




By email only: localplan@warrington.gov.uk

Local Plan
Planning Policy and Programmes
Growth Directorate
Warrington Borough Council
East Annexe
Town Hall
Sankey Street
Warrington
WA1 1HU

Your ref: 
Our ref:
Date: 26-APR-23

Dear Sir / Madam

**WARRINGTON BOROUGH COUNCIL
UPDATED PROPOSED SUBMISSION VERION LOCAL PLAN 2021/22 – 2038/39
SCHEDULE OF PROPOSED MAIN MODIFICATIONS (MARCH 2023)**

Thank you for your consultation seeking the views of United Utilities Water Limited (UUW) as part of the Local Plan process. UUW wishes to build a strong partnership with all local planning authorities (LPAs) to aid sustainable development and growth within its area of operation. Our response to the above consultation is set out below under the following headings:

1. Comments of UUW on the Schedule of Proposed Main Modifications; and
2. Others Matters – Risk of Sewer Flooding at Thelwall Heys and Rushgreen Road, Lymm.

Each is addressed in turn.

1. Comments of UUW on the Schedule of Proposed Main Modifications (March 2023)

The proposed main modification with associated references is set out in black text. Subsequent to this we have set out our comments in blue text with proposed amendments in red text.

Modification Reference Number MM03

New Paragraph 4.1.23 a

4.1.23 Land at Peel Hall was allocated in the Updated Proposed Submission Version Local Plan but has subsequently received outline planning consent. Development at Peel Hall will make an



important contribution to the overall Spatial Strategy of the Local Plan and the supply of housing. Subsequent applications for reserved matters will be considered in the context of the outline consent and the conditions attached to it along with a range of relevant Local Plan policies. The site is now shown as a commitment on the Policies Map.

UUW objects to the proposed deletion of the development plan policy associated with the development of this site. There are matters of detailed design that continue to be relevant to the development of this site that are not yet determined. This will include the submission of detailed applications for reserved matter approval and could also include the submission of new full applications on part, or all, of the site. As such UUW considers it inappropriate to delete the wider development plan policy. The current decision notice and associated conditions will only relate to that permission, or any applications submitted pursuant to that permission, and will not have the formal status of development plan policy in accordance with s38 (6) of the Planning and Compulsory Purchase Act 2004. The development plan policy is critical to guide any new or replacement applications and any applications relating to the approval of reserved matters. We therefore request that the draft development plan policy and associated explanatory text relating to Peel Hall is reinstated and incorporates the proposed changes which we recommended in our written statement to the examination relating to Matter 6d (representor reference number 0403).

Modification Reference Number MM 013

New Part 8

Where a loss of, or harm to biodiversity, an ecological network and/or green infrastructure functionality is considered to be unavoidable, development proposals must include mitigation or, as a last resort, compensation measures. Following the application of the mitigation hierarchy, a measurable net gain in biodiversity assessed against the latest version of the DEFRA Metric must be secured. All proposals for off- site compensatory net gain/green infrastructure must be deployed strategically and as closely as possible to the affected ecological/GI asset and following good practice guidance.

As part of the above new wording we note the inclusion of the need to locate off-site compensatory net gain/green infrastructure as closely as possible to the affected ecological/GI asset and following good practice guidance. We wish to object to the inclusion of the words '*as closely as possible to the affected ecological/ GI asset*'. Ultimately there is already provision within the BNG Metric that accounts for the proximity to the affected asset. It should be acknowledged that the focus of any compensatory net gain should be ensuring the best solution for ecological enhancement. An approach which secures the best solution for ecological enhancement may therefore conclude that the most appropriate enhancement is at a location which is not close to the site.

It is critical that any policy relating to net gain includes sufficient flexibility and does not dictate that the nearest compensatory location to the affected asset is best. This is particularly in respect of existing and new infrastructure sites. On-site provision, or provision near to a site may not be the most appropriate long term solution for the delivery of BNG when investing in key infrastructure such as water and wastewater assets. It is critical that land at and around our key infrastructure sites, such as a wastewater treatment works, is not sterilised to ensure that we are able to flexibly and most appropriately respond to future growth and environmental drivers. This approach is supported by the planning practice guidance which states that the approach to BNG should be resilient to future pressures from further development. It states:

'When assessing opportunities and proposals to secure biodiversity net gain, the local planning authority will need to have regard to all relevant policies, especially those on open space, health, green infrastructure, Green Belt and landscape. It will also be important to consider whether provisions for biodiversity net gain will be resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements.'

Paragraph: 023 Reference ID: 8-023-20190721

Revision date: 21 07 2019'

We therefore request that this paragraph is amended to state:

All proposals for off- site compensatory net gain/green infrastructure must be deployed strategically and as closely as possible to the affected ecological/GI asset and following good practice guidance and any Local Nature Recovery Strategy. The location of any future net gain enhancement should be resilient to pressures from future growth. For example, land around utility infrastructure sites, which may need to expand to respond to future growth and environmental drivers, should not be sterilised.

New Para 8.4.17

Part 8 of Policy DC4 sets out the approach to avoidance, mitigation, and as a last resort, compensation. Compensation means compensatory provision and may include a financial contribution towards delivery of compensatory measures where appropriate. It is crucial to the priority of 'biodiversity net gain' that appropriate mitigation or, as a last resort, compensatory provision is made. It is important that the location of appropriate mitigation, replacement or other compensatory provision follows the sequential approach set out in the Policy. This seeks to target measures as closely as possible to the development site. In some instances, the immediate locality may include nearby sites outside the Borough.

In accordance with our above comments to the new Part 8, we note the inclusion of the need to locate appropriate mitigation, replacement or other compensatory provision as closely as possible to the development site. We wish to object to the inclusion of the words '*as closely as possible to the development site*'. Ultimately there is already provision within the BNG Metric that accounts for the proximity to the affected asset. It should be acknowledged that the focus of any compensatory net gain should be ensuring the best solution for ecological enhancement. An approach which secures the best solution for ecological enhancement may therefore conclude that the most appropriate enhancement is at a location which is not close to the site.

It is critical that any policy relating to net gain includes sufficient flexibility and does not dictate that the nearest compensatory location to the affected asset is best. This is particularly in respect of existing and new infrastructure sites. On-site provision, or provision near to a site may not be the most appropriate long term solution for the delivery of BNG when investing in key infrastructure such as water and wastewater assets. It is critical that land at and around our key infrastructure sites, such as a wastewater treatment works, is not sterilised to ensure that we are able to flexibly and most appropriately respond to future growth and environmental drivers. This approach is supported by the planning practice guidance which states that the approach to BNG should be resilient to future pressures from further development. It states:

'When assessing opportunities and proposals to secure biodiversity net gain, the local planning authority will need to have regard to all relevant policies, especially those on open space, health, green

infrastructure, Green Belt and landscape. It will also be important to consider whether provisions for biodiversity net gain will be resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements.

Paragraph: 023 Reference ID: 8-023-20190721

Revision date: 21 07 2019'

We therefore request that this paragraph is amended to state:

Part 8 of Policy DC4 sets out the approach to avoidance, mitigation, and as a last resort, compensation. Compensation means compensatory provision and may include a financial contribution towards delivery of compensatory measures where appropriate. It is crucial to the priority of 'biodiversity net gain' that appropriate mitigation or, as a last resort, compensatory provision is made. It is important that the location of appropriate mitigation, replacement or other compensatory provision follows the sequential approach set out in the Policy. This seeks to target measures as closely as possible to the development site. In some instances, the immediate locality good practice guidance and any Local Nature Recovery Strategy. Any compensation may include nearby sites outside the Borough. The location of any future net gain enhancement should be resilient to pressures from future growth. For example, land around utility infrastructure sites, which may need to expand to respond to future growth and environmental drivers, should not be sterilised.

Modification Reference Number MM021

Part 37

Development at Fiddlers Ferry must not impact on the operation of the existing infrastructure services **or other operations** which cross or run close to the site including The Vyrnwy Aqueduct, the Grangemouth/Stanlow pipeline (and its associated COMAH zones), **all other COMAH sites** and any overhead power lines.

UUW wishes to recommend the following additional wording to the above modification to reflect the fact that the proposed demolition of Fiddlers Ferry is a major operation which, if not managed appropriately, could have major consequences for the provision of essential water and wastewater services.

Development at Fiddlers Ferry, **including any demolition,** must not impact on the operation of the existing infrastructure services **or other operations** which cross or run close to the site including The Vyrnwy Aqueduct, the Grangemouth/Stanlow pipeline (and its associated COMAH zones), **all other COMAH sites** and any overhead power lines.

Modification Reference Number MM023

MD4

Delete the whole of Policy MD4, paragraphs 10.4.1 to 10.4.14, Figure 20 and the Key evidence, Council Wide strategies and Delivery partner text.

UUW objects to the proposed deletion of the development plan policy associated with the development of this site. There are matters of detailed design that continue to be relevant to the development of this site that are not yet determined. This will include the submission of detailed applications for reserved matter approval and could also include the submission of new full applications on part, or all, of the site. As such UUW considers it inappropriate to delete the wider development plan policy. The current decision notice and associated conditions will only relate to that permission or any applications submitted pursuant to that permission and will not have the formal status of development plan policy in accordance with s38 (6) of the Planning and Compulsory Purchase Act 2004. We therefore request that the draft development plan policy and associated explanatory text relating to Peel Hall is reinstated and incorporates the proposed changes which we recommended in our written statement to the examination relating to Matter 6d (representor reference number 0403).

Modification Reference Number MM030

Part 18

Development proposals will be required to assess the impact on the **public water supply**, groundwater environment and the operational asset in close proximity to the site and incorporate appropriate mitigation measures in accordance with Policies INF3 (Parts 5 to 7) and ENV8 (Parts 10 to 13).

UUW supports this proposed change.

2. Others Matters – Risk of Sewer Flooding at Thelwall Heys and Rushgreen Road, Lymm

UUW wishes to highlight that it submitted written statements to the examination relating to Matter 6e (Thelwall Heys) and Matter 7d (Rushgreen Road, Lymm). These submissions highlighted the risk of on-site flooding from the public sewer at each of these sites. We note that there is no associated main modification which seeks to reflect the changes which we recommended in respect of the risk of flooding from the public sewer at these sites. We strongly recommend that development plan policy and the associated strategic flood risk assessment for Warrington Borough is updated to reflect the risk of sewer flooding which we have identified in respect of these sites.

Summary

Moving forward, we respectfully request that the Council continues to consult with UUW for all future planning documents. We are keen to continue working in partnership with Warrington Borough Council to ensure that all new growth can be delivered sustainably. In the meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me at [REDACTED].

Yours faithfully

Andrew Leyssens
Planning, Landscape and Ecology
United Utilities Water Limited