

Examination of the Warrington Local Plan

Inspectors' note

Outline of main modifications required

- 1) Starting point is the submitted Local Plan (the Updated Proposed Submission Version Local Plan document dated September 2021 – ref SP1). Main modifications are to this starting point.
- 2) Unless specifically referred to below, no modifications are required for soundness or legal compliance. No other modifications should be added. Additional minor modifications prior to adoption are entirely a matter for the Council and should be kept completely separate from this process.
- 3) Single modification with single ref i.e. MM1 for all bullet points under each policy which may incorporate a number of specific amendments to a policy and/or associated reasoned justification.
- 4) Main modifications should be shown clearly using the conventions of **bold and underlined** for new text and ~~strikethrough~~ for deleted text, using the text from the submitted Local Plan as the basis. Where large sections of text are to be deleted this can be referred to as “delete para XX” or “delete para XX and replace with”. It must be absolutely clear which text is to be deleted.
- 5) The schedule of proposed main modifications should contain three columns
 - Main modification ref. e.g. MM1, MM2 etc.
 - Policy/para ref.
 - Proposed main modification
- 6) Reasons for the proposed main modifications should not be included. Reasons will be set out fully in the Inspectors' report.
- 7) In some cases there will need to be consequential amendments to the Policies Map. These are **highlighted** below and should be set out in separate document published for information alongside the proposed main modifications.

Introduction

- Amend para 1.2.12 to refer to the revised amount and percentage of land to be removed from the Green Belt.

Vision and Spatial Strategy

- Amend table at para 3.2.3 to refer to the need for the provision of 168ha of employment land.
- Amend Figure 3 – the Local Plan Key Diagram to reflect the removal of the South East Warrington Employment Area, the reduction of the Fiddlers Ferry allocation and the change in status of the Peel Hall site to a commitment.
- Amend para 3.3.5 to reflect the fact that financial challenges mean that whilst the Waterfront is sound its delivery cannot be relied on during the plan period.
- Amend para 3.3.7 to reflect updated figures for housing delivery in both the urban area and within current Green Belt areas.
- Amend para 3.3.8 to reflect the reduction in the Fiddlers Ferry allocation.
- Amend para 3.3.19 to refer to the revised figure of 168ha of employment land.
- Amend para 3.3.21 to refer to the revised shortfall figure.
- Amend paras 3.3.23 and 3.3.24 to remove reference to the South East Warrington Employment Area.
- Delete para 3.3.25.
- Amend para 3.3.26 to refer to remove the first sentence and reference to Western Link.
- Amend para 3.3.30 to indicate due to resourcing issues that delivery of the Western Link may not come forward as originally planned.
- Amend para 3.3.31 to remove reference to Peel Hall as an allocated site.
- Delete final sentence of para 3.4.7.
- Amend para 3.4.10 to remove reference to the South East Warrington Employment Area.

Policy DEV1

- Amend Part 1 of Policy to refer to the period from 2021/22 to 2038/39.
- Amend Part 2 of Policy to refer to a capacity for a minimum of 10,564 new homes.
- Amend Part 3 b. of Policy to only refer to a minimum of 860 homes in the plan period.
- Amend Part 5 c) and Part 6 of Policy as set out in para 22.1 of the Council's hearing statement for Matter 9.
- Delete paras 4.1.10 to 4.1.14 and Table 1.
- Amend para 4.1.23 as set out in para 22.1 of the Council's hearing statement for Matter 9.
- Amend and simplify paras 4.1.24 to 4.1.33 to explain that housing needs beyond 2038/39 are not yet known, that the Local Plan will be reviewed well

before then and that delivery of housing beyond 2038/39 is expected to continue from the South East Warrington Urban Extension and urban capacity/brownfield development (giving an indication of figures). Delete Table 2.

Policy DEV2

- Amend Part 1 of Policy to say “development of 10 dwellings or more or where the site has an area of 0.5ha or more, affordable housing will....”.
- Amend Part 11 of Policy and/or paras 4.1.53 to 4.1.55 to clarify how the information in Table 3 will be applied on an individual site basis and how small sites will be affected and confirm that evidence will be kept under review and the most up to date evidence applied.
- Delete Part 18 of Policy.
- Delete Part 21 a. of Policy.
- Add to para 4.1.56 to clarify that standards for outdoor amenity space will be set out in the Design and Construction SPD and provide timescale for this.
- Amend para 4.1.59 to clarify how Part 16 of Policy will be applied on an individual site basis e.g. using a site size threshold.

Policy DEV3

- No main modifications required.

Policy DEV4

- Amend Part 1 of Policy to refer to refer to the revised employment land requirement of 168ha over the plan period.
- Amend Part 4 of Policy to remove reference to the South East Warrington Employment Area.
- Amend Part 11 Policy to remove reference to the South East Warrington Employment Area.
- Amend Policy to include the additional heading of “Supporting Colleges and Higher Education”, under which will be set out that the Council and its partners will support the operational needs of and the expansion of the Borough’s Higher Education establishments.
- Amend Figure 4 - Existing and Proposed Employment Sites, to remove the South East Warrington Employment Area.
- Amend para 4.2.13, Table 6, paras 4.2.18 and 4.2.19 to reflect the revised employment land requirement of 168ha and the removal of the South East Warrington Employment Area. Amend para 4.2.22 to remove the first two sentences.

Policy DEV5

- Amend Parts 5 to 7 of Policy to create a single part with three sub-parts to provide clarity on the approach to out of centre development. Reference to 'office use' should also be removed.
- Amend Part 8 a. of Policy to reflect with requirements of NPPF para 93 to plan positively for local services and facilities, making particular reference to these requirements applying to "defined centres".
- Insert additional text following para 4.3.5 to provide clarification of the roles of different types of centres in the retail hierarchy.

Policy GB1

- Delete Part 3 b. of Policy.
- Amend Part 3 c. of Policy to only refer to land to the east of Fiddlers Ferry Power Station.
- Amend Figure 6 to reflect deletion of South East Warrington Employment Area allocation and reduction of Fiddlers Ferry Power Station allocation.
- Amend para 5.1.5 to remove reference to land for new employment provision.
- Amend para 5.1.9 to remove reference to employment development needs.
- Amend para 5.1.19 to remove reference to Western Link.

Policy TC1

- No main modifications required.

Policy INF1

- No main modifications required.

Policy INF2

- No main modifications required.

Policy INF3

- No main modifications required.

Policy INF4

- Amend Part 4 of Policy to clarify that a new hospital site could potentially be accommodated within the policy framework of this Local Plan or alternatively through a site allocation in a review of this Local Plan.
- Amend the end of para 7.4.9 to clarify this more flexible approach.

Policy INF5

- Amend Part 5 of Policy to include “Emergency Services” in the list of examples.
- Delete Parts 6 a. and 6 b. of Policy.
- Delete para 7.5.9.

Policy INF6

- Amend Policy to refer to the safeguarding zone for Manchester Airport being shown on the Policies Map.
- Add safeguarding zone to Policies Map.

Policy DC1

- Delete Part 8 of Policy.
- Amend Part 9 of Policy to remove the second sentence.

Policy DC2

- Amend Part 2 of Policy to clarify the different requirements and policy provisions for designated and non-designated heritage assets.
- Amend Part 4 of Policy to clarify the different policy tests for less than substantial and substantial harm to designated heritage assets.

Policy DC3

- Amend the first sentence of Part 4 of Policy to set out that “The Council will work with partners to restore, enhance and expand the network of core ecological sites, wildlife corridors, stepping stone habitats and restoration areas in order to:”
- Amend Part 4 f. of Policy to make reference to Local Nature Recovery Strategies.
- Amend Part 5 of Policy to reflect the fact that green infrastructure performs different functions, with some areas being primarily set aside for ecological or environmental purposes and others making important contributions to quality-of-life considerations. This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend Part 6 of Policy to more reflect more clearly national policy requirements in relation to the mitigation hierarchy of avoidance, mitigation and compensation. This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend ‘Figure XX- Key Green Infrastructure Links and Opportunities’ to more closely reflect the provisions of Policy DC3.
- Amend Figure 13 to ensure that its title accurately reflects what is depicted and that all designated sites are included.

Policy DC4

- Amend Part 1 of Policy to reflect the provisions of the Environment Act 2021, making specific reference to the need to “work with partners to protect, conserve and restore biodiversity” and to the achievement of substantial and measurable biodiversity net gain. This would be guided by “National Planning Policy, the strategic approach to the care and management of the Boroughs Green Infrastructure contained in Policy DC3, and the Local Nature Recovery Strategy.” This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend Part 2 of Policy to reflect the provisions of the Environment Act 2021 and to clarify which provisions are shown on the Policies Map.
- Amend Part 2 f. of Policy to refer to “Nature Improvement Areas”. The following clauses should also be added “g. Irreplaceable, protected and priority habitats; h. Ecological stepping stones and restoration areas; i. Other areas identified in the Borough’s Local Nature Recovery Strategy.”
- Amend Part 3 of Policy to refer to Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 rather than the Habitats Directive. The wording Part 3 should also be amended to more accurately mirror the legislation and national policy requirements on this matter. This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend the wording of Part 4 of Policy to more closely mirror legislation and national policy requirements on this matter, in particular with reference to the correct use of the term “mitigated”. This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend the wording of Part 5 of Policy to more closely reflect legislation and national policy requirements on this matter, in particular with reference to the correct use of the term “mitigated”. This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend Part 4 and Part 5 of Policy to remove references to the DEFRA metric and measurable net gain in biodiversity.
- Amend the wording of Part 6 of Policy to more closely reflect legislation and national policy requirements on this matter. This should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend the wording of Part 7 of Policy to more closely reflect legislation and national policy requirements on this matter, in particular with reference to the correct use of the term “mitigated”. These provisions should also apply to “all development with the potential to impact of biodiversity”. Amendments should reflect submissions made by, and discussion with, the Cheshire Wildlife Trust.
- Amend para 8.4.9 to include reference to the Environment Act 2021.

Policy DC5

- No main modifications required.

Policy DC6

- Amend Part 1 b. to replace “avoiding’ with “avoid”.
- Amend Part 1 g. to remove final “and”.
- Amend Part 3 c. to include final “and”.
- Amend Part 4 b. to include final “and”.

Policy ENV1

- No main modifications required.

Policy ENV2

- No main modifications required.

Policy ENV3

- No main modifications required.

Policy ENV4

- No main modifications required.

Policy ENV5

- Amend Part 7 of Policy to make clear that peat deposits will be protected from development that would be harmful.
- Add areas of peat deposits to Policies Map.

Policy ENV6

- No main modifications required.

Policy ENV7

- Delete final section of Part 4 of Policy “or to reduce....”.
- Delete Part 5 c. of Policy.

Policy ENV8

- Amend Part 4 of Policy ENV8 to reflect the updated HRA, the concerns of Natural England and the suggested modification and to remove references to MD4 and MD6.

Policy MD1

- Amend paras 10.1.1 to 10.1.8 to reflect the fact the fact Warrington Waterfront will remain as an allocated site but that, based on current evidence, the delivery of homes within the plan period cannot be relied on. Nonetheless, assuming that funding for the Western Link can be secured at some point, it has the potential to make a significant contribution to future housing provision as a new urban quarter.
- Amend Part 1 of Policy to remove reference to the delivery of 1,070 homes within the plan period.
- Amend Part 4 of Policy by deleting the words “Prior to the commencement of any development”. Include the additional words “The agreed Development Framework should reflect the requirements of this Policy, be subject to consultation with statutory consultees and the local community and be in place at the point at which first planning applications are determined”.
- Delete Part 5 of Policy.
- Amend Part 41 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.
- Add reasoned justification in respect of above (if necessary).
- Amend Part 42 of Policy to say “...required to preserve or enhance...”.
- Amend paras 10.1.16 and 10.1.17 to reflect the fact that, due to current uncertainties around funding, the allocation cannot be relied upon to deliver homes within the plan period.

Policy MD2

- Amend Part 1 of Policy to refer to “Policies Map”.
- Add additional point after Part 3 d. of Policy relating to the Appleton Cross GP facility.
- Delete final phrase of second sentence of Part 5 of Policy “...planning permissions will only be granted where they are consistent with the Development Framework.”.
- Delete “...the integrity or...” of Part 8 of Policy.
- Add “...in accordance with Policy DEV5.” To the end of the first sentence of Part 16 of Policy and delete second sentence.
- Amend Part 26 of Policy as set out in para 12.1 of Council's hearing statement for Matter 6b.
- Delete final section of Part 27 b. of Policy “..and the South East Warrington Employment Area.”
- Delete “...the South East Warrington Employment Area...” from Part 27 c of Policy.
- Amend Part 40 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.
- Add reasoned justification in respect of above (if necessary).

- Add sentence to para 10.2.25 as set out in para 12.2 of the Council's hearing statement for Matter 6b.

Policy MD3

- Amend para 10.3.3 to reduce the anticipated housing delivery during the plan period to a minimum of 860 homes.
- Amend para 10.3.5 to remove reference to the first phase of development.
- Delete para 10.3.6.
- Amend para 10.3.10 to remove reference to two residential neighbourhoods.
- Amend para 10.3.14 to remove reference to the second phase of development.
- Amend Part 1 of Policy to only refer to a minimum of 860 homes in the plan period.
- Amend Part 2 of Policy to reflect the reduction in the area to be removed from the Green Belt and the removal of the allocation to the south of the railway line.
- Amend Part 3 of Policy to reflect the modifications to infrastructure requirements due to the reduced allocation.
- Amend the heading from "MDA3.2" to "MD3.2".
- Delete Part 4 of Policy.
- Amend first sentence of Part 5 of Policy to "The principal landowners and developers will be required...". Add reference to consultation with adjacent landowners to final sentence.
- Amend Part 6 as set out in CD31. Delete final phrase of second sentence of Part 6 of Policy "...planning permissions will only be granted where they are consistent with the Development Framework.".
- Delete Part 8 of Policy.
- Amend Part 9 of Policy by removing reference to two neighbourhoods.
- Amend Part 15 of Policy by removing reference to both the expansion of the primary school to two-form entry and that it should be located within the northern residential parcel.
- Amend Part 17 of Policy by removing references to phase 1 and to the small local centre within phase 2.
- Amend Part 26 of Policy to remove reference to the northern development parcel.
- Delete Part 27 of Policy.
- Amend Part 28 of Policy in line with modifications to other allocations in respect of Green Belt compensatory improvements
- Amend Part 37 of Policy to identify the need to ensure that the development would not conflict with the continued operation of the adjacent COMAH site.
- Amend Part 41 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.

- Add reasoned justification in respect of above (if necessary).
- Amend Figure 19 to reflect the modified allocation.
- Add reasoned justification as set out in CD31.
- Amend para 10.3.21 to reduce the number of homes being delivered over the plan period to 860.
- Add sentence to para 10.3.22 as set out in para 19.1 of the Council's hearing statement for Matter 6c.
- Amend para 10.3.24 to reflect the requirement for a project level Habitats Regulation Assessment to be undertaken. This should also include reference to the mechanism for establishing the level of any required contributions from individual developments, and how they would be used to undertake mitigation, being set out in a supplementary planning document (SPD).
- Amend Policies Map to show modified allocation area.

Policy MD4

- Delete Policy MD4 and paras 10.4.1 to 10.4.14.
- Add reasoned justification to Policy DEV1 to explain that the Peel Hall site was allocated in the Updated Proposed Submission Version Local Plan but subsequently has received outline planning consent. Explain the contribution it will make to the Spatial Strategy and the supply of housing. Explain that subsequent applications for reserved matters will be considered in the context of the outline consent and the conditions attached to it and a range of relevant Local Plan policies. Explain that the site is shown as a commitment on the Policies Map.
- Amend Policies Map to show the Peel Hall site as a commitment rather than an allocation.

Policy MD5

- Amend Part 15 of Policy as set out in para 12.1 of Council's hearing statement for Matter 6e.
- Delete "...and the South east Warrington Employment Area.." from Part 17 of Policy.
- Amend Part 22 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.
- Add reasoned justification in respect of above (if necessary).
- Amend Part 23 of Policy to say "...required to preserve or enhance..."

Policy MD6

- Delete Policy MD6 and paras 10.6.1 to 10.6.10.
- Amend Policies Map to remove allocation and show land retained in the Green Belt.

Policy OS1

- Amend Part 13 of Policy as set out in para 14.1 of Council's hearing statement for Matter 7a.
- Amend Part 18 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.
- Add reasoned justification in respect of above (if necessary).

Policy OS2

- Amend Part 13 of Policy as set out in para 14.1 of Council's hearing statement for Matter 7b.
- Amend Part 19 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.
- Add reasoned justification in respect of above (if necessary).

Policy OS3

- Amend Part 13 of Policy as set out in para 14.1 of Council's hearing statement for Matter 7c.

Policy OS4

- Amend Part 14 of Policy as set out in para 14.1 of Council's hearing statement for Matter 7d (i).
- Amend Part 22 of Policy to say "...preserve or enhance..."

Policy OS5

- Amend Part 14 of Policy as set out in para 14.3 of Council's hearing statement for Matter 7d (ii).
- Amend Part 23 of Policy to say "...preserve or enhance..."
- Amend Figure 27 to show site boundary including 78 Rushgreen Road as in CD51.
- Amend Policies Map to show to show amended site boundary, settlement boundary and Green Belt boundary as in CD51.

Policy OS6

- Amend Part 12 of Policy to remove reference to the hedgerow along the northern boundary.
- Amend Part 13 as set out in para 14.1 of Council's hearing statement for Matter 7e.
- Amend Part 18 of Policy to set out the requirement for an assessment of the impact of development proposals on the public water supply.

- Amend Part 19 of Policy (if necessary) in light of the main modification to Part 4 of Policy ENV8 set out above.
- Add reasoned justification in respect of above (if necessary).
- Amend Part 24 of Policy to say “..preserve or enhance...” and to make particular reference to the requirement to explore the archaeological potential of the site through desk-based assessment and field evaluation.

Policy M1 and Monitoring Framework

- Amend Part 3 of Policy M1 as set out in CD15.
- Amend Appendix 2 (Policy DEV4) as set out in CD15 and to refer to 168ha of employment land.
- Amend Appendix 2 to reflect main modifications above in relation to Policies MD1, MD3, MD4 and MD6.

Appendix 1

- Amend housing trajectory table as in CD53 subject to
 - Amending reference to Peel Hall from “Policy MD4” to “committed site”.
 - Amending supply from MD1 to 0 in plan period.
 - Deleting line for southern parcel for MD3 and reducing total for site to 860.
 - Increase Small Site Allowance for sites under 0.25ha to 100 per annum from 2022/23 onwards (i.e. to include estimate of additional amount from small sites with >5 units of 19 per annum).
 - Amend totals accordingly.
 - Do not include additional detailed information on small sites >5units.
 - Amend bar chart accordingly.