

Local Plan UPSV – Matter 1; Warrington Local Plan Examination- SEPT 2022

To: WBC Council and Local Plan Team, Government Inspector commissioned to review LP-PSV21/22

From: Dr Kevin McAloon*, Ref 0082

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Thank you for the opportunity to speak. I am Kevin McAloon representing the Thorn Ward Neighbourhood Development Plan (NDP) Team in my capacity as co-author of the current Neighbourhood Plan., Also I represent the views of villagers and residents from Appleton Thorn community eg the Village Hall membership, A Th community choir, etc, most of whom would be severely impacted by the new proposed UPSV Local Plan, if granted.

Specifically addressing Matter 1 Q4: 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?

As background to our Appleton Thorn area, you as appointed Inspectors might visit our village and Thorn Ward surroundings these coming weeks. You will find it is rural in character with rolling fields all around as it was derived originally from Arley Hall estates, essentially a Cheshire farming community formerly owning much of our surrounding land. The village has grown somewhat over the past 50 years but is now constrained with limited capacity to develop further with workable supporting infrastructure for significant large scale commercial development.

Currently there is a small Trading Estate, Barleycastle Trading Estate for Appleton & Stretton and HM Thorn Cross Prison both to the East of Appleton Thorn. There is existing HGV facilities within this trading estate but this will be dwarfed in scale compared with the potential massive new Economic and Employment Area proposed in the new Local Plan. And as it exists today, the road network struggles to cope with traffic coming and going to the trading estate, through the growing Appleton Thorn residential village, and from a nearby significant motorway network. High peaks, early and late in the day, exacerbate this traffic problem giving rise to extensive periods of local heavy congestion on essentially country roads. And when there is congestion on the motorways, regrettably now a fairly frequent occurrence, traffic will filter from snarled motorways onto these local country lanes and used as a rat run through our village causing even more congestion and with it serious pollution in our area.

NEIGHBOURHOOD PLAN (NDP) BACKGROUND: As you know, the Localism Act of 2011 provided local communities with the opportunity to have a strong say in their future by preparing Neighbourhood Development Plans (NDP) which would contain policies relating to the development and use of land in their area. Over a period of some 4 years the Thorn Ward NDP, Warrington's first and only NDP, was produced in 2017 by a joint Appleton Parish Council and Appleton Thorn residents' committee following extensive consultation with local residents and businesses with some help and input from WBC's Planning team. After several iterations during a further extensive consultation period, this important development plan was submitted to an external government Examiner and finally approved by Warrington Borough Council Executive in mid 2017 as an important valid legal document for informing important local planning decisions. It would be recognized by Warrington Borough Council as an essential input from local residents and businesses into helping shape future development in our Appleton Thorn area.

THE POLICIES: Many of the policies which were drawn up and subsequently adopted in our NDP were concerned about preserving the local character, heritage, landscape, of our valued rural area and special mention was made of the importance of its green spaces including precious Green Belt land in and around Appleton Thorn and surroundings.

But now local residents have become acutely concerned about these new Local Plan UPSV proposals which if granted would include intensive housing developments and a large economic /employment area on the edge of our village. And worryingly premature noises are already being made by Langtree/ Panattoni, and Stobart for developing expansive economic areas, well before the new L Pl has been agreed.. If allowed, we believe this represents an unacceptable contravention of our Thorn Ward NDP policies with encroachment on our Green Belt land on the eastern side of our rural village. If these plans are passed by the Govt Inspectorate and Secretary of State, we fear the floodgates would be open to further overwhelming commercial sprawl in and around Appleton Thorn village. These massive proposals would fundamentally undermine residents' stated preferred open rural environment as set out and highlighted in our existing NDP, Warrington's first NDP which was agreed and authorized by a Govt Inspector in 2017.

INFRINGEMENTS OF NDP POLICIES- THE DETAILS: In particular the following are highlighted infringements to the spirit of the Thorn Ward NDP and its 2017, policies which had been mutually agreed btw our NDP Team and the Parish and Borough Councils:

- 1) Policy AT-D1 : Design of Development of Appleton Parish Thorn Ward-

The UPSV is in conflict with this policy, as it would be destroying rather than maintaining or enhancing unique local village character, distinctiveness, local identity, sense of place, as highlighted in this policy

- 2) Policy AT-D2 : Protecting and enhancing local landscape character and

views. This policy states.....

Quote "Development proposals will be required to incorporate the following landscape design principles

- a) seek to preserve and enhance the character of the village and surrounding scattered rural settlements and farmsteads.
- b) preserve and enhance local habitats and wildlife corridors
- c) conserve and enhance important local landscape features wherever possible
- d) preserve the settings of open landscapes by avoiding whenever possible the siting of development in highly visible and intrusive positions"

Contrary to this policy, this proposed large commercial development on the eastern side of our village would destroy village landscape, village character, local GB habitats, and undoubtedly would be highly intrusive spoiling valued local rural views.

3) Policy AT-E1 Employment Opportunities- This policy reads....

QUOTE "Proposals for the development of employment opportunities will be permitted provided they conform to national and local policies and the following criteria

- a) give priority to the conversion of an existing building where this option exists ie brownfield
- b) are of a scale appropriate to the area
- c) do not have a detrimental impact on surrounding residential character and amenity
- d) do not lead to the loss of open space or green infrastructure
- e) have a good connection to the highway network and are acceptable in terms of highway safety and parking provision

On the contrary, this LPlanUPSV proposal would mean a large loss of local green space and Green Belt when 'very special circumstances' for GB loss do not appear to have been economically justified. But it is appreciated as a positive step by WBC that Fiddlers Ferry land on the West of Warrington could be considered and made available as an alternative viable large brownfield site for several massive commercial developments., thereby protecting GB elsewhere in Warrington.

4) Traffic and Highways:

NDP Policies AT-TH1 and -TH2 reassuringly refer to the implementation of good traffic management, transport improvements, and sustainable transport measures.

If the LPlanUPSV is adopted with sizeable opportunities for massive commercial (Matter 6f, South East Warrington Employment Area, SEWEA) and community development (Matter 6b South East Warrington Urban Extension, SEWUE) schemes, there would be a significant increase in heavy commercial and domestic traffic on local country roads which are ill- suited to handle extensive

heavy HGV traffic. Pollution would increase further in a town already with a poor record at national level, further negatively impacting our local environment and local community health.

So there we have it - this LPI proposal goes against the spirit of our NDP, in particular contravening these 4 important policy statements. And despite the infringements to these existing NDP policies, our NDP team is now being urged to engage with Council Planners again, to consider revising our NDP by developing a new set of proposed policies to dovetail with the new Local Plan.

But why, we ask, should we spend many more hours (in a protracted NDP process with many meetings required with local councillors, planners, and the community) in attempting to redraft another updated NDP, a process taking years to complete only for the new policies to be ignored as with the first NDP ?

Sorry, but our NDP team feels that trust has been ebbing away for us to commit further meaningful effort to another NDP exercise in which any new policies again would stand the risk of failing to be honored by the Council in the future.

In summary, granting developer future permission to build extensive commercial employment and urban expansion schemes on GB land must be avoided otherwise it would wipe out our Neighbourhood Plan as a robust meaningful policy document and undermine trust in the whole Neighbourhood Plan system. As the NPPF states 'the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits'; and plans should be "the key to delivering sustainable development that reflects the vision and aspirations of local communities".

Indeed our Thorn Ward NDP team has welcomed the 2018 Parliamentary Bill proposed by MP for Henley Mr John Howell which seeks to increase the legislative stature of NDPs. On Dec 4th 2018 he used the 10 minute rule in Parliament to propose a new NDP Bill. Quote:-

"I am introducing this Bill to try to provide reassurance to communities who spend considerable amounts of time and money producing a neighbourhood plan that their work is valued, that it plays an important part in the planning system and the determination of planning applications, and that, together with the local plan produced by the district or borough council, it is a fundamental document. The neighbourhood plan becomes part of the local development plan when it is approved at a referendum and **thereby carries the full legal weight that the local plan does.**" Mr Howell referred to 2 Government Inspector reviews of appeals in S Oxfordshire which took place in the summer of 2018 which confirmed the importance of Neighbourhood **plans with residents'** views being fully supported at Appeal (see attached Appendix).

So there is clearly a passionate call for central government,

including you the Government Inspectors, to recognize the value, process and spirit on which NDPs should be judged. We would contend that NDPs in being drawn up together btw residents, Parish and Borough Council Planning teams through an interactive process of mutual dialogue and understanding, rather than being subsequently ignored or infringed by District Councils, should instead be coveted as important legal documents and fully supported. And, recognizing the considerable effort committed by all parties especially residents and Parish Councils, they should be respected, honored, and ultimately delivered for all involved including developers. And if circumstances change, the interactive dialogue should continue in order to reach acceptable compromises. As our residents believe that this Local Plan UPSV is potentially far too overwhelmingly out of character hurting our local rural area especially with GB loss, we therefore urge you as conscientious external examiners and the Sec of State to please exercise your power in refusing this most unacceptable new Local Plan proposal.

APPENDIX

Two Appeals Confirm Neighbourhood Plans

(from John Howell MP for Henley Constituency Web page- Sunday 22 July, 2018)

Two appeal decisions in South Oxfordshire have confirmed the importance of Neighbourhood Plans. The first of these was for a development of 95 houses on a site off Kennylands Road, Sonning Common. The Sonning Common Neighbourhood Development Plan (SCNDP) had allocated 26 houses for the site. The Inspector considered a number of factors in reaching his decision to reject the application but they came down to two points: (1) was the proposal to build on the site consistent with the SCNDP, and (2) would the proposal affect the character and appearance of the countryside. This decision goes to the heart of what is good about Neighbourhood Plans and the efforts by the community not only to bring one into force but also to keep it up-to-date. In talking about the NDP, for example, the Inspector says that "It takes forward the shared vision of the community for the neighbourhood area....at its heart is the key issue of how many new homes should be built in the village, what kind of homes they should be and where they should be built." In other words the Sonning Common NDP has done the right thing for the right reasons and its wish to make a clear distinction between the surrounding AONB and the village is to be applauded. In common with many other NDPs the Sonning Common NDP provides for a substantial up-lift in housing numbers on the figures suggested by SODC. As the Inspector again said: "The strategy in the SCNDP, in my view, sets out a clear identification of where there is an expectation that development will go..." The Inspector also found that the site was an important landscape area and the development would conflict with the protection of what was an attractive landscape setting. Most importantly, the Inspector also clearly stated that he felt that guidance on what he should do was clear and that "where a planning application conflicts with a neighbourhood development plan that has been brought into force, planning permission should not normally be granted." I could not agree more with this statement and it is what I have been working to achieve.

Finally, the Inspector also made clear that the special arrangements I had helped bring in to tackle the situation where the District Council did not have a 5 year land supply and NDPs would need to rely on a 3 year land supply figure were to be followed.

The second case relates to Benson where I had successfully asked for a planning application for 180 houses to the south of Watlington Road to be called-in to be decided by the Secretary of State because I did not believe that it was right to decide this application when the Benson Neighbourhood Development Plan (BNDP) was so close to its definitive referendum. The Secretary of State has now decided not to allow the planning application to go ahead.

Of great importance in this case was the recognition that whatever SODC might be doing to undertake a review of all plans in respect of the EU habitats directive, the BNDP was still part of the development plan whether SODC chose to adopt the NDP or not. This was the very point I had confirmed with officials. Also crucially and this is worrying for SODC, its new 5 year housing supply figure may not be as strong as it claims although the Secretary of State considered the council can demonstrate something above 5 years. Just like at Sonning Common, the BNDP commits the village to a substantial

amount of housing growth far in excess of the village's own requirements. Of crucial importance is the fact that the Secretary of State agrees that the proposal conflicts with the BNDP and should be given substantial weight. Again, using words similar to those used in the Sonning Common case, the Secretary of State concludes that "where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted". Both of these cases show how the Secretary of State and the Planning Inspectorate are supporting Neighbourhood Plans. Of crucial significance is the fact that where an NDP has been brought into force planning permission should not normally be granted which conflicts with it. That more than anything should give a great deal of comfort to those communities doing a Neighbourhood Plan.