

Warrington Local Plan EiP

Matter 1: Procedural / Legal Requirements

On behalf of Taylor Wimpey (Respondent Ref Number: 1427)

Date: 22 July 2022 | Pegasus Ref: P16-0574 / R009v1 / PL

Author: GL/RD





Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	22 July 2022	RD		

1. Matter 1 – Procedural / Legal Requirements

- 1.1. Each of the Inspector's questions are listed below. Our position in relation to procedural / legal requirements is set out in our representations to the second Regulation 19 Warrington Local Plan (**UPSVLP 1427**). Below we raise comments on pertinent matters in direct response to the questions.

Plan Preparation and Scope

Q1. Has the preparation of the Local Plan been in accordance with the Local Development Scheme in terms of its form, scope and timing?

- 1.2. Regarding the current Local Development Scheme (September 2021), we note that some timings of the preparation of the Warrington Local Plan (WLP) (**SP1**) have been marginally missed.
- 1.3. However, significant delays to the submission of the Local Plan have occurred since the previous Local Development Scheme (March 2019), and had the Council submitted the WLP in line with that document the local housing need figure based on the standard method would have been 909 dwellings per annum (dpa), compared to the current 816dpa.

Q2. Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?

- 1.4. Whilst we were able to make representation to the second Regulation 19 WLP by the relevant deadline, the six-week consultation period was insufficient to fully digest, consider and adequately respond to the full extent of the changes to the first Regulation 19 WLP (**PVLP1**). This is because many new evidence base documents were first published alongside the second Regulation 19 WLP. As such, should we make any comments in our Hearing Statement in addition to those raised in the representations, we respectfully request that they are considered during the examination of the WLP.

Q3. Has the preparation of the Local Plan complied with the Statement of Community Involvement?

- 1.5. No comment.

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?

- 1.6. The Appleton Parish Thorn Ward Neighbourhood Development Plan forms part of the adopted development plan for Warrington.
- 1.7. Where a Local Plan contains a policy that is intended to supersede another policy in the adopted development plan it must state that fact and identify the superseded policy¹.

¹ Regulation 8(5), The Town and Country Planning (Local Planning) (England) Regulations 2012

- 1.8. It must be made clear in the WLP which policies in the Appleton Parish Thorn Ward Neighborhood Development Plan would be superseded by strategic or non-strategic policies if the WLP were adopted².

Q5. 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?

- 1.9. The Warrington Town Centre Supplementary Planning Document (**SPD1**) was adopted on 21 June 2021. It sets out that is intended to be revised on adoption of the Local Plan to cover all formal changes³. However, this is not made explicit within the WLP.

Q6. What is the intended status of the Illustrative Development Concept drawings and Illustrative Concept Plans for the Main Development Areas?

- 1.10. No comment.

Q7. What is the intended role of Development Frameworks for Main Development Areas? How will the Local Plan relate to these and masterplans?

- 1.11. No comment.

Sustainability Appraisal

Q8. How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how has it been recorded/reported?

- 1.12. AECOM have carried out the Sustainability Appraisal (SA). It is our understanding that this has been recorded/reported as follows and it is on this basis that we raise the following comments:

- Sustainability Appraisal: Interim SA Report and Technical Appendix A (July 2017) (**SA2/SA2a**) – published at the time of the Preferred Development Option Regulation 18 consultation
- Sustainability Appraisal: SA Report (March 2019) (**SA1/SA1a**) – published at the time of the first Regulation 19 consultation
- Sustainability Appraisal: SA Report (August 2021) and Addendum (September 2021) (**SP3/SP3a**) – published at the time of the second Regulation 19 consultation

Q9a. How and when were options considered for: a) The overall scale of housing and other growth; b) the broad distribution of development across the Borough; c) potential Main Development Areas and site allocations; and d) policy approaches.

² NPPF, para 30

³ **SPD1**, para 1.15

- 1.13. In terms of the overall scale of housing, the SA Report (August 2021) should have tested 1,113 dwellings per annum (dpa), based on the devolution bid, as a reasonable alternative.
- 1.14. Whilst we note that Cheshire and Warrington were not successful in their first round bid for devolution, bids could be made in the future and there are reports that Cheshire and Warrington would be at the top of the Government's list when considering further devolution bids.
- 1.15. A housing requirement at 1,113dpa would plainly have qualified as a reasonable alternative, particularly given the Council's previous support of this figure, which was the housing requirement at the time of the Preferred Development Option (**PVLP2**). The failure to test 1,113dpa as a reasonable alternative in the SA Report (August 2021) has resulted in a process which does not pass the legal requirements⁴.

Q10. Has the methodology for the SA been appropriate?

- 1.16. The Sustainability Appraisal process has failed to provide adequate weighting across the three strands of sustainable development because the environmental considerations accounted for five of the eight themes.

Habitats Regulations Assessment

Q11. How was the Habitats Regulations Assessment (HRA) for the Local Plan carried out and reported?

- 1.17. AECOM has been commissioned by the Council to undertake the Habitat Regulations Assessment (HRA). It is our understanding that this has been recorded / reported as follows and it is on this basis that we raise the following comments:
- Habitat Regulations Assessment (March 2019) (**E4**) – published at the time of the first draft Regulation 19 WLP
 - Updated Habitat Regulations Assessment (August 2021) (**SP12**) – published at the time of the second draft Regulation 19 WLP

Q12. 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?

- 1.1. Firstly, we would like to highlight what with regards to Fiddlers Ferry, the Updated Habitat Regulations Assessment (August 2021) finds that:
- All qualifying species (i.e. shelduck, teal, pintail, golden plover, dunlin, black-tailed godwit and redshank) of the SPA / Ramsar have been recorded in the tetrad encompassing this allocation⁵

⁴ Regulation 12, The Environmental Assessment of Plans and Programmes Regulations 2004

⁵ **SP12**, para. 4.6)

- The Mersey Estuary SPA/ Ramsar is located 3.6km to the west of the Fiddlers Ferry development area – this distance is sufficiently close to the proposed development site that likely significant effects could arise due to increased recreational pressure and air quality⁶
- Moreover, development locations in the western parts of Warrington could constitute functionally-linked habitat for birds for which the SPA is designated – this site is therefore screened in for further analysis⁷
- The Mersey Estuary SPA/ Ramsar zone of influence may extend to the western half of the Warrington Borough – as such, there is the possibility that the allocation of residential or employment development through Green Belt release (such as at MD3 – Fiddlers Ferry) could lead to likely significant effects on the integrity of the SPA/Ramsar⁸

- 1.2. On this basis, the methodology of the Updated Habitat Regulations Assessment (August 2021) has not been appropriate because it fails to consider reasonable alternatives to Fiddlers Ferry which may have a lower potential as a functional linkage to the Mersey Estuary Special Protection Area / Ramsar. The failure to consider reasonable alternatives has resulted in a process which does not pass the legal requirements⁹.

Q13. 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?

- 1.3. No comment.

Q14. 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?

- 1.4. At this moment in time, we are not aware that the HRA has been updated.

Other matters

Q15. Does the Local Plan include policies in relation to the mitigation of and adaptation to climate change? If so, which?

- 1.5. With regards to climate change, Fiddlers Ferry allocation suffers from being remote from the main urban area of Warrington and the outlying villages and therefore has the potential to increase vehicle movements. Also, the parcel of land at the Fiddlers Ferry allocation, south of the railway line which is allocated for 900 homes (450 homes in the plan period) sits within a river estuary area, is surrounded by flood risk areas and is only lifted outside of the floodplain because of ash deposits. This parcel of land should therefore be treated as

⁶ SP12, page 45

⁷ Ibid

⁸ SP12, page 26

⁹ Regulation 61 and 62, The Conservation of Habitats and Species Regulations 2017



falling within an area that is highly susceptible to any adverse climate change conditions and associated flood risks from either sea level changes or fluvial flooding.

Q16. Has the Council had regard to the other relevant specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?

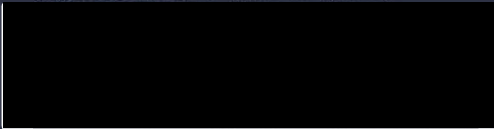
1.6. No comment.

Q17. How have issues of equality been addressed in the Local Plan?

1.7. No comment.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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