

Richard Ward

Sent by email to: localplan@warrington.gov.uk

24 April 2023

Email: [REDACTED]

Warrington Borough Council Local Plan consultation to the Inspector's amendments. The consultation commences for a six week period on Wednesday 15th March 2023 and closes at 5.00pm on Wednesday 26th April 2023.

As my qualification as classified under the National Planning Policy Framework (NPPF) paragraph 15 classed under 'Local People'. Here are the Local People amendments to the inspector's consultation amendments.

Amendments

From the consultation documents: The amendment MM 001 and MM 030 are under question.

The MM 030 amendment to OS6 part 24 which is included in the following consultation documents:

- CD70 - Warrington SA Report Addendum - March 2023, pages 75 and 76 of 80; and
- ID09 Schedule of Proposed Main Modifications 2023, pages 47 and 48 of 64.

Both of these documents need to be amended, failing to amend with the following amendments transgresses the Plan-making, first paragraph in the National Planning Policy Framework (NPPF) paragraph 15 which states:

“3. Plan-making

15. The planning system should be genuinely plan-led.

Succinct and up-to-date plans should provide

a positive vision for the future of each area;

a framework for addressing housing needs and other economic, social and environmental priorities; and

a platform for local people to shape their surroundings.”

The paragraph has to have all the three points to be agreed due to the logic construction of the written paragraph use of “**and**”. If all three are not agreed then the Local Plan can **NEVER** be sound.

It is to the third point in the NPPF paragraph 15 is that the Local People must be in agreement for “*a platform for local people to shape their surroundings*” to be valid. A local Plan can not be imposed on the Local People as a matter of course to be sound.

The NPPF does not contain or state a definition for Local People. The Local People does not include developers (including building companies), neighbourhood groups, local authorities, planning authorities and any other groups, organisations as these are already qualified within the

NPPF paragraphs and are qualified under the NPPF paragraph 15 under point 1 and point 2. This means to be a platform the local people.

As the term Local People is ONLY stated once in the NPPF under paragraph 15; and as Paragraph 15 is the prime part for Plan-making, the succeeding paragraphs to create a local plan can not over rule this paragraph. The Local People must approve a local plan separately and independent from the Local Authority.

If the Local People object to a proposed policy for a Local Plan, then NPPF paragraph 15 can not be sound or approved, Q.E.D.

If a Local Plan goes forward to be sound without the Local People's approval then the proposed amendment under ID09 Schedule of Proposed Main Modifications 2023 MM 001, page 2 as follows:

Para 1.1.1

1.1.1 Warrington's Local Plan provides the statutory planning framework for the entire Borough for the period 2021/22 to 2038/39. NB all other references in the Plan to the Plan Period will be amended as above.

Introduction 1.2.12

1.2.12 The amount of land proposed to be removed from the Green Belt is ~~580~~ 390 hectares, equating to 5% ~~3.4%~~ of the total amount of Green Belt land in the borough. This is significantly lower than the 1,210 hectares proposed to be removed from the Green Belt in the previous Proposed Submission Version Local Plan which equated to 11% of the total amount of Green Belt in the borough.

MM 001 requires an additional amendment and **MUST BE ADDED** in order to be sound, as follows:

1.1.2 Warrington Local Plan fails to follow the NPPF Plan Making paragraph 15, where due to the written construction of the paragraph 15 use of "and", the Local People do not approve this current version as the Local People have rejected certain proposals of Warrington Borough Council's version, where the Local Peoples rejection or alterations have been ignored. For this reason the Local Plan under the NPPF paragraph 15 is not sound: Due to not having been positively prepared; the strategy is not justified; and are not consistent with National Policy namely the NPPF paragraph 15 "Local People". Therefore all policies in this current Local Plan whether having had added the modifications by the Inspector or not, the Local People when these policies are applied are not a sustainable development and require full material considerations to be undertaken. Even if the current Local Plan for some reason illegally becomes adopted only by the Warrington Borough Council and not by the Local People, being not in accordance with the NPPF paragraph 15.

Under MM 030 amendment to OS6 part 24

24. Development proposals will be expected to ~~conserve~~ **preserve** and **or** enhance the historic significance, appearance and integrity of and the ability to understand and appreciate the setting of the Battle of Winwick. **Additionally there will be a further requirement to undertake both desk-based assessment and field evaluation to explore the archaeological potential of the site.**

Should be amended as follows: [text shown in **bold**, underline and **blue**]

24. Development proposals will be expected to ~~conserve~~ **preserve** and **or** enhance the historic significance **[F1]**, appearance and integrity of and the ability to understand and appreciate the setting of the **Battle of Winwick [F1]**. **Additionally there will be a further requirement to undertake both desk-based assessment and field evaluation to explore the archaeological potential of the site.**

[F1] Heritage Assets: Battlefields are classed as 'Areas', 'Sites' and 'Other Lands' are protected under the following Acts:

- **National Heritage Act 1983 section 34 having 'significance' to have 'historic, architectural, traditional, artistic or archaeological interest', if securely identified, be of national importance, referred to in section 34(3) of that Act; and**
- **Historic Buildings and Ancient Monuments Act 1953, amended by the National Heritage Act 1983 with "Section 8C Register of Gardens." having 'significance' to have 'the special historic interest' referred to in subsection (1) of that section; and**
- **Levelling-up and Regeneration Bill (currently, April 2023, with The House of Lords at the Committee stage): The Bill, section 185 subsection (3)(b) being nearly identical to section 58B subsections (3)(b) Table for: A garden or other area of land included in a register maintained by Historic Buildings and Monuments Commission for England under section 8C of the Historic Buildings and Ancient Monuments Act 1953 [amended by the National Heritage Act 1983] having 'significance' to have 'the special historic interest referred to in subsection (1) of that section.**
- **The new statutory duty set out in clause 92 of the Levelling up and Regeneration Bill is intended to bring other types of designated heritage assets into line with listed buildings and conservation areas. The new duty will apply to registered battlefields which fall within the category of 'other land' referred to in section 8C of the Historic Buildings and Ancient Monuments Act 1953. This will be made clear in supporting guidance.**

Explanation of Section 58B subsections (1) and (2)

“58B Duty of regard to certain heritage assets in granting permissions

(1) In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.

(2) For the purposes of subsection (1), preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of

the asset or setting that contributes to the significance of the asset.”

Also, in a letter dated 15 August 2022 from the Secretary of State for the Department for Levelling up, Housing and Communities wrote:

“The new statutory duty set out in clause 92 of the Levelling up and Regeneration Bill is intended to bring other types of designated heritage assets into line with listed buildings and conservation areas. The new duty will apply to registered battlefields which fall within the category of ‘other land’ referred to in section 8C of the Historic Buildings and Ancient Monuments Act 1953. This will be made clear in supporting guidance.”

I have attached the letter from the Secretary of State for the Department for Levelling up, Housing and Communities.

Additional new part to MM 030 Policy OS 6 Part 24:

New Part 24a: Development proposals will be required at pre-application stage to consult with The Battlefields Trust, when the developer is required under Part 24, to undertake both desk-based assessment and field evaluation to explore the archaeological potential of the site.

Reason for Part 24a is:

By having The Battlefields Trust involved at the pre-application stage ensures the evaluation and survey are conducted in a professionally. Many surveys in previous developments have been conducted in a very haphazard manner or if not at all General Permitted Development Orders (GPDO).

With the Levelling-up and Regeneration Bill nearing being granted Royal Assent, registered battlefields will have to be assessed under preserving or enhancing or its setting criteria, even if a GPDO application is submitted.

Additional new part to MM 030 Policy OS 6

New Part A: Development proposals will be required to inform potential purchasers to the potential danger to their health of the Electromagnetic Field (EMF) radiation emitting from the National Grid Electric Pylons which cross the development houses in the sales pack. Together, notices placed around the development informing potential purchasers to the potential danger to their health from the EMF radiation emitting from the Electric Pylon route crossing the development houses.

Reason for Part b is:

If the developer fails to inform those who purchased of the potential radiation then the purchaser(s) have the right to leave the new property with full restitution of the purchase price including fees. If the developer informs potential purchaser(s) of the possible Pylon problem and the purchaser agrees the problem is on the head of the purchaser not the developer. It maybe hard on the developer but that due to the land the developer wants to build houses is directly beneath the National Grid

Electric Pylons route, who knows the possible dangers to health (what if a high voltage cable broke and falls directly on to the houses, the developer is to blame). It is to the people's health and safety that is the concern of the Local People, not profit for the developer.

Green Belt references in the Modifications

In the document 'ID09 Schedule of Proposed Main Modifications 2023', (and also the other modification documents), references to Green Belt, as written as either 'Green Belt', or 'GB', or references to. The main modifications that show references to Green Belt are:

MM 001: 1.2.12; MM 002: Para 3.3.7, Para 3.3.8, Para 3.4.7, Para 3.4.10; MM007: GB1 Part 3, Figure 6, MM 020: MD2 Part 1, Part 3, Part 26; MM 021: Para 10.3.5, Para 10.3.10, Part 2, Part 3, Part 26, Part 28, Figure 19; MM 023: Part 15; MM 025: OS1 Part 13; MM 026: OS2 Part 13; MM 027 OS3 Part 13; MM 028 OS4 Part 14; MM 029 OS5 Part 14; MM 030 OS6 Part 12, Part 13; Figure 6; Housing Trajectory: SEWUE (Policy MD2), Fiddlers Ferry Power Stn (Policy MD3), Thelwall Heys (Policy MD5), Settlements (Policies OS1 to OS6); and all other references to “Green Belt” and/or “GB” in associated documentation.

But these references are “indicated” to be not applicable or not up to date due to the Bill currently in progress through Parliament under the Bill reference in Section 1 and Section 2 having the date, 1 January 2023.

This means, once the Bill is granted Royal Assent, then the Warrington Borough Council Local Plan can not be implemented and is out of date due to the wording of the Green Belt (Protection) Bill (if enacted). This means the Local People can not approve under the NPPF paragraph 15, these current modification(s) to the proposed Updated Proposed Submission Version Local Plan 2021-2038, March 2023, due to the Green Belt (Protection) Bill currently in progress through Parliament.

The Local Plan therefore has to wait for the Green Belt (Protection) Bill to be enacted then the Local People can consider the re-written Warrington Borough Council Local Plan 2021-2038, having taken into account amendments due to the Green Belt (Protection) Bill (once enacted).

The Green Belt (Protection) Bill details are as follows:

The Houses of Parliament currently have the Green Belt (Protection) Bill, introduced on the 7 September 2022, reading stage - House of Commons Second Reading.

The Bill 108 2022-23 (as introduced) Long title:

“A Bill to establish a national register of Green Belt land in England; to restrict the ability of local authorities to de-designate Green Belt land; to make provision about future development of de-designated Green Belt land; and for connected purposes.”

The Bill is as follows:

[AS INTRODUCED]

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TO

Establish a national register of green belt land in England; to restrict the ability of local authorities to de-designate green belt land; to make provision about future development of de-designated green belt land; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 National register of green belt land

- (1) The Secretary of State must hold and publish a public register of all land in England designated as Green Belt land on 1 January 2023.
- (2) That public register shall be updated to reflect changes to the designation of land— 5
 - (a) any land de-designated as Green Belt land after 1 January 2023 shall be identified as Former Green Belt land, and
 - (b) any land designated as Green Belt land after 1 January 2023 shall be identified as New Green Belt land.
- (3) Any changes to the designation of land under subsection (2) shall be reflected in the public register within two months of the change being made. 10

2 De-designation of green belt land

- (1) No local authority in England shall de-designate any land which is designated as Green Belt land on 1 January 2023 unless— 15
 - (a) it has ensured that alternative land within its local authority area has been designated as Green Belt land in substitution for the land to be designated,
 - (b) the substituted land satisfies the criteria set out in subsection (2),
 - (c) the land is not New Green Belt land within the meaning of section 1(2)(b). 20
- (2) The criteria which substituted land must satisfy are that the land—
 - (a) is the same or greater in area than that which is to be de-designated,
 - (b) abuts land on which—

- (i) housing has been developed, and
 - (ii) the density of such housing is above average relative to the land within the local authority area as a whole, and
 - (c) satisfies any requirements of Green Belt land issued in a National Planning Policy Framework by the Secretary of State. 5
- (3) No local planning authority shall grant permission for development on Former Green Belt land if such development is for housing at a greater density than any housing adjoining or contiguous to it.

3 Interpretation

- In this Act “Green Belt land” means— 10
- (a) any land within the meaning of Green Belt land given by section 2(1) of the Green Belt (London and Home Counties) Act 1938, and
 - (b) any other land defined as Green Belt land in order to prevent or restrict development on that land by keeping it permanently open.

4 Extent, commencement and short title 15

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force two months after Royal Assent.
- (3) This Act may be cited as the Green Belt (Protection) Act 2022.

Attachment

The letter from the Secretary of State for the Department for Levelling up, Housing and Communities.



Department for Levelling Up,
Housing & Communities

Charlotte Nichols MP
House of Commons
London
SW1A 0AA

Marcus Jones MP
Minister of State for Housing

**Department for Levelling up, Housing and
Communities**
Fry Building
2 Marsham Street
London
SW1P 4DF

Our reference: [REDACTED]
Your reference: [REDACTED]

15 August 2022

Dear Charlotte,

Thank you for your further email of 7 July on behalf of your constituent, Richard Ward of [REDACTED], about the planning system and registered battlefields. I am replying as this matter falls within my ministerial portfolio.

The Government is committed to the protection of our historic environment. We recognise that heritage assets, including registered battlefields, are an irreplaceable resource and as such need to be fully considered in planning decisions. The new statutory duty set out in clause 92 of the Levelling up and Regeneration Bill is intended to bring other types of designated heritage assets into line with listed buildings and conservation areas. The new duty will apply to registered battlefields which fall within the category of 'other land' referred to in section 8C of the Historic Buildings and Ancient Monuments Act 1953. This will be made clear in supporting guidance.

In the meantime, we are grateful to you for bringing Mr Ward's further concerns to our attention.

Thank you again for your email.

Yours ever,

MARCUS JONES MP