

# **WARRINGTON**

# **BOROUGH**

# **COUNCIL**

September 2021

**LOCAL PLANNING FRAMEWORK**  
**LOCAL DEVELOPMENT SCHEME**  
**(LDS)**



**WARRINGTON**  
Borough Council

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## **1 Introduction**

- 1.1 This document is the Council's ninth Local Development Scheme (LDS). It was approved by the Council's Cabinet at their meeting of the 13<sup>th</sup> September 2021 and comes into effect from 21<sup>st</sup> September 2021. The LDS describes what the Council is going to do to prepare new and revised planning policies as part of Warrington's Local Planning Framework. Preparation and review of the LDS is a mandatory requirement under the Planning & Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 1.2 The updated LDS sets out a detailed programme for the review of the Local Plan in order to accommodate the new homes and jobs required to meet Warrington's development needs over the period to 2038, set within a wider vision for the development of the Borough over the next 30 years.
- 1.3 The update of the LDS has been prompted due to the revisions made to the Plan following the 2019 Regulation 19 consultation. These revisions have necessitated a further period of Regulation 19 consultation on an updated Proposed Submission Version Local Plan and thus a delay to the timetable set out in the previous LDS.
- 1.4 The LDS programme includes consultation milestones to inform the public, landowners, developers and other key stakeholders about opportunities to get involved in the Plan making process and to let them know the likely dates for involvement.
- 1.5 A review of progress on the programme set out in the LDS together with the monitoring of adopted Local Plan policies is undertaken each year and included within the Council's Annual Monitoring Report (AMR).

## 2 Warrington's Local Planning Framework

2.1 Warrington's Local Planning Framework provides the spatial framework to deliver the key objectives of the Warrington Means Business programme and the Borough's Health & Well-being Strategy. It seeks to promote and guide Warrington's growth over the period to 2038, ensuring housing and economic needs can be sustainably accommodated and that the social and physical infrastructure necessary to support an increasing resident and working population is delivered. It comprises a suite of documents as illustrated in figure 1.

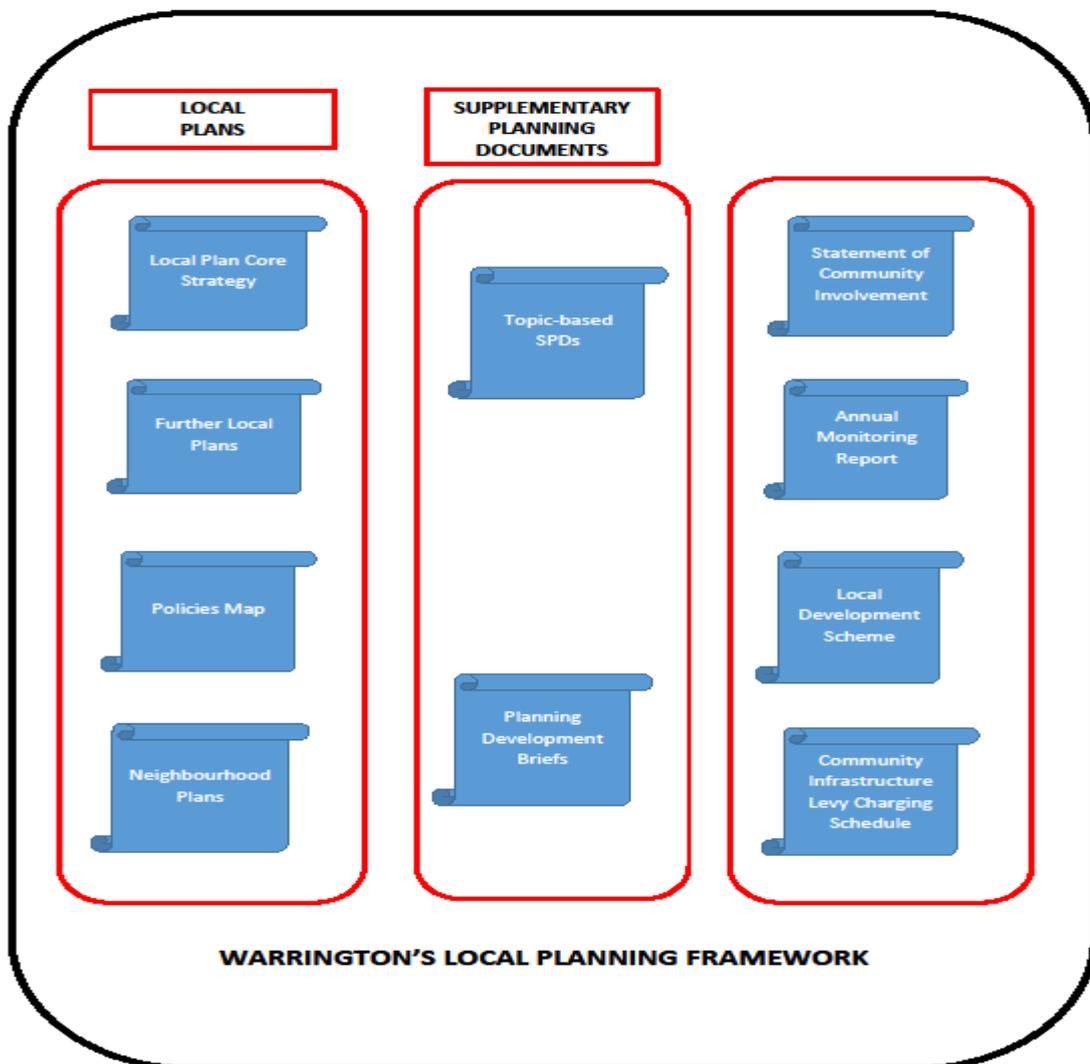


Figure 1: Warrington's Local Planning Framework

## **Local Plan Core Strategy**

- 2.2 Warrington's Local Plan Core Strategy is the overarching strategic policy document at the heart of the Local Planning Framework. It establishes development principles that will shape the way that Warrington as a whole and its individual places will develop up to 2027. It also contains more detailed Development Management Policies in respect of specific issues for use in determining individual planning applications.
- 2.3 The Local Plan Core Strategy was adopted in July 2014 but the subsequent High Court ruling means that the Plan's housing target and elements of the associated housing policies have been quashed. This has prompted the preparation of a new Local Plan which is the focus of this updated LDS.

## **Supplementary Planning Documents (SPDs)**

- 2.4 SPDs build upon and provide more detailed advice or guidance on the policies in the Local Plan. They can be either topic specific to a policy area or relate to a development site. The Council has adopted a number of SPDs which are published on the Council's website. The Council recognises the need to update, streamline and simplify a number of its SPDs. There is no longer a requirement to include the work programme for preparing SPDs in the LDS. The Council will however provide updates on its website and ensure consultation is undertaken in accordance with the Statement of Community Involvement (SCI), as detailed below.

## **Statement of Community Involvement (SCI)**

- 2.5 The SCI sets out how and when the community (in its widest sense) will be involved in the preparation of the Local Plan and other documents and how they will be consulted on planning applications. It is a statutory requirement under the Planning and Compulsory Purchase Act (2004) for the Council to prepare a SCI.
- 2.6 The latest version of the SCI was adopted in December 2020. This provides an update to the Statement of Community Involvement that was adopted in 2014. The need to update the Statement of Community Involvement was necessitated as a result of:
- Changes in planning legislation, including a new requirement to complete a review SCIs every 5 years, the need to review the availability of planning documents in light of the impacts of COVID 19, and the need to provide detailed guidance to those wishing to prepare a Neighbourhood Plan;
  - feedback from consultation undertaken on the Local Plan in 2017 and 2019;
  - the requirements of the General Data Protection Regulation (GDPR);
  - increasing use of new technology and social media within the community;
  - the importance of ensuring that consultation is cost effective; and
  - the recognised need for a more flexible approach to ensure that the Council can still proceed with its planning duties whilst responding to national or local circumstances.

## **Annual Monitoring Report**

- 2.7 The Council prepares an Annual Monitoring Report each year to monitor how effectively its policies and proposals are being implemented and what action might need to be taken to address emerging issues or problems. This includes an assessment of the level of housing completions against housing requirements and a trajectory of future housing completions. It also reports on progress being made in implementing the work programme set out in the Local Development Scheme.
- 2.8 The Council's 16th AMR was published in March 2021.

## **Neighbourhood Planning**

- 2.9 The Localism Act introduced new powers to allow local communities to prepare 'Neighbourhood Plans' and 'Neighbourhood Development Orders' to guide the future development of their areas. In the 'parished' parts of Warrington, this responsibility rests with the Parish Council. In 'un-parished' areas a Neighbourhood Forum needs to be established and approved by the Council to undertake neighbourhood planning.
- 2.10 Neighbourhood Plans must be in general conformity with the adopted Local Plan and once approved by the Council are subject to a local referendum before coming into force with full Development Plan status.
- 2.11 The current status of made and emerging Neighbourhood Plans is provided below:

### Appleton Thorn

On 19th June 2017 the Appleton Thorn Ward Neighbourhood Development Plan came into force under 38A (4) (a) of the Planning and Compulsory Purchase Act 2004. The Appleton Thorn Ward Neighbourhood Development Plan now forms part of the Development Plan for Warrington Borough Council.

### Grappenhall and Thelwall Parish Area

The Council designated a Neighbourhood Area on 6th March 2017.

### Lymm

The Council designated a Neighbourhood Area on 6th December 2017.

### Stretton

The Council designated a Neighbourhood Area on 6th December 2017.

## **Community Infrastructure Levy**

- 2.12 The Council is giving consideration to introducing CIL as a basis to securing developer contributions towards infrastructure. CIL is a charge applied to development, based on the type of development and its size. If the Council introduces CIL it will replace S106 Planning Obligations in securing funding for certain types of infrastructure.
- 2.13 If the Council introduces CIL, it will need to undertake consultation on the CIL charges it will apply and how it will operate CIL across the Borough.

### **3 Overview of LDS Programme**

- 3.1 This section explains and justifies the approach set out in the LDS. In addition, it explains how the work programme will be managed.

#### **Key Work Areas**

##### Local Plan Review

- 3.2 The detailed programme for the review of the Local Plan is set out in Section 4, with a summary of key stages provided below.

##### *Work undertaken to date*

- 3.3 The Council has a statutory duty to prepare a Local Plan to ensure sufficient land is made available to meet Warrington's future need for new homes and jobs. The Local Plan also provides the opportunity to ensure that future growth is sustainable through the delivery of infrastructure necessary to support an increasing residential and working population.
- 3.4 In October 2016, the Council's Executive Board agreed to commence the process of reviewing the existing Warrington Local Plan Core Strategy. This followed the High Court ruling in 2015 which quashed the Plan's housing target. The Council subsequently undertook 2 periods of consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.5 The first period of consultation took place in 2016 on the scope of the review and the Council's assessment of Warrington's development needs. The Council also invited developers, landowners, the local community and other stakeholders to submit sites they wanted to be considered as part of the Plan review.
- 3.6 The second period of consultation took place in 2017 on the Preferred Development Option for accommodating Warrington's development needs.
- 3.7 In total, around 4,500 responses were received to these consultations. These were all taken into account in the preparation of the Previous Proposed Submission Version Local Plan (2019).
- 3.8 Consultation on the Previous Proposed Submission Version Local Plan under regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 was held between April and June 2019. In total, around 3,200 responses were received, together with 2 petitions.
- 3.9 The vast majority of representations were made by Warrington residents and campaign groups, together with Parish Councils, MPs, Borough Councillors and community groups, concerned with the scale and location of development being proposed, in particular relating to the release of Green Belt land, and the impact of development on Warrington's infrastructure.

- 3.10 The Council also received a significant number of representations from developers and landowners actively promoting sites through the Local Plan process. This includes those with land proposed to be allocated in the Plan and those whose land had not been proposed to be allocated. A small number of additional sites were also submitted for the Council's consideration.
- 3.11 Having reviewed the responses to the consultation, the Council concluded there was the need to undertake additional evidence base work. This was primarily to provide a greater understanding of the infrastructure required to support the development proposed in the Plan and to demonstrate that the required infrastructure was capable of being delivered in a timely manner.
- 3.12 In October 2020 the Council took the decision to pause work on the Local Plan. This was due to the economic and wider impacts of Covid 19 and the Government's proposed amendments to the standard housing methodology.
- 3.13 Work re-commenced following confirmation of changes to the Government's housing methodology at the end of 2020. The Council updated its evidence base to re-establish Warrington's future development needs and subsequently re-assessed the Plan's spatial strategy and potential allocation sites.
- 3.14 Having undertaken this work and considered in detail the key issues raised from the previous consultation, the Council is proposing a number of significant changes from the previous Proposed Submission Version Local Plan (2019). These changes include:
- a reduction of the Plan's housing requirement;
  - the allocation of the Fiddlers Ferry site for employment and housing, following closure of the power station in March 2020;
  - the removal of some of the previous Green Belt allocation sites, including Port Warrington and the Business Hub, the South West Urban Extension, the Phipps Lane site in Burtonwood and the Massey Brook Lane site in Lymm; and
  - the reduction in size of the South East Warrington Urban Extension (previously known as the Garden Suburb).

*Amendments to work programme in previous LDS*

- 3.15 Given the scale of changes being proposed, the Council has produced an updated Proposed Submission Version Local Plan (2021) and this will be required to be subject to a further round of consultation prior to submission for independent examination.
- 3.17 The need to update the previous Proposed Submission Version Local Plan and the need to undertake a further round of Regulation 19 consultation has resulted in a significant delay to the programme set out in the previous LDS. Submission is now anticipated in March 2022 with adoption now scheduled for 2023.

*Next stage of Local Plan Review*

- 3.17 **Updated Proposed Submission Version Local Plan (PSVLP)** – The Council will publish the updated PSVLP for consultation in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, enabling residents,

community groups, land owners, developers and other stakeholders to make formal representations. Consultation is anticipated to commence in October 2021 for a period of 6 weeks.

- 3.18 **Submission to Secretary of State** - The Council will need to review all of the representations made during the consultation. Subject to there being no fundamental changes to the Plan, the Council will submit the Plan to the Secretary of State for independent Examination in Public. It is anticipated that the Local Plan will be submitted to the Secretary of State in spring 2022.
- 3.19 **Main Modifications** - When submitting the Local Plan to the Secretary of State, the Council will request that the appointed Inspector, should they consider them necessary, suggest Main Modifications to the Local Plan to allow the Council to adopt the Local Plan.
- 3.20 **Examination** – An Examination in Public (EIP) will be undertaken into the draft Plan by an independent Inspector appointed by the Secretary of State. It is anticipated that the EIP will be held during the summer of 2022.
- 3.21 If the Inspector does suggest **Main Modifications** then the Council will be required to consult on them for a minimum of a 6 week period. It is anticipated that this consultation will take place early in 2023.
- 3.22 **Inspector’s Report** – The Inspector will consider the response to the Main Modifications prior to issuing the final Inspector’s Report. The Council will then publish the report.
- 3.23 **Adoption** – Following receipt of the Inspector’s Report, it is anticipated that the Plan will be adopted by July 2023.

#### Community Infrastructure Levy

- 3.24 The Council considers the introduction of a CIL may play a critical role in meeting its long term growth aspirations, subject to confirmation that CIL is viable and provides a better long term solution than relying on S106 planning obligations.
- 3.25 Given the resource implications of the Local Plan review and the Government’s proposals to introduce a National Infrastructure Levy, the Council will consider the introduction of CIL, but not until after the submission of the Local Plan.

#### **Resources**

- 3.26 Funding for the work programme set out in the LDS has been identified within the Growth Directorate Budget and the Council’s Medium Term Financial Plan (MTFP) Reserves. The main resource requirements will be for staff, production of technical evidence base documents requiring specialist consultancy support, community engagement and the costs of the Examination in Public (EIP). These resources will be managed effectively to achieve best value at all times.

- 3.27 If it introduces CIL, the Council can use funds from the levy to recover the costs of administering the levy. This can include costs associated with introducing the levy as well as its ongoing administration.

### **Programme Management and Responsibilities**

- 3.28 The table in Section 4 set out the updated schedule and timetable for the production of the new Local Plan.
- 3.29 Progress against the LDS is reported to the Cabinet Member for Environment and Public Protection. This is a part of a wider governance structure which oversees the preparation of documents under the Warrington Local Planning Framework.

### **Council Procedures and Reporting Protocols**

- 3.30 Based on the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004 and recognising the Council Constitution and Schemes of Delegation for the Council, the levels of political responsibility are as follows:

For each Local Plan document:

- The approval for the purposes of consultation at Regulation 18 stage will be undertaken by Cabinet.
- Full Council Resolution is required for consultation at Regulation 19 stage and for submission and adoption stages, following consideration by Cabinet.

For Supplementary Planning Documents, Local Development Scheme and the Statement of Community Involvement:

- The approval for the purposes of consultation on Supplementary Planning Documents will be undertaken by The Director of Growth in consultation with the Cabinet Member for Environment and public protection.
- A decision of the Cabinet is required for adoption of Supplementary Planning Documents and the Statement of Community Involvement. Cabinet will also be required to approve the Local Development Scheme.

- 3.31 Such decisions are likely to be “Key Decisions” as they affect communities in more than two wards and would be subject to the Council’s Scrutiny Procedure Rules.

### **Duty to Cooperate**

- 3.32 The 'Duty to Co-operate', introduced by the 2011 Localism Act, places a formal requirement on the Council when preparing a Local Plan document to engage constructively, actively and on an ongoing basis with neighbouring local planning authorities and a range of key national and regional agencies. This list includes the relevant Local Enterprise Partnership (LEP), in Warrington's case the Cheshire and Warrington LEP.

- 3.33 The Council has proactively engaged with such parties to address any potential cross boundary issues of concern emanating from the Local Planning Framework and will continue to do so.
- 3.34 In accordance with the requirements of the revised National Planning Policy Framework the Council has prepared a draft Statement of Common Ground which provides a written record of the progress made by the Council in dealing with strategic cross-boundary planning matters.
- 3.35 It is not the intention of the Council to set up a joint planning board with neighbouring authorities. However, the Council has a proven track record of working with neighbouring authorities. The Council is pleased to have been involved in ongoing discussions throughout the evolution of neighbouring authorities' Local Plans and has acted upon opportunities to align approaches to, and on occasion jointly commission, components of the evidence base. Such joint working will continue as each authority's respective Local Plans are added to or reviewed.

### **Risks**

- 3.36 In preparing the LDS, the following areas of risk have been identified:

#### Soundness

- 3.37 If the Plan is not considered by the Inspector to fulfil the requirements of the NPPF and associated guidance then there is a risk that the Plan will not be found 'sound'. This may require additional work, result in delay and increase the risk of legal challenge.
- 3.38 This risk will be minimised by ensuring that Local Plans are founded on a robust evidence base and well-audited stakeholder & community engagement processes supported by clear legal advice.

#### Resources

- 3.39 Limited staff and financial resources in the context of the wider budgetary challenges faced by local authorities may limit the capacity of the team responsible for preparing documents under the Warrington Local Planning Framework. This could result in delays to the work programme.
- 3.40 This will be managed by ensuring the work of the team is focussed on the priorities set out in the LDS, targeted use of consultancy support on key areas of specialist evidence base and identifying opportunities for joint working with other Council departments and local authorities on preparation of evidence base documents.

#### Changes to the Planning System

- 3.41 Planning reforms are continuing to evolve and new and revised procedures, policy and practice guidance continue to emerge. This can result in the need for additional work and subsequent delay to the LDS programme. It can also increase the risk of legal

challenge and this was a major factor in the High Court ruling to quash parts of the housing elements of the Local Plan Core Strategy.

- 3.42 The introduction of the revised NPPF and associated updates to Planning Practice Guidance are a key factor in the delay of the Local Plan to date.
- 3.43 This risk will continue to be managed by ensuring regular review of such changes, seeking the support of the Planning Advisory Service and obtaining legal advice where necessary.

Unforeseen circumstances.

- 3.44 Unforeseen issues and problems can arise through stakeholder and community involvement and the preparation of evidence base documents. This may necessitate a review of timetables and / or the need to commission further technical studies.
- 3.45 This risk will be managed by ongoing programme management and the Governance arrangements that are in place to oversee the preparation and review of documents under the Warrington Local Planning Framework.

**Strategic Environmental Assessment and Sustainability Appraisal**

- 3.46 The requirements of the Strategic Environmental Assessment (SEA) Directive have been linked with Regulations covering Sustainability Appraisals. The Habitats Directive now also requires Appropriate Assessment of LDDs.
- 3.47 All new plans will be subject to the requirements of these Directives. From this flows the need for the process of Local Plan preparation to:
- Identify alternatives;
  - Collect base-line monitoring information;
  - Predict significant environmental effects more thoroughly;
  - Secure greater consultation with the public and environmental authorities;
  - Address and monitor the significant environmental effects of the Local Plan document;
- 3.48 As part of the process, the Council will:
- Prepare an environmental report on the significant effects of the draft Plan document;
  - Carry out consultation on the draft Plan and accompanying environmental report;
  - Take into account the environmental report and the results of consultation in decision making;
  - Provide information when the Plan is adopted and show how the results of the SEA have been taken into account.

## **Monitoring and Review**

- 3.49 Arising from the Annual Monitoring Report, the Council will consider what changes, if any, need to be made to the Local Development Scheme and will bring forward such changes in March of each year, or at other times in the year if significant new issues or changes in circumstances arise. Other reviews may arise as a result of consultation on Development Plan Documents. This will be noted in the Annual Monitoring Report and form part of any review.

## 4 LDS Programme 2016-2023

4.1 The table and figure below set out the LDS programme for 2016-2023. This includes a profile of the Local Plan and the timetable for the key stages of production.

### Local Plan Review

Overview	
Role and Subject	<ul style="list-style-type: none"> <li>Preparation of a new Local Plan in order that it can facilitate the level of new homes and jobs required to meet Warrington's development needs over the period to 2038</li> </ul>
Coverage	<ul style="list-style-type: none"> <li>Borough wide</li> </ul>
Status	<ul style="list-style-type: none"> <li>Development Plan Document</li> </ul>
Conformity	<ul style="list-style-type: none"> <li>National Planning Policy Framework</li> </ul>

Timetable	
Pre-production	Mar 2015 - Sep 2016
SA Scoping	Oct 2016 - Dec 2016
Regulation 18 consultation part 1 – Scope of Review and Call for Sites	Oct 2016 - Dec 2016
Regulation 18 consultation part 2 – Preferred Development Option	Jun 2017 – Sep 2017
Publication of Previous Proposed Submission Version	Apr 2019
Regulation 19 consultation (round 1)	Apr 2019 – Jun 2019
Publication of Updated Proposed Submission Version	Oct 2021
Regulation 19 consultation (round 2)	Oct 2021 – Nov 2021
Submission to SoS	Mar 2022
EIP	July 2022 – Sep 2022
Consultation on Main Modifications	Jan 2023 - Feb 2023
Publication of Inspectors Report	May 2023
Estimated Date of adoption	July 2023

