

Warrington Local Plan Examination

Matters Statements

MATTER 1 – PROCEDURAL/LEGAL REQUIREMENTS

July 2022



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Issue

Whether the Council has complied with relevant procedural and legal requirements.

(NB. Examination Library reference numbers are provided in brackets after each document referred to in the Matters Statement)

Questions

Plan preparation and scope

- 1. Has the preparation of the Local Plan been in accordance with the Local Development Scheme in terms of its form, scope and timing?**
 - 1.1 Yes, the Updated Proposed Submission Local Plan (UPSVLP) 2021 (SP1) has been prepared in accordance with the Warrington Borough Council Local Development Scheme (LDS) published in September 2021 (SP9).
 - 1.2 The LDS was updated in September 2021 due to the revisions made to the Plan following the 2019 Regulation 19 consultation on the Previous Proposed Submission Version Local Plan 2019 (PVL19). Those revisions necessitated a further period of Regulation 19 consultation on the UPSVLP (2021) and thus comprised a delay to the timetable set out in the previous LDS published in March 2019.
 - 1.3 The March 2019 LDS updated the 2016 LDS to reflect the proposed wider scope of the Local Plan following the 2017 Regulation 18 Consultation on the Preferred Development Option (PVL18). The 2016 LDS itself had updated the 2015 LDS in recognition of the need to consider the release of Green Belt in meeting Warrington's development needs.
 - 1.4 The actual submission of the UPSVLP 2021 to the Secretary of State was in April 2022. This was one month behind the schedule set out in the LDS which anticipated submission in March 2022. The UPSVLP 2021 is consistent with the description of its role and content as detailed in the 2021 LDS.
- 2. Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?**
 - 2.1 Yes, the UPSVLP (2021) was prepared in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Regulations) as set out in the Responding to Representations Report (regulation 22c) – April 2022 (SP6).
 - 2.2 The UPSVLP (2021) Plan was published in accordance with Regulation 19 of The Regulations. The proposed submission documents, the Draft Submission Plan,

Policies Map, Evidence Base documents, Statement of Consultation and a Statement of Representations Procedure, were published on the Council's web-site.

- 2.3 The Council advertised the consultation in the local press, on the Council's web site and through social media. The Council notified all groups and individuals on its consultation database. This included statutory consultees, prescribed bodies and other groups identified in the Council's SCI, people who made representations at earlier stages of the Local Plan process and other individuals, groups and organisations who had asked to be updated on the Local Plan, including a number of organisations representing 'hard to reach' groups.
- 2.4 The Council held 5 lengthy public consultation events at The Halliwell Jones Stadium, giving people the opportunity to discuss UPSVLP (2021) in detail with Officers. A single, central, accessible venue was chosen to ensure that the Council could safely manage the number of people attending, particularly given the COVID-19 restrictions in force at the time.
- 2.5 The Council provided presentation material to Parish Councils across the borough to enable them to undertake their own events, which it is understood took place. The Council also published an on-line video explaining the key proposals within the UPSVLP (2021) and how people could make representations.
- 2.6 The Council, on advice, also ensured additional notification was provided to engage hard to reach groups, and held separate consultation sessions with Warrington Youth Voice and the Warrington Ethnic Communities Association.
- 2.7 The UPSVLP (2021) was submitted in accordance with Regulation 22 of the Town and Country Planning (Local Development) (England) Regulations 2012. The UPSVLP (2021) (SP1), Policies Map (SP2), Sustainability Appraisal report (SP3), copies of Representations received following the publication of the plan and the Responding to Representations Report (regulation 22c) – April 2022 (SP6) were submitted to the Secretary of State, together with wider evidence base documents.
- 2.8 Once the documents were submitted to the Secretary of State, the Council:
 - Gave notice to all stakeholders/consultation bodies invited to make representations that the Plan had been submitted;
 - Gave notice to others who, over the course of the preparation of the Plan, had requested to be notified of its submission;
 - Made the documents outlined above available for inspection on the Council's website and at the Council's Offices, in accordance with Regulation 35 and the Council's SCI.

3. Has the preparation of the Local Plan complied with the Statement of Community Involvement?

- 3.1 Yes, the UPSVLP (2021) has been prepared in accordance with the Statement of Community Involvement (SCI) 2020 (SP8). The Consultation the Council undertook at

Regulation 19 stage is set out in the Responding to Representations Report (regulation 22c) – April 2022 (SP6) and summarised in the response to Question 2 above.

3.2 The previous Regulation 18 and Regulation 19 consultations were undertaken in accordance with the requirements of the previous SCI which was adopted in 2014. A summary of the consultation undertaken at each stage is provided in the Responding to Representations Report (regulation 22c) – April 2022 (SP6):

- Regulation 18: Part 1 – Scope and Contents Consultation – paras 2.1 to 2.2
- Regulation 18 – Part 2, Preferred Development Option (PDO) - paras 3.1 to 3.3
- Regulation 19 - PSVLP 2019 – paras 4.1 to 4.5

4. How does the Local Plan relate to the Appleton Parish Thorn Ward Neighbourhood Development Plan and how would it be affected by the adoption of the Local Plan?

4.1 The Appleton Parish Ward Neighbourhood Plan was prepared in the context of the adopted Warrington Local Plan 2014. Once the UPSVLP 2021 is adopted, the Neighbourhood Plan will remain extant. It will be for the Parish Council to determine whether a review of its Neighbourhood Plan is required, given the newly adopted Local Plan and its policies. Where there is a conflict between plan policies, the policies in the latest plan adopted will take precedence (s.38(5) P&CPA 2004).

5. What existing and proposed Supplementary Planning Documents (SPD) are there? What is the intended relationship of SPDs with specific policies in the Local Plan and what purpose will they serve? Is this clear and appropriate?

5.1 The Council has the following adopted Supplementary Planning Documents (SPDs):

- Town Centre SPD – June 2021 (SPD1)
- House Extensions SPD – June 2021 (SPD2)
- Planning Obligations SPD – January 2017 (SPD3)
- Design and Construction SPD – October 2010 (minor amendment February 2016) (SPD4)
- Parking Standards SPD – March 2015 (SPD5)
- Hot Food Takeaway – April 2014 (SPD5)
- Environmental Protection SPD – May 2013 (SPD6)

5.2 The SPDs which are relevant to each Policy in the UPSVLP (2021) are referenced under “Other Planning Documents” at the end of the Policy. The SPDs provide additional guidance and explanation to assist the implementation of policies in UPSVLP (2021) but the SPD’s do not include policies, which are set out in the Local Plan.

5.3 Following adoption of the Plan, the Council is proposing to update the Planning Obligations SPD, in order to update costs and contribution formulas; the Design & Construction SPD, with a particular focus on climate change mitigation and adaption; the Parking Standards SPD to reflect the priorities within the latest Local Transport

Plan; and the Environmental Protection SPD to bring it up to date with relevant legislation, guidance and Council priorities.

- 5.4 The Council is also proposing to prepare an SPD to clarify the Council's approach to Green Infrastructure, including Biodiversity Net Gain. This will be closely related to the Cheshire Local Nature Recovery Strategy which is currently under the early stages of preparation.
- 5.5 Clarification on any required HRA mitigation contributions from individual development proposals in respect of Holcroft Moss may be included in this SPD or alternately could be included in the updated Planning Obligations SPD (see questions relating to HRA below).

6. What is the intended status of the Illustrative Development Concept drawings and Illustrative Concept Plans for the Main Development Areas?

- 6.1 The illustrative development concept drawings and illustrative concept plans for the Main Development areas provide definitive boundaries of the respective site allocations – including revised Green Belt boundaries where relevant - and illustrate some of the key development principles set out in the allocation policies.
- 6.2 It should be noted that in illustrating some of the key development principles, the concept plans show how the allocations could be brought forward for development. In this regard they are however only for illustrative purposes, and are not intended to comprise part of the policies of the plan.

7. What is the intended role of Development Frameworks for Main Development Areas? How will the Local Plan relate to these and masterplans?

- 7.1 The Development Frameworks are intended to ensure a comprehensive approach and properly planned approach to the development of each of the Main Development Areas. They will include a more detailed masterplan for the allocation, based on the key requirements of the respective allocation policies. They will also include a phasing strategy and trajectory to identify when key infrastructure is required, how it will be funded and the mechanisms for delivery.
- 7.2 The Development Frameworks will be prepared in draft in the first instance by the principal landowners and/or developers, in consultation with the Council, along with key statutory consultees and the local community. They will be required to be approved by the Council to guide development in accordance with the allocation policy and will provide the basis for developers to bring forward individual planning applications. This could be done in advance of or in parallel with the submission of planning applications.

Sustainability Appraisal

8. How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how has it been recorded/reported?

- 8.1 The SA has been undertaken by an independent appointed consultant (AECOM). AECOM were initially appointed in March 2015 at the start of the Local Plan Review process and they have been involved both the SA and HRA processes throughout the review of the Plan.
- 8.2 An SA has been prepared for each stage of the preparation of the Proposed Submission Version Local Plan: at Issues and Options (2016) (SA at this stage involved an initial Scoping Report), Preferred Development Option (2017), Proposed Submission Version Local Plan (2019) and Updated Proposed Submission Version Local Plan (2021). Importantly the SA is not intended to be a once and for all document – but it is prepared as a document which can be supplemented during the examination in order to ensure that environmental effects are properly considered.
- 8.3 The SA was used to inform the preparation of each stage of the Local Plan as set out in sections 4.2, 4.3, 4.4 and 4.5 of the Pre-Submission Sustainability Appraisal 2021 (SP3). How the findings of the SA have informed spatial options of the Local Plan is also summarised in Section 2 of the Council’s Development Options and Site Assessment Technical Report 2021 (O1).

**9. How and when were options considered for:
a) The overall scale of housing and other growth**

- 9.1 The SA at Preferred Development Option 2017 considered three different growth scenarios:
- Objectively assessed need – 955 dwellings per annum
 - Devolution bid scale of growth – 1,113 dwellings per annum
 - High growth – 1,332 dwellings per annum.
- 9.2 The SA which accompanied the Proposed Submission Version Local Plan 2019 considered three further growth options:
- Standard methodology based on 2016 household projections – 735 dwellings per annum
 - Standard methodology based on 2014 household projections – 909 dwellings per annum
 - Standard methodology (using 2014 household projections) with an uplift to align with the Strategic Economic Plan – 945 dwellings per annum
- 9.3 The SA which accompanies the Updated Proposed Submission Version Local Plan 2021 considered a further high level growth option of 816 dwellings per annum based on updated evidence and guidance using the standard methodology based on 2014 household projections.

- 9.4 With regard to employment, the SA which accompanied the Proposed Submission Version Local Plan 2019 considered options for meeting the full objectively assessed strategic and local employment needs of 361.71 ha and 223.71 ha respectively.
- 9.5 The SA which accompanies the Updated Proposed Submission Version Local Plan 2021 considered a further option which represented a revised assessment of strategic and local employment needs of 316.26 ha.

b) The broad distribution of development across the Borough

- 9.6 The SA at Preferred Development Option 2017 considered three different distribution options across Warrington:
- Focus all growth around the urban area of Warrington;
 - Growth in an incremental dispersed manner around other settlements, with a consequential reduction in growth at the urban fringes;
 - Increased dispersal with increased development to outlying settlements and further reduction in growth at the urban fringe.
- 9.7 Within the SA which accompanied the Proposed Submission Version Local Plan 2019 and the Updated Proposed Submission Version Local Plan 2021 the high level distribution options remained the same as at Preferred Options 2017.

c) Potential Main Development Areas and site allocations

- 9.8 The SA at Preferred Options 2017 considered how growth could be delivered at the Warrington urban fringes. Five options were considered consisting of the following combination of site/areas of growth:
- Option 1: Garden City Suburb
 - Option 2: Garden City Suburb, South West Urban Extension (Preferred Option)
 - Option 3: Garden City Suburb, West Urban Extension
 - Option 4: Garden City Suburb, South West Urban Extension and West Urban Extension
 - Option 5: Dispersed Green Belt adjacent to the Warrington Urban Area
- 9.9 The SA carried out to inform the Proposed Submission Version Local Plan 2019 considered six options for growth adjacent to the main urban area:
- Option 1: Garden Suburb, South West Urban Extension (Preferred Option)
 - Option 2: Garden Suburb, West Urban Extension
 - Option 3: Garden Suburb, North Urban Extension
 - Option 4: Garden Suburb, Green Belt dispersed
 - Option 5: Garden Suburb, South West Urban Extension, Green Belt dispersed
 - Option 6: More dispersed Green Belt adjacent to the urban area
- 9.10 At Updated Proposed Submission Version Local Plan 2021 stage, the SA firstly considered four options as to how a smaller South East Warrington Urban Extension (previously Garden Suburb) could be delivered, as identified on page 10 of the Non-

Technical Summary Sustainability Appraisal 2021 (SP3b). Five options were then considered in terms of Main Development Areas and site allocations:

- Option 1: South East Warrington Urban Extension, South West Urban Extension
- Option 2: South East Warrington Urban Extension, Fiddlers Ferry
- Option 3: South East Warrington Urban Extension, Fiddlers Ferry, Thelwall Heys (Preferred Option)
- Option 4: Fiddlers Ferry, South West Urban Extension, Thelwall Heys
- Option 5: Fiddlers Ferry, South West Urban Extension

9.11 With regard to employment, for the PPSVLP (2019) the SA considered the following option to meet needs for strategic and local needs for employment and three further options for meeting local needs only:

- Option 1a – Meet local and strategic needs:
 - Existing supply - 83.91 + town centre and masterplanning areas – 31.46 ha
 - St Helens Omega Extension - 31.2ha
 - Garden village - 116ha
 - Waterfront business hub - 25.47ha
 - Port Warrington - 74.36ha
- Option 2a – Meet local needs only through the Waterfront
 - Existing supply - 83.91 ha+ 31.46 ha
 - St Helens Omega Extension - 31.2ha
 - Port Warrington - 74.36ha
- Option 2b – Meet local needs only at a Garden Village
 - Existing supply - 83.91 ha + 31.46 ha
 - St Helens Omega Extension - 31.2ha
 - Smaller scale Garden Village – 77 ha
- Option 2c - Meet local needs only through dispersal
 - Existing supply - 83.91 ha + 31.46 ha
 - St Helens Omega Extension - 31.2ha
 - Dispersal to Waterfront Business Hub (25.47ha), Burtonwood (11.5ha), Winwick (8.77ha) Rixton (9.3ha) and Barleycastle (22ha)

9.12 At the UPSVLP (2021) stage, five broad locations for employment were considered:

- Option 1: Land at M56 Junction 9 (Total provided is based on consolidation of a number of individual sites into a strategic employment location,). Approximately 145ha, with a potential further 70ha at a northern extension
- Option 2: Land at Warrington Waterfront (Port Warrington site, Business hub/Commercial Park)
- Option 3: Land adjacent to Omega (Call for sites, Westward extension (within St Helens), Further extension in Green Belt 42ha)
- Option 4: Fiddlers Ferry (approximately 100ha non Green Belt, but requires enabling housing development in the Green Belt)
- Option 5: Birchwood (Total of 47ha of employment land in the Green Belt)

- 9.13 Options 1, 3 and 4 were selected as the preferred options for the 2021 Draft Plan from which SA/SEA of individual sites within these locations was integral to the selection of proposed sites for allocation.

d) Policy approaches

- 9.14 The policy approaches have been considered in the SAs which accompanied both the Proposed Submission Version Local Plan 2019 and the Updated Proposed Submission Version Local Plan 2021. It was concluded at each stage that there were no reasonable alternatives in respect of these policy approaches. The SA for each policy sets out potential mitigation and enhancement measures where significant effects were identified.
- 9.15 The Council is satisfied that it has met the statutory requirements to prepare a Draft Submission Plan that is informed by Sustainability Appraisal that meets the legal requirements for Strategic Environmental Assessment. The SA has considered all reasonable alternatives in relation to the level and distribution of growth, site allocations and policy approaches. It is satisfied that reasonable alternatives have been considered and assessed and properly presented in the SA.

10. Has the methodology for the SA been appropriate?

- 10.1 The methodology used in the SA is set out in detail Updated Proposed Submission Local Plan (UPSVP) 2021 (SP1) and summarised in the Non-Technical Summary Sustainability Appraisal 2021 (SP3b). A scoping exercise was carried out in 2016 in order to establish key sustainability issues and objectives for the area. Several stages of options appraisal were carried out at different stages of plan preparation in order to arrive at the preferred spatial strategy for the Updated Proposed Submission Version Local Plan 2021.
- 10.2 The options work has been an iterative process which has moved from a starting point of appraising high level scenarios, to a more refined process of appraising specific locations for growth whilst responding to a changing evidence base. The SA objectives were used to measure the effects of strategies and policies, as well as reasonable alternatives. Where major or moderate effects are identified the SA includes consideration of potential mitigation and enhancement measures. For proposed site allocations, a site appraisal methodology was developed from the SA framework to appraise the site options (Pre-Submission Sustainability Appraisal 2021 (SP3), paragraphs 9.2.37 – 9.2.44)
- 10.3 The Council is satisfied that this methodology is appropriate and this is confirmed in the Pre-Submission Sustainability Appraisal 2021 (SP3).

Habitats Regulations Assessment

- 11. How was the Habitats Regulations Assessment (HRA) for the Local Plan carried out and reported?**

- 11.1 The HRA (SP12) has been developed over a number of years in parallel to the Draft Local Plan (the Updated PSVLP 2021 - SP1) and hence has fully assessed the impacts of the Draft Plan. It built on the assessment of the HRA that was undertaken for the first Regulation 19 consultation in 2019. The assessment considered whether the emerging proposals in the Local Plan review could have a likely significant effect on a European Statutory Site and whether Appropriate Assessment was required. This was done in accordance with jurisprudence that concludes that this question in reality means whether or not the risk of such effects can be excluded based upon current scientific knowledge, including having regard to in combination effects. Because such effects could not then be excluded, it then undertook the Appropriate Assessment, considering impacts in combination with other plans and projects, and identified any necessary mitigation before drawing a conclusion over adverse effects on the integrity of European Sites.
- 11.2 The methodology is outlined in section 2 of the Updated HRA (SP12). The Updated HRA (SP12) formed part of the documents consulted on at the Regulation 19 consultation on at the Updated PSVLP 2021 (SP1).
- 11.3 European Sites (Special Areas of Conservation, Special Protection Areas and, as a matter of UK policy, Ramsar sites) were examined to identify those where a Test of Likely Significant Effects (HRA Screening) was necessary. Sites with linkages to the Plan area were selected for further consideration, with site vulnerabilities reviewed to assess the potential for significant effects. The HRA identified (Section 2) 6 European Sites with potential linkages to the Warrington Borough Council area.
- 11.4 The Updated PSVLP 2021 (SP1) policies and proposals were screened to determine if they could result in likely significant effects on these sites. Where a policy or proposal resulted in an effect that is not significant, the impact was further screened for potential in-combination effects with other relevant plans and projects.
- 11.5 The screening exercise identified that there are several impact pathways that could pose as a likely significant effect to the integrity of the European Sites located within and around the Borough of Warrington. These are:
- The loss of functionally linked habitat (relating to the Mersey Estuary SPA / Ramsar and the wider network of SPAs in north-west England);
 - Recreational pressure (relating to Rixton Clay Pits SAC, Manchester Mosses SAC, Mersey Estuary SPA/Ramsar site, Rostherne Mere Ramsar site and Midlands Meres & Mosses Ramsar site);
 - Disturbance in functionally linked habitat due to an increase in recreational activities (in relation to the Mersey Estuary SPA / Ramsar);
 - Air quality (relating to Rixton Clay Pits SAC, Manchester Mosses SAC, Rostherne Mere Ramsar site and Mersey Estuary SPA and Ramsar site);
 - Surface water quality (relating to Rixton Clay Pits SAC and Manchester Mosses SAC); and
 - The threat of urbanisation to great crested newts at Rixton Clay Pits SAC

11.6 Where potential significant effects were identified an Appropriate Assessment was undertaken and recommendations were made as to how the impacts could be mitigated and incorporated into revised policy wording. The Habitats Regulations Assessment - Stages 2 and 3 (Appropriate Assessment and mitigation) – assessing the effects of the plan on the conservation objectives of any European sites ‘screened in’ during Task 1 and providing mitigation measures and alternative solutions – where adverse effects are identified at Task 2 (the Appropriate Assessment) are outlined in Section 4 of the report. This approach accords with the draft MHCLG guidance¹. Importantly this comprises a plan level Appropriate Assessment and it will be followed, where appropriate by individual project level Appropriate Assessments, where appropriate, when individual planning applications are submitted and considered.

11.7 The Council is therefore satisfied that the HRA has been carried out in accordance with the regulations, with the appropriate consultation.

12. Was the methodology used thorough and appropriate noting concerns raised by Natural England, particularly around the justifications used for screening out impacts, the assessment of impacts associated with mineral extraction and the assessment of air quality impacts?

12.1 The Council have been actively engaging with Natural England in an on-going dialog throughout the Local Plan review process. The Council’s consultants (AECOM) have reviewed/revised their methodology on several occasions to address any issues/concerns raised by Natural England.

12.2 In terms of any concerns around the justifications used for screening out impacts, which has arisen in respect of Policy INF2, AECOM have acknowledged that the focus was on air quality impacts rather than other impact pathways. They are proposing to revise the text relating to these screening judgments to cover other pathways.

12.3 However, AECOM consider that Policy INF2 can still be screened out on the basis that it is a safeguarding policy only. It is not the place for a Local Plan to make an allocation for a road scheme as there is a separate Local Transport Plan process for that, and Warrington Council may well not be the consenting authority for at least some of these schemes. This is why the policy safeguards land rather than makes allocations. Safeguarding policies are intended to ensure parcels of land are not sterilised due to inappropriate conflicting development but do not make allocations and do not pre-judge the results of planning applications. The act of safeguarding an area of land to prevent it being subject to certain types of development would not pose any risk to European sites.

¹ The HRA is being carried out in the absence of formal Government guidance. The Department for Communities and Local Government (now the Department of Levelling Up, Housing and Communities) released a consultation paper on Appropriate Assessment (AA) of Plans in 2006. As yet, no further formal guidance has emerged although Government published general guidance on appropriate assessment in 2019.

- 12.4 It is acknowledged that the individual schemes may well pose likely significant effects on European sites and that would be picked up in the scheme-specific HRA process. However, it is considered that it is necessary to avoid straying from assessing the actual Local Plan policy into assessing the individual infrastructure schemes, not least because many details of all these schemes are still subject to change.
- 12.5 Natural England have agreed with this approach and it will be included in an update to the HRA.
- 12.6 In terms of the assessment of impacts associated with mineral extraction, the Council's consultants have reviewed the decision to screen in policies ENV4, ENV5 and ENV7. It is acknowledged that individual minerals operations or renewable energy proposals (under ENV7) could result in likely significant effects on European sites depending on where they are located, the details of the renewables scheme, minerals extraction or processing procedure, and whether any minerals proposal would constitute a net increase in the extent of minerals extraction or are only intended to extend the operational life of the minerals activity.
- 12.7 However, the policies do not specifically allocate any sites for renewable energy or minerals or specify the minerals activities involved but only identifies broad areas of search for minerals (Minerals Safeguarding Areas) within which proposals that would prevent minerals development are not supported, although it does not prohibit minerals activity outside those areas. In all cases policy ENV4 also requires that *'The proposal accords with all other policies of the Local Plan in relation to the protection of the environment, public amenity and sustainable transport or demonstrates that other material considerations outweigh any policy conflict'*. For this reason, the Council are therefore intending to change the screening judgment of Policies ENV4, ENV5 and ENV7 to screen out the policies as presenting no likely significant effects. Individual minerals or renewable energy proposals would need to be subject to HRA as they came forward.
- 12.8 Natural England have agreed with this justification and it will be included in the revised HRA.
- 12.9 In terms of the assessment of air quality impacts the modelling already includes all expected sources of pollution for all modelled pollutants. Non-road sources of pollution such as agriculture and industrial sources are taken into account by using the background (i.e. nitrogen/acid deposition in the 5km grid square around the site, or NOx/ammonia concentrations in the 1km grid square around the site) air quality from APIS.
- 12.10 However, the ammonia and acid deposition results were not reported separately because they had not been reported in previous iterations of the HRA (and Natural England had not queried the omission) and, since it had already concluded that adverse effects on integrity could not be dismissed without mitigation based on the nitrogen deposition data, the results for the other pollutants would just underline

that point. The mitigation approach is identical irrespective of the pollutant since it is the same traffic responsible for all the pollutants.

- 12.11 The revised HRA will include full data for all the pollutants.
 - 12.12 Subject to revisions outlined above and those that might arise as a result of on-going discussions in respect of the issue that has belatedly been raised by Natural England regarding the potential in-combination air quality impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation, the methodology that has been used is considered to be thorough and appropriate. The Council has an agreed position with Natural England in respect of the additional work required to address concerns regarding issue as outlined in the Council's response to Question 13; Matter 2. This is the only outstanding issue that the Council is working upon with Natural England at the time of this statement.
- 13. Has an appropriate level of assessment of the in-combination effects of the allocations and infrastructure proposed, particularly in the South of the Borough, been undertaken?**
- 13.1 Notwithstanding the outstanding issue in respect of the potential impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation, the Updated HRA (SP12) has considered the in-combination effects of all appropriate Plans and Projects.
 - 13.2 The HRA has considered the in-combination effects of the Plans of all the surrounding authorities, as specified in paragraph 2.19 of the Updated HRA (SP12), as well as the proposed HS2 route that passes through the eastern half of the borough (the Golbourne Link) and a Highway Agency Smart Motorway scheme for the M62. Section 5 of the Updated HRA (SP12) addresses these issues.
 - 13.3 It is acknowledged that this section of the report will now need to be amended in the revised HRA to take account of the Government's recent announcement that the so called Golbourne Link will not be taken forward in the High Speed Rail (Crewe – Manchester) Bill and to address the outcome of on-going work to overcome Natural England's concerns in respect of potential impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation.
 - 13.4 Paragraphs 4.3 to 4.14 of the Updated HRA (SP12) discusses the potential for losses of functionally linked land due to development at Warrington Waterfront (Policy MD1), the South East Warrington Urban Extension (Policy MD2) and Fiddler's Ferry (Policy MD3), drawing on survey data as far as it exists either from site-specific surveys or the Cheshire Bird Atlas. Therefore, they have all been considered in combination. The determination of whether a parcel of land is likely to constitute significant functionally-linked habitat utilises a '1% of the SPA population' threshold specifically in order to capture the fact that, while 1% of the population is a small percentage, cumulative losses of land parcels supporting 1% of the population can

nonetheless still be significant 'in combination', depending upon the favourable or unfavourable conservation status of the species.

- 13.5 The potential for a site to serve as functionally-linked land cannot be excluded until several seasons of survey have been undertaken and this is why paragraph 4.10 of the HRA (and the policy text of allocations MD1 to MD3) identify the need for project level HRA accompanied by the necessary wintering bird surveys in order to close out the issue. This is a common approach to dealing with functionally-linked land in Local Plans and takes account of Advocate-General Kokott's advice that *'It would also hardly be proper to require a greater level of detail in preceding plans [than lower tier plans or planning applications] or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure'*. This approach also takes account of the fact that these developments will be delivered over long timescales over the course of the plan period and ecological surveys will therefore need repeating and updating to accompany planning applications. This approach therefore avoids considerable time and expense being undertaken doing potentially redundant survey work.
- 13.6 While Policy MD6 (South East Warrington Employment Area) contains suitable habitat to be functionally-linked land paragraph 4.9 of the Updated HRA (SP12) notes that the site lies 14km from the Mersey Estuary SPA and Ramsar site which is at (if not beyond) the typical distances non-breeding waterfowl and waders are likely to travel to forage and roost. With specific regard to lapwing, Natural England's Impact Risk Zone guidance for birds (Natural England (2019). Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds. Version 1.1) states that *'Developments affecting functionally linked land more than 10km from the site are unlikely to impact significantly on designated populations.'* The omission of reference to HRA in the policy simply reflects the very low risk that this site will be functionally-linked land but does not preclude an HRA for the planning application in line with legal requirements.
- 13.7 It is acknowledged that the Warrington Western Link project could result in losses of functionally-linked land. However, Policy INF2 (which is what is being assessed in the Local Plan HRA) is a safeguarding policy only. It is not the place for a Local Plan to make an allocation for a road scheme as there is a separate Local Transport Plan process for that and the Council may well not be the consenting authority for at least some of these schemes. This is why the policy safeguards land rather than makes allocations. Safeguarding policies are intended to ensure parcels of land are not sterilised due to inappropriate conflicting development but do not make allocations and do not pre-judge the results of planning applications. The act of safeguarding an area of land to prevent it being subject to certain types of development would not pose any risk to European sites. When any proposal is considered then a project specific HRA is highly likely to be needed.

13.8 Therefore, it is considered that an appropriate level of assessment of the in-combination effects of the allocations and infrastructure proposed, including those in the South of the Borough, has been undertaken.

14. What is the current position regarding the suggested update to the HRA to address concerns expressed by Natural England regarding the potential impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation?

14.1 The Council has now undertaken additional air quality modelling work to give a more detailed understanding of the impact of the Plan on Holcroft Moss. The report setting out this work will be published on the Local Plan Examination web site.

14.2 The revised modelling methodology, to match that used for the Places for Everyone Plan (PfE), substantially reduces the ammonia dose forecast due to traffic growth and this has a down-the-line effect on the forecast nitrogen and acid dose (since ammonia makes a much larger contribution to nitrogen and acid deposition than does NOx). It reduces it to such an extent that at no point within the bog habitat would the pollutant dose due to the Warrington Local Plan exceed 1% of the critical level or load (See table below).

Pollutant (critical level/load)	2021 modelling	2022 modelling
NOx (30 µgm ⁻³)	0.08 µgm ⁻³ or 0.3% of the critical level	0.05 µgm ⁻³ or 0.2% of the critical level
Ammonia (1 µgm ⁻³)	0.018 µgm ⁻³ or 1.8% of the critical level	0.005 µgm ⁻³ or 0.5% of the critical level
Nitrogen deposition (5 kgN/ha/yr)	0.1 kgN/ha/yr or 2% of the critical load	0.03 kgN/ha/yr or 0.6% of the critical load
Acid deposition (0.564 keq/ha/yr)	0.007 keq/ha/yr or 1.2% of the critical load	0.002 keq/ha/yr or 0.3% of the critical load

14.3 Taking account of the role of the intervening tree belt in depleting nitrogen that would otherwise deposit on the bog behind, reduces the forecast ammonia dose to such an extent that the Warrington Local Plan would not have a likely significant effect on the SAC bog habitat alone. It is only when it is considered in combination with other plans and projects, including with the PfE Plan, that the impact exceeds 1%. Nonetheless such in combination effects trigger the requirement for an appropriate assessment and potentially the need for mitigation to avoid the risk of impact within the bounds of scientific knowledge.

14.4 The Council is therefore working with Natural England and Greater Manchester Combined Authority (GMCA) (on behalf of the nine PfE districts) to identify potential mitigation measures for the impact on the Moss.

- 14.5 The Council is also proposing modifications to the Plan which will require the site allocations specified under Policy ENV8, together with other developments that meet the threshold set out in Policy ENV8, to undertake a project level HRA and, if required, provide a financial contribution towards appropriate mitigation measures. The mechanism for establishing any required contribution from individual developments and how this will be used to undertake the mitigation could then be set out in an SPD as outlined in the response to question 5 above.
- 14.6 The PfE Plan currently has reference to the need for project level HRAs in relation to a limited number of allocations based on the findings of the PfE Regulation 19 HRA. The PfE also includes at Policy JP-D2 a requirement for developers to provide, or contribute towards, the provision of mitigation measures to make the development acceptable in planning terms. GMCA on behalf of the nine PfE districts are considering whether modifications are required to these and/or other policies in the PfE to take account of work in relation to the HRA since Regulation 19.
- 14.7 The Council will update the HRA to identify potential mitigation measures and clarify the approach to how these will be delivered. The PfE HRA will also similarly be updated.

Other matters

- 15. Does the Local Plan include policies in relation to the mitigation of and adaptation to climate change? If so, which?**
- 15.1 In preparing the Plan, Climate Change formed a key consideration in the option assessment and sustainability appraisal process. The Plan's vision and Strategic Objectives include a commitment to reduce carbon emissions and tackle Climate Change.
- 15.2 A number of the Local Plan policies include specific provisions to reduce and mitigate the impacts of development on climate change and to ensure new development is resilient to the potential effects of climate change. These include
- Policy INF1 – Sustainable Travel and Transport
 - Policy DC3 – Green Infrastructure
 - Policy DC5 - Open Space, Sport and Recreation Provision
 - Policy DC6 - Quality of Place
 - Policy ENV2 - Flood Risk and Water Management
 - Policy ENV7 - Renewable and Low Carbon Energy Development
- 15.3 Each of the Individual site allocation policies have a requirement to mitigate the impacts of climate change; be as energy efficient as possible and seek to meet a proportion of its energy needs from renewable or low carbon sources in accordance with Policy ENV7.
- 16. Has the Council had regard to the other relevant specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?**

- 16.1 Policies developed by a Local Transport Authority:
– The Council has prepared its Plan to take into account the Council’s transport policies as set out in Local Transport Plan (LTP4) 2019.
- 16.2 Objective of preventing major accidents and limiting consequences:
- The Council has engaged with the Environment Agency and Health and Safety Executive to ensure amongst that the Draft Submission Plan meets the objective of preventing major accidents and limiting consequences for human health and the environment from hazardous installations.
- 16.3 National Waste Management Plan:
– The Council has been taken into account the Waste Management Plan for England (2021) in the preparation of Policy ENV1 - Waste Management.

17. How have issues of equality been addressed in the Local Plan?

- 17.1 The Local Plan has been subject to a detailed Equality Impact Assessment (EqIA) at key stages of its preparation in accordance with the Council’s published practice and guidance on such matters. The EqIA for the UPSVLP 2021 is published on the Council’s web site as part of the evidence base for the Plan (SP5) together with the EqIAs undertaken in respect of the PSVLP 2019 (EIA1) and the Preferred Development Option 2017 (EIA2)
- 17.2 A number of the policies of the Updated PSVLP 2021 have been drafted to ensure that they provide positive impacts for specific equalities groups, addressing issues raised in EqIAs undertaken during previous stages of Local Plan preparation and through previous rounds of consultation.
- 17.3 These are detailed in the 2021 EqIA (SP4) and include:
- Ensuring protection of existing and provision of new open space, play facilities and sports and facilities to help to provide children of all ages with equal opportunities for sport and recreation.
 - Provision of new affordable homes, including provision of ‘First Homes’, for new younger entrants into the housing market.
 - Ensuring a proportion of new homes and built to higher accessibility standards to meet the needs of older people and disabled people
 - Promoting inclusive design of new buildings and the public realm to ensure accessibility for older people and disabled people
 - Ensuring the needs of the Gypsy & Traveller and Travelling Show People communities are met
 - Protection of existing and provision of new community facilities which provides the opportunity for use by specific ethnic groups.
- 17.4 The EqIA also informed the consultation undertaken in support of the Updated PSVLP 2021 as detailed in the responses to questions 2 and 3 above.

17.5 Development proposed in the Updated Proposed Submission Version Local Plan will provide new employment opportunities, affordable housing and investment in education, health and other community facilities across the Borough. The continued focus on regenerating the inner parts of Warrington provides the opportunity to address the relatively high levels of deprivation in these areas.