaded that the very special circumstances currently exist for the Plan to make provision for the expansion of the Business Park into the Green Belt.

115. Policy CS4, however, states that development proposals within the Green Belt will be approved where they accord with relevant national policy. It will therefore be for the Council to consider any proposals for expansion at the Business Park in the light of a business case and the likely economic benefits to the Borough, in order to assess whether the Green Belt tests would be satisfied.

Retail and office development

116. The Council’s Retail and Leisure Study concluded that Warrington has a strong town shopping centre but it also has extensive out-of-centre retailing, not all of which is restricted to bulky goods and which therefore competes with the town centre. The more recent Retail and Town Centre Background Paper stated that the town centre is a major asset to the Borough that performs well, but needs to be protected, promoted and enhanced through the Council’s policies. The town centre extended the quantity and quality of its retail offer in 2007 with the opening of the Golden Square extension, which at the time of the Hearings appeared to be trading well, with few vacant units.

117. The Council’s Retail Clarification Statement following the EM showed that, when taking a cautious assumption in relation to reoccupied vacancies (assuming only 50% of them are reoccupied), expenditure capacity is available to support around 6,700 m² additional comparison retail floorspace by 2021. The same work demonstrated that there will be very little demand for additional convenience retail floorspace throughout the plan period, due to the amount of recent new convenience retail floorspace provision in the Borough. Only an additional 567 m² is estimated to be realistic by 2026. The alleged under-provision for convenience shopping at Lymm was not supported by robust evidence.

118. Policies PV4, PV5, TC1 and TC2 set the framework for town centre and other retail and commercial uses in the context of the above information. The Council’s proposed main modifications to policy TC1 include provision, by 2021, for at least 6,500 m² (net) additional comparison goods retail floorspace.

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61 Martin Tonks: Warrington Retail and Leisure Study – Quantitative Assessment Update for Warrington BC; October 2009 [Examination Documents TPS050 to TPS055].
62 Warrington Borough Council: Retail and Town Centre Background Paper; May 2012 [Examination Document LDF026].
63 Warrington Borough Council: Examination Clarification – Town Centre and Retail Development; January 2013 [Examination Document LDF111].
in a number of specified town centre locations, including as part of mixed use developments [MM13]. These are necessary for the Plan to be justified and effective.

119. Concern was expressed that policy PV4 should be more positive towards banks and building societies, with no restrictions on such uses in primary shopping frontages. Evidence was submitted showing banks in some areas not impacting on footfall and hence the viability of town centre shopping areas. However, most banks and building societies, in contrast to most shops, generally operate shorter working hours, with less weekend opening. The small geographical extent of the Primary Shopping Area means that banks and building societies can be located within a short walking distance from the retail core. I therefore conclude that policy PV4, which does not impose a blanket ban on banks and building societies within the Town Centre and Primary Shopping Area, provides a justified and effective framework for retail development within the town centre and Primary Shopping Area.

120. Policy SN4 defines a hierarchy of centres for retail and leisure uses. The Council’s proposed main modifications to policies PV5 and SN5 [MM14-MM15] require all main town centre uses, regardless of size, which are proposed outside the town centre, to provide justification in the form of a sequential test. The Council’s suggested change to policy SN5 also increases the threshold from 200 m² to 500 m² (gross) to provide justification for retail, leisure and office development proposals within defined centres in the form of a sequential and impact test proportionate to the scale of the proposal. These policies, subject to the suggested recommended main modifications, provide appropriate criteria for retail development throughout the Borough, and they are endorsed as justified and effective.

121. The Council’s suggested further main modifications to policy CS7, to make the employment proposal at Omega and Lingley Mere more flexible in relation to office development [MM16], is supported on the grounds of justification and effectiveness.

Port Warrington

122. Policy CS11 provides the strategic context for further (phase 2) port-related development at Port Warrington, on the Manchester Ship Canal, within a timescale of 5-15 years. Planning permission exists for phase 1, so the issues of development within the Green Belt and congestion at canal crossings have already been taken into account in the permitted development. The evidence demonstrated that bigger vessels, carrying more cargo, could reduce the number of shipping movements through Warrington (currently around 600 pa) and hence reduce traffic congestion caused by the operation of the swing bridges; a MOU between the operators and the Council is being prepared to minimise the impact of swing bridge movements. In addition, implementation of the consented development requires the provision of rail access.

123. The Council’s suggested main modifications to policy CS11 and the supporting text [MM17-MM18] clarify the important role Port Warrington could have in terms of the economy and sustainable travel, and acknowledge that any phase 2 expansion onto adjoining land may be capable of demonstrating the very special circumstances to justify development in the Green Belt. These
recommended main modifications are required on the grounds of effectiveness and accordance with national policy.

The economy - conclusion

124. The Plan, subject to the above main modifications, sets out a clear framework for sustainable economic development. In particular, it provides adequate employment land, which is well placed to meet the needs of Warrington and its hinterland, which broadly aligns with the Mid-Mersey HMA. It has clear retail and office policies, designed to put the town centre first, whilst providing flexibility where appropriate. It provides a sustainable balance in relation to employment proposals affecting the Green Belt, the impact of employment areas (and related HGV traffic) on local living conditions, and the need to promote sustainable transport and access. As such it is positively prepared, justified, effective and in accordance with the requirements of the Framework (in particular sections 1 and 2).

Issue 4 – Is the infrastructure needed to accommodate the planned strategy justified and deliverable?

Infrastructure delivery

125. Policy MP10 outlines the Council’s approach to infrastructure provision. Following the EM, the Council updated and refined its Infrastructure Delivery Plan (IDP) to show key projects. The new supplementary Infrastructure Delivery Schedule (IDS) selects and highlights key infrastructure projects, including their priority, phasing and means of implementation.

126. The Council’s suggested main modification to policy MP10 makes the policy explicit in relation to viability. This change is necessary on the grounds of effectiveness. The Council made it clear in both its written submissions and at the Hearings that it considered that there are no ‘showstoppers’ (i.e. schemes, which if unimplemented, would be capable of knocking the Plan significantly off course). These documents highlight the major development proposals where there are current funding gaps, but the Omega site, for example, has several Section 106 Agreements which have not yet been triggered, including extensions and improvements to the bus service, which are critical to its sustainability, and improvements to the M62 motorway.

127. The Waterfront/Arpley Meadows scheme (policy CS10, as modified), which is proposed to start within the final 5 years of the plan period, is affected by a number of constraints. The IPD/IDS will need to address these as soon as possible, and within phase 2 of the remaining years of the plan period (2017-2022) at the latest. The Council regards the IDP as a ‘working document’, which will be reviewed regularly through updating and monitoring, which is clearly important for the effectiveness of the Plan. A signed and dated SCG

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64 Warrington Borough Council: Infrastructure Delivery Plan (IDP); January 2013 [Examination Document LDF113].
65 Warrington Borough Council: Two separate schedules (1) Development Related Key Infrastructure Schemes – priority, phasing and delivery agency; and (2) Infrastructure Update 2013 [Examination Documents LDF113A and B].
between the Council and Peel Holdings\textsuperscript{66}, which was submitted following the March 2014 Hearing, commits the Council to working with identified key partners to bring forward the land for housing and other development, including setting out the key actions and the three main phases, two of which are entirely inside the plan period.

\textit{Community Infrastructure Levy (CIL)}

128. Policy MP10 provides the basis for the Council to support the implementation of a future CIL. The Council’s view is that, as none of the schemes in the IDP are critical to the delivery of the Plan, it is not imperative to bring a CIL forward. The Council proposes to continue monitoring infrastructure delivery before making this decision. The Government has now brought the date, after which Section 106 developer contributions will be limited, to April 2015. Whilst this is not a soundness concern now, a significant delay in bringing forward CIL may therefore have implications for the effectiveness of the Plan at a future date.

\textit{Transport Infrastructure}

129. The Council commissioned a multi-modal transport model (MMTM) to assess the capacity of the Borough’s transport infrastructure to respond to a number of land use scenarios, and the Council’s \textit{Transport Background Paper}\textsuperscript{67} explains that the MMTM has informed the preparation of the Plan. A key conclusion of the modelling work is that no transport infrastructure is critical to delivering the housing, employment land or other development requirements of the Plan. This conclusion was not challenged and clearly major development proposals will require full traffic/transport assessments at the appropriate time.

130. The Council’s suggested main modifications to policy MP4 promote public transport which is reasonably related to the scale of the proposed development and deliverability, together with a change to the supporting text to bring car parking standards in line with Government policy [MM20-MM21]. These recommended main modifications are recommended as justified, effective and in accordance with national policy.

\textit{Infrastructure - conclusion}

131. Overall, subject to the proposed main modifications, the Plan’s infrastructure provision, including the IDP and IDS, is based on robust evidence and is justified, effective and in accordance with national policy.

\textbf{Issue 5 – Is the policy framework for Green Infrastructure (GI) and heritage assets appropriate to meet Warrington’s needs and does the Plan provide appropriate strategic guidance on the quality of development within urban areas?}

132. Policy QE3 provides a clear and integrated approach to improving the quality of the Green Infrastructure (GI) network, through connecting fragmented

\textsuperscript{66} Statement of Common Ground (SCG) between Warrington Borough Council and Peel Holdings/NLP in respect of Waterfront and Arpley Meadows; 19 March 2014 [Examination Document AED007].

\textsuperscript{67} Warrington Borough Council Local Plan: Transport Background Paper; May 2012 [Examination Document LDF027].
areas, securing a continuous right of way network and safeguarding and possibly enhancing the ecological system. The Council’s proposed main modifications to policy QE5 to commit it to preventing development that may adversely affect EU protected species [MM22] and policy CS8 (strategic location – Inner Warrington) which includes a reference to enhancing the quality and connectivity of GI and biodiversity [MM23], are endorsed as justified. A forthcoming SPD will provide guidance and a detailed implementation framework.

133. Policies QE6 and QE7 provide a framework to determine the quality of residential development and other schemes, including the requirement to respond to the densities, design, scale, proportions and materials of adjacent and/or existing buildings. The Council’s proposed main modification to policy QE6 requires all new development to respect the living conditions of existing residential occupiers and future occupiers of new housing schemes in relation to matters such as privacy, outlook, noise and disturbance [MM24]. This is endorsed as justified and in accordance with national policy.

134. Policy QE8 addresses the historic environment and recognises the significance and value of heritage assets, rather than identifying them as potential barriers to development. The Council’s suggested main modification, to include sites as well as structures [MM25], is justified. The Council’s suggested main modifications to policy IW2 (final bullet point) [MM26], to commit to preserving the historic interest and assets of Victoria Park, are also endorsed as justified.

 GI, heritage assets and quality of development - conclusion

135. Subject to the proposed main modifications, the Plan’s approach to GI, conservation of heritage assets and quality of development are supported by a robust and credible evidence base, i.e. justified, and the relevant policies are capable of effective implementation and monitoring, i.e. effective.

Issue 6 – Does the plan provide a sustainable framework to respond to climate change, renewable energy, biodiversity, minerals conservation and waste management?

Climate change

136. Policy CS1 covers the need to adapt to the effects of climate change. A raft of policies addresses climate change mitigation in relation to transport (policy CS3); strategic green links (policy CS5); enhanced health and well-being (policy SN7); decentralising energy/low carbon (policy QE1); renewable energy (policy QE2); GI (policy QE3); flood risk (policy QE4); environmental and amenity protection (policy QE6); high quality places (policy QE7); and infrastructure (policy MP10). None of these policies was challenged during the Examination, either in principle or on the grounds of making the Plan undeliverable. The scale of these ‘burdens’, not all of which affect every site or development proposal, does not undermine the aim of the Framework to ensure viability and deliverability (paragraph 173). It is supported by the SA and is endorsed as justified and in accordance with national policy.

Paragraph 11.16 of the Plan explains that a Green Infrastructure and Recreation Provision SPD will be prepared, and it is programmed in the Council’s LDS.
Renewable energy

137. Policies QE1 and QE2 seek to maximise opportunities for the use of decentralised, renewable and low carbon energy and related infrastructure. The Council’s suggested changes to policy QE1 and the supporting text define the scope of renewable energy by linking it to Part L of the Building Regulations. They replace the imprecise aim of “meeting a proportion of their energy needs” with the evidence-based NWRSS target of 10% within the plan period [MM27-MM30]. Although RS no longer carries any weight, the target was not robustly challenged at the Hearings, and no alternative targets were submitted for consideration.

138. The policy also ensures that mitigation measures will be taken into account; proposals will be assessed within the context of the Plan as a whole and national policy; and there is a commitment to monitor against a range of indicators within the Council’s AMR. The renewable energy policies and supporting text, subject to the above changes, satisfy all four soundness criteria in the Framework.

Fiddlers Ferry

139. The Fiddlers Ferry conventional power station plays a strategic role in providing energy for the North West. The power station operators have suggested that the Plan safeguards an adjacent area in the Green Belt for expansion, which would be necessary if plans to develop the generation of renewable energy are developed at Fiddlers Ferry.

140. The Framework (paragraph 91) recognises the dilemma between national renewable energy and Green Belt policies. Whilst it acknowledges that renewable energy projects will comprise inappropriate developments in the Green Belt, it also states that the very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Policy PV2 reflects the fine balance of the Framework and sets a basis for sustainable decision making as and when firm proposals for the development of renewable energy come forward in the proposed safeguarding area. In the light of these considerations, I conclude that no main modifications are necessary on soundness grounds.

Flooding

141. The River Mersey floodplain extends across much of Warrington, including the town centre. Policy QE4 establishes a sequential strategy, which directs new development away from areas of highest risk. Where development within the areas of highest risk is considered to be necessary, the policy aims to make it safe without increasing flood risk elsewhere. The policy, which has been prepared with direct input from the Environment Agency (EA), is supported by three technical documents – a Strategic Flood Risk Assessment (SRFA)\(^69\), a Surface Water Management Plan\(^70\) and the Mid-Mersey Water Cycle Study\(^71\).

\(^{69}\) JBA Consulting: Warrington Borough Council: *Strategic Flood Risk Assessment (SFRA)*; September 2011 [Examination Documents TPS062 and 063].

\(^{70}\) Warrington Borough Council: *Surface Water Management Plan*; May 2012 [Examination Documents TPS057-061].
The Council’s suggested main modification to policy QE4, to require specific Flood Risk Assessments (FRAs) for proposals of 1ha or greater in Critical Drainage Areas as defined by the SFRA (in addition to Flood Zone 1) [MM31], is necessary on the grounds of effectiveness and accordance with national policy.

**Biodiversity**

142. Policy QE5 commits the Council to work with partners to protect and where possible enhance sites of recognised nature and geological value. The policy has been largely supported by Natural England, the EA and Environmental UK, and accords with the Framework (paragraph 109). As such it is justified, effective and in accordance with national policy.

**Minerals**

143. There was debate at the Hearings over the lack of detail in the Plan covering the type of mineral resources to be protected and where they can be found on a map. Concern was expressed that without this information, there was a danger that mineral resources could be sterilised, although evidence of this happening was thin on the ground. Following the debate, the Council has suggested a main modification to the supporting text to policy MP9 [MM32] including a commitment to the early adoption of a Joint Minerals and Waste Local Plan, and references to the definition of Mineral Safeguarding Areas, using the most up-to-date supporting information72. These recommended main modifications are necessary in the interests of the effectiveness of the Plan, and in accordance with national policy.

**Waste management**

144. Policy MP8 provides a strategic context to promote sustainable waste management, with details to follow in a Joint Minerals and Waste Local Plan. Much of the good planning practice that the Council is pursuing is contained in an adopted SPD73, which advises on sustainable construction, site waste management plans and waste minimisation. The Joint Minerals and Waste Local Plan will provide a comprehensive framework for managing the range of waste streams that arise within the Borough. Policy MP8 is therefore endorsed as sound.

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71 Entec UK Ltd: Mid-Mersey Water Cycle Study (Outline Phase) – Final Report; April 2011 [Examination Document SRP015].
72 Including British Geological Survey Commissioned Report CR/05/090N.
73 Warrington Borough Council: Supplementary Planning Document (SPD) Design and Construction; October 2010 [Examination Document LPS017].
**Issue 7 – Are there clear indicators and targets which will measure the effective implementation of policies?**

145. Section 20 of the Plan sets out the local indicators and key delivery partners for each policy; it also addresses the means of implementation and which SA objectives are met. It is set at a strategic level, although a number of SPDs and further Local Plans will provide more detail ‘on the ground’ as appropriate. The delivery of major schemes is programmed through the IDP [Examination Document LDF113], which is seen as a continuous work in progress.

146. The Council’s Monitoring Report has monitored a number of key indicators since 2005 on an annual basis, and is set to continue. The Council’s monitoring track record is good, and I can see no reason why this should not continue to be the case.

**Other matters**

147. Several additional matters were raised in representations and at the Hearings, which do not go to the heart of soundness. The Council has shown that it has been willing to consider these concerns, some of which have found their way into the Plan via the suggested Minor Changes.

**Assessment of Legal Compliance**

148. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

149. The Local Plan Core Strategy is identified within the approved Local Development Scheme (LDS) of February 2012 which sets out an expected submission date of May 2012 with adoption by December 2012. The further work required, the associated consultation which required a suspension and the need for a further Hearing, means that the Core Strategy is not likely to be adopted until mid 2014. Whilst this does not accord with the LDS, given the urgent need for an up to date development plan to facilitate and guide the growth the District urgently needs it makes no sense, in my view, to find the Plan unsound on the basis that its progress does not accord with the LDS. Having said this, the LDS ought to be updated as soon as possible.
### LEGAL REQUIREMENTS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>See paragraph 148 above.</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in April 2010 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed ‘main modification’ changes (MM)</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
<tr>
<td>Appropriate Assessment (AA)</td>
<td>The Habitats Regulations AA Screening Report (October 2012) concluded that an AA was necessary. The HRA AA Report (January 2012) conforms to the Habitats Regulations (Conservation of Habitats and Species Regulations 2010).</td>
</tr>
<tr>
<td>National Policy</td>
<td>The Local Plan Core Strategy complies with national policy except where indicated and modifications are recommended.</td>
</tr>
<tr>
<td>Sustainable Community Strategy (SCS)</td>
<td>Satisfactory regard has been paid to the SCS.</td>
</tr>
<tr>
<td>Public Sector Equality Duty (PSED)</td>
<td>The Local Plan complies with the Duty.</td>
</tr>
<tr>
<td>2004 Act (as amended) and 2012 Regulations</td>
<td>The Local Plan Core Strategy complies with the Act and the Regulations.</td>
</tr>
</tbody>
</table>

### Overall Conclusion and Recommendation

150. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above and which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

151. **The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Warrington Local Plan Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Mike Fox*

Inspector

This report is accompanied by the Appendix containing the Main Modifications