

From: [Local plan web form](#) on behalf of [Main modifications consultation](#)
To: [Local Plan](#)
Subject: Local plan main modifications consultation
Date: 26 April 2023 15:50:33

Submitted on Wed, 26/04/2023 - 15:30

Submitted values are:

Your information

Your name

Mark Jervis

Organisation (if applicable)

Borough Councillor, Appleton Ward, Warrington BC, Appleton Parish Councillor and Resident

Address

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Modification response

Which main modification or consultation are you responding on?

Warrington Updated PSVLP 2021/22-2038/39 - Main Modifications Consultation March 2023

Is the main modification legally compliant?

No

Why do you consider it is not compliant (max 2000 words)

Please refer to the detailed response.

Is the main modification sound?

No

Why do you consider it is not sound (max 2000 words)

Please refer to the detailed response.

Detailed response and document upload

Detailed response to main modification (A maximum of 5000 words, which equates to roughly 10 sides of A4 paper)

I write in relation to the Council's ongoing consultation on the March 2023 Schedule of Proposed Main Modifications to the Updated Proposed Submission Version of the Local Plan 2021/22-2038/39 (hereinafter referred to as the Plan).

In so doing I have 3 hats:

1. Appleton Ward Borough Councillor since May 2021
2. Appleton Parish Councillor since May 2021
3. Resident of Appleton for the last 35 years.

Firstly, I would like to raise a process point. The Warrington Borough Council Constitution sets clear expectations for prior Full Council approval of Local Plan related Public Consultation information. When the Local Plan was last debated at Full Council on 4 April 2022, the Council approved Delegated Authority in relation to preparing for consultation on the main modifications suggested by Inspectors following the 2022 Examination in Public process. I acknowledge this fact.

However, some of the modifications suggested by the Council go beyond such Delegated Authority for these main modifications proposed by the Inspectors and also beyond what might be classed as "minor modifications" as also permitted under Delegated Authority pursuant to the 4 April 2022 vote.

Without prior Council approval, public consultation on other types of modifications (ie major changes not proposed by the Inspectors) is unconstitutional under Council rules. In my evidence below, I will flag those suggested modifications which are beyond Delegated Authority and therefore are unconstitutional by virtue of their unapproved inclusion in this Public Consultation.

Secondly, I will give some general comments on the suggested modifications before addressing some of the specific modifications.

I fully concur with, and welcome, the Inspectors' proposed deletion of the South East Warrington Employment Area (SEWEA) allocation. The Council's stated need for employment growth was clearly over-stated and unjustified and therefore did not represent the exceptional circumstances necessary to justify removal of such a large area of land from Green Belt particularly as such removal "would have a significant adverse effect on the character and appearance of the area". The SEWEA was a major factor in making the proposed Plan unsound.

Given the modifications to the Plan's employment land needs, there should be a consequential review of housing need and specifically the amount of Green Belt release in relation to such housing need.

In my view, the proposed housing growth is also too large and is therefore overstated. It is inconsistent to essentially maintain the previous overall levels of housing growth despite the employment land need figures in the 2021 PSVLP having been significantly reduced.

Whilst I accept that the Plan is positively prepared, the strategy in the Plan remains unjustified despite the suggested modifications particularly having regard to historic performance levels in Warrington for such housing growth.

The Plan makes much of Warrington's unique position in the North West with unparalleled motorway access. However, the Plan remains unsound in its insufficient recognition that large numbers of residents use this unique location to access employment, leisure and retail away from Warrington and its Town Centre in particular.

The focus of new housing in the south of Warrington is inconsistent with the need to regenerate brownfield and the Town Centre in particular. The likely priority for developers will be development of the Green Belt before much needed regeneration and new development in inner areas of the Borough. This is not acceptable and means that the proposed modified Plan remains unsound.

The Plan also continues to have no proactive plan for certainty of infrastructure delivery to meet future need. This has been a longstanding problem in the south of Warrington with its unique reliance on ageing and already wholly inadequate crossing points over the Mersey and 2 canals. This continues to render the plan ineffective.

These infrastructure problems have been in stark focus in the last couple of weeks with the A56 Chester Road swing bridge having failed a number of times in the last 2 weeks causing consequential significant traffic disruption/gridlock. Furthermore, the A50 Latchford swing bridge had to be closed on 23 April 2023 for maintenance reasons and on 24 April 2023, the A49 Stockton Heath swing bridge failed for a period and stopped traffic.

The Plan is also at serious risk of being imminently inconsistent with national policy. The proposal to remove such a large swathe of Green Belt in the south of Warrington to support the South East Warrington Urban Extension (SEWUE) is neither justified nor sustainable for the residents in south Warrington in current circumstances where housing need assessment in this area could soon be inconsistent with national policy requirements if, as anticipated, proposed changes to the requirements are implemented by Government in the coming months.

Furthermore, the plan to focus such a radical change to Green Belt on just one area of Warrington (SEWUE) is disproportionate in terms of resulting harm to the character and appearance of the area.

The modifications fail to deliver an effective solution and appropriate strategy to Warrington's housing needs. Despite the suggested modifications, the Plan continues unfairly to focus most damage to Green Belt in one area of Warrington with a risk that this occurs well before all non-Green Belt options have been exhausted. As stated, this is likely to happen simply because such Green Belt development is likely to be favoured by developers.

For these reasons and based on Paragraph 35 of the NPPF, the housing elements of the Plan continue to be unsound by virtue of lack of justification, ineffectiveness and imminent potential inconsistency with National Policy.

I also remain concerned that the proposed modifications fail to address stated concerns about the processes associated with preparation of Development Frameworks. Such Frameworks should be required to be written and prepared by the Council with a holistic viewpoint rather following the approach envisaged in the Plan where Frameworks would be prepared in a piecemeal fashion by Developers or their associates. This latter approach is wholly undemocratic and could lead to non-optimal and non-holistic solutions.

A final general observation is that the Council's suggested modifications completely underestimate the significance the growing uncertainty of provision of the Western Link. This loss of delivery of a crucial "fundamental" item of Plan infrastructure is a further reason to state that the Plan remains unsound despite the Inspectors' suggested modifications.

I will now deal with some of the specifics of the modifications.

MM001

Para 1.2.12 It is highly misleading to maintain the continued reference to "significantly lower" Green Belt reductions compared with the previous PSVLP. This revised text is of little comfort to the residents of south Warrington and more specifically my Ward. It hides the very significant impact that 2400 new homes will have on Appleton and surrounding Wards.

MM002

Para 3.3.7 The last sentence has been unilaterally removed by the Council without justification. This is a major modification that is unconstitutional.

Para 3.3.19 Notwithstanding the Inspectors' requested modification to employment land figure, all reference to the updated EDNA has been unilaterally removed by the Council without explanation. This is a major modification that is unconstitutional.

Para 3.3.30 These proposed modifications go way beyond the acceptable modification proposed by the Inspectors. The Council has unilaterally sought to delete "...is fundamental to the delivery of the spatial strategy of the Local Plan." Despite the Western Link funding uncertainties, this original statement was not limited to the Waterfront and remains as true today as it was when the Plan was last approved by Full Council. The Council has however realised that the continued inclusion of these words would undermine the soundness of the Plan. This wording has been unilaterally removed by the Council without justification. This is a major modification that is unconstitutional.

Para 3.3.30 Secondly, in this paragraph, the Council's new last sentence goes beyond the modification requested by the Inspectors. The reference to "...the Council is confident..." is made without any evidence or justification whatsoever. If anything the opposite may be true given the current economic climate and the current funding shortfall which is only likely to worsen. This wording therefore misleads the reader about the likelihood of the provision of this "fundamental" piece of infrastructure. This wording has been unilaterally added by the Council without justification. This is a major modification that is unconstitutional.

MM004

Para 4.1.23 This modification is insufficient as it fails to clarify the hours of operation and destinations necessary to meet the "at least 3 bus services per hour" criteria.

Para 4.1.24 The start of the second sentence should be amended from "This will include..." to "This is expected to include..."

Part 17 Deletion of "an open book assessment" is not a modification requested by the Inspectors. This modification reduces openness and

transparency and is therefore unacceptable. This wording has been unilaterally added by the Council without justification. This is a major modification that is unconstitutional.

Para 4.1.56 The Council should be required to clarify the standards for outdoor amenity space as part of this Plan process. It is an important aspect.

MM005

Part 8 This wording has been unilaterally added by the Council without justification. It unacceptably loosens the obligation to justify a location away from a central site within or close to the Town Centre. This is a major modification that is unconstitutional.

Part 4.2.22 This proposed modification results in residual wording which could lead to an unwarranted and unjustified early review of employment land needs. This undermines this extensive Plan preparation process. This would repeat the Council's disregard for employment land policies seen in its attitude to the current 2014 Local Plan Core Strategy policies. A minimum timescale, at least 10 years, should be set before there is a review into Warrington's employment land needs. Otherwise, residents will believe there is little reassurance and certainty to be derived from the Green Belt retention arising from the proposed deletion of Policy MD6. This comment also applies to the wording in Para 5.1.19 (MM005).

MM005

Para 5.1.19 The reference to "motorway junction improvements" is totally ill-defined.

MM006

Para 4.3.5 This Council modification in response to the Inspectors' request rightly acknowledges the role of the Town centre and the 3 Neighbourhood Centres. However, it completely fails to acknowledge that Stockton Heath is already suffering due to poor, ageing and stretched infrastructure particularly in relation to the crossing points of the 2 canals. There is little or no room for accommodating increased traffic through the centre of Stockton Heath. London Road in the village and Victoria Square junction are already running at full capacity. The A49 often resembles a car park.

MM008

Part 4 and Para 7.4.9 The Inspectors' requested modification are noted. However, it is my strong belief that a site allocation for a new Hospital should be accommodated upfront within this Plan rather than being the subject of a future review. A new Hospital is a fundamental requirement for a Plan which is anticipating this level of housing and population growth. It would be unacceptable not to make a site allocation for a new Hospital in this Plan. These two proposed modifications should be modified accordingly.

MM010

Para 10.1.1 The second sentence is incorrectly not marked as an addition. Again, the reference to "...the Council is confident..." is made without any evidence or justification whatsoever. It should be removed. This is a major modification that is unconstitutional.

MM020

After Part 3d The reference to a "Contribution to expansion of proposed Appleton Cross GP facility" is wholly inadequate and provides little reassurance. It should refer to a specific level of new GP and health provision or as a minimum to "Provision of GP and health centre services of an appropriate scale". This change would provide greater clarity consistent with the education, retail and community facility provision wording in Part 3.

Part 26. I am concerned that this modification makes it too easy for the Council to consider other compensatory measures or financial contributions rather than the necessary compensatory improvements in the immediate vicinity. Such measures for the SEWUE should also be considered holistically for the whole area rather than being considered in piecemeal fashion.

Para 10.2.25 The proposed modification to add the second sentence is unacceptable because the infrastructure delivery programme remains ill-defined and piecemeal. The history of development in Warrington over the last 40 years is one of inadequate and piecemeal development of infrastructure which has failed to deal with the unique geographical challenges in the south of Warrington. It is totally unacceptable for the Council to have such ill-defined infrastructure policy requirements and also to seek to say "any changes will be confirmed" at a later stage. Infrastructure delivery (funding and timing) has to be certain and therefore defined up front before developments of the scale proposed in MD2. The Plan is unsound without such definition.

The level of development set out in MD2 continues to represent an unfair and unacceptable burden on this corner of Warrington. The level of Green Belt removal will cause a level of harm for which there are insufficient exceptional circumstances to justify this prime focus in this Plan for this level of housing development in this single unsuited area.

MM021

Para 10.3.3 It is unacceptable to make a modification to reduce housing delivery and increase Green Belt retention at Fiddlers Ferry whilst retaining levels of Green Belt removal in the SEWUE and south Warrington where Green Belt is more environmentally sensitive.

MM024

The Inspectors' modification to delete Policy MD6 is wholly justified and welcome. The employment needs in the 2021 PSVLP were overly ambitious, unjustified and did not represent exceptional circumstances for removal of the area covered by the proposed SEWEA from Green Belt. There should be a consequential review and reduction of housing need with any reduction being focussed on the currently unfairly burdened Appleton Ward and Appleton Parish.

Mark Jervis

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