

## **Report to Halton Borough Council**

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Halton Delivery and Allocations Local Plan**

The Plan was submitted for Examination on 5 March 2020

The Examination Hearings were held between 9 March 2021 and 17 June 2021

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## Abbreviations used in this report

dpa	dwellings per annum
DTC	Duty to Co-operate
GTAA	Gypsy and Traveller Accommodation Assessment
HRA	Habitat Regulations Assessment
HRS	Halton Retail Study (2017)
HRMIA	Halton Recreational Management Interim Approach
IDP	Infrastructure Delivery Plan
LEP	Local Enterprise Partnership
LCR	Liverpool City Region
LJLA	Liverpool John Lennon Airport
MEAS	Mersey Environmental Advisory Service
MM-HMA	Mid-Mersey Housing Market Area
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAMM	Site Avoidance Mitigation Measures
SANG	Suitable Alternative Natural Greenspace
SDC	Spatial Development Strategy
SHELMA	Strategic Housing and Employment Land Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNHP	Sub-national household projections
SNPP	Sub-national population projections
SoCG	Statement of Common Ground
SPA	Special Protection Area
UDP	Halton Unitary Development Plan (2005)
WPVA	Whole Plan Viability Assessment

## Non-Technical Summary

This report concludes that the Halton Delivery and Allocations Local Plan (Local Plan) provides an appropriate basis for the planning of the Borough provided that a number of main modifications [MMs] are made to it. Halton Borough Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the Hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- A number of MMs are necessary to enable a conclusion of no likely significant effect at plan-making level on the qualifying features of internationally important sites (Natura 2000 sites), including the clarification that mitigation would be required on all residential proposals of 10 or more dwellings/units in relation to measures to deal with the likely significant adverse effects from recreational disturbance on qualifying features of nearby marine and estuarine environments.
- Incorporating an interim approach for Halton for strategically securing mitigation in relation to recreational disturbance and residential development in advance of any wider City Region mechanism.
- A revised housing trajectory and updated housing supply position.
- MM's to delete the proposed housing and safeguarded sites proposed around Daresbury village to retain the existing Green Belt boundary on the A56 Chester Road.
- MM's to delete four residential sites and one mixed use allocation within the Health and Safety Inner consultation zone for reasons of health and safety.
- Various amendments to site allocations to reflect revised site capacities.
- A number of other modifications to ensure that the Local Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains our assessment of the Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether or not it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The Halton Delivery and Allocations Local Plan Proposed Submission Draft, August 2019, submitted in March 2020 is the basis for our Examination. It is the same document as was published for consultation in August 2019.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM001**, **MM022** etc, and are set out in full in the Appendix.
4. Following the Examination Hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and, in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as DALP Policies Map Submission Version as set out in SD02.

6. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Local Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the MMs 'Amendments to Policies Map'. In this report we identify any amendments that are needed to those further changes in the light of the consultation responses.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in 'Amendments to Policies Map' and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

## **Context of the Plan**

9. The Local Plan will replace some of the planning policies contained in the Halton Core Strategy Local Plan (2013). Part 1 of the document contains strategic policies, updating the Core Strategy policies. Part 2 contains non-strategic policies and site allocations which will replace the saved policies of the Halton Unitary Development Plan (2005) (UDP). Core Strategy policies CS23: Managing Pollution and Risk and CS24: Waste are to be retained. The Joint Waste Local Plan (2013) provides the planning strategy for sustainable waste management to 2025.
10. The Borough comprises of the two main towns of Widnes to the north of the River Mersey and Runcorn to the south. There are also the smaller settlements of Moore, Daresbury, Preston-on-the-Hill and Hale Village. The Borough has a population of 128,432 people and lies within the core of the Liverpool City Region. Around one third of the Borough is Green Belt and the Mersey Estuary and foreshore is designated as a Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest.

## **Public Sector Equality Duty**

11. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the Examination including the provision of traveller sites to meet need and accessible and adaptable housing. The Local Plan was accompanied by an Equality Impact Assessment (2019) [SD06] which has considered the impact of the Plan on those with protected characteristics. The analysis identifies only positive or neutral impacts. Positive impacts include improving accessibility to

services and facilities for all of those with protected characteristics and the provision of specialist housing for particular groups.

## **Assessment of Duty to Co-operate (DtC)**

12. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. Halton forms part of the wider Liverpool City Region (LCR), which also comprises Knowsley, St. Helens, Sefton and Wirral as well as West Lancashire as an associate member. The LCR is a combined authority with a metro-mayor and a responsibility to prepare a Spatial Development Strategy (SDS) for the city region. In early 2020 a Spatial Planning Statement of Common Ground (SoCG) was published by the LCR authorities including Halton which sets out strategic priorities for the region including housing delivery, the strategic role of the Liverpool John Lennon Airport and the need to protect important environmental habitats.
14. Halton forms part of the 'Mid-Mersey' Housing Market Area (MM-HMA) together with St. Helens and Warrington. The constituent authorities prepared the Mid-Mersey Strategic Housing Market Assessment (SHMA) (EL026) which objectively assessed need for each of the three Council areas. This was subsequently followed by the Liverpool City Region Strategic Housing Market and Employment Land Market Assessment (LCR-SHELMA) (EL014) which confirmed the MM-HMA. The SHELMA identified a demographic housing need and also two economic-based scenarios for the Liverpool City Region (LCR) and its component local authorities. Consequently, the Council has worked proactively with neighbouring authorities in the preparation of a shared evidence base.
15. Since the production of the SHMAA and SHELMA the Government introduced the Standard Method for calculating housing requirements and the LCR authorities have had to reappraise the housing figure in their emerging plans. Whilst there are substantial two-way migration flows identified between Halton and the surrounding authorities, net flows are modest. It is, therefore, unlikely that any additional housing in Halton to support economic growth would have a meaningful impact on surrounding authorities.
16. The Green Belt Study employed the same methodology as used by Knowsley, Sefton and subsequently St. Helen's. Where Green Belt release has been proposed in proximity to borough boundaries, these have been subject to DtC discussions. This has resulted in some amendments to proposed Green Belt release for example close to the border with Warrington to retain the integrity of the Green Belt.
17. Given that the Local Plan involves Green Belt release to meet housing need, the Council was proactive in asking other authorities if they would be able to accommodate any of its housing need on non-Green Belt land within their areas. None of the other authorities can do so and indeed some of those



authorities' own Local Plans also involve Green Belt release. As set out in the various Statements of Common Ground (SoCG) it is agreed by the authorities within the LCR that each authority will plan to meet their own locally arising need. No neighbouring authority has raised concerns regarding the level of housing provision or the approach to Green Belt release proposed in the Local Plan or the DtC.

18. Halton worked with partners across the LCR in commissioning and completion of the LCR-SHELMA which shares economic projections which underpin the Local Enterprise Partnerships (LEP) Growth Strategy including the effects of the LEP's priority growth sectors. Each authority also provided information in relation to 'transformational' sites to feed into the LCR-SHELMA Growth Scenario. The LCR-SHELMA provides the evidence base to inform the respective local plans. Volume 2a of the LCR-SHELMA (EL015) sought to quantify the existing stock of sites across the City Region suitable for large scale B8 development whilst Volume 2b (EL016) looked at a range of further potential sites.
19. The LCR partners have not yet agreed to formally disaggregate the identified shortfall in committed supply between the districts; however, due to the advanced stage of Local Plan preparation, Halton has made its own assessment of large scale B8 uses for the Borough. Whilst this precedes the regional disaggregation, the Council has kept neighbouring authorities within the LCR region informed of its position.
20. Given the cross-boundary issues involved, the Council has worked closely with neighbouring authorities in the City Region, Natural England and other organisations in relation to habitat protection and mitigation. The Liverpool City Region Ecological Network developed by the Merseyside Environmental Advisory Service (MEAS) has assisted in providing a consistent approach to these matters across the LCR region. In particular, the Council and its partners are working closely to develop the emerging LCR Recreation Mitigation Strategy to ensure a strategic approach to the mitigation of recreational pressure on international and European Sites arising from new development. The draft Halton Interim Approach reflects the regional approach.
21. A significant cross-boundary matter is the proposed expansion at Liverpool John Lennon Airport (LJLA), the majority of which is within Liverpool, with part of the runway and the proposed Eastern Access Transport Corridor within Halton Borough. The proposed expansion is clearly identified as being of strategic importance for the LCR authorities as part of the LCR Growth Strategy (EL017) and the LCR Combined Authorities Transport Plan (EL042). The LJLA expansion proposals are reaffirmed through the respective plan-making processes in the Local Plan and the Liverpool Local Plan 2022 reflecting the cross-boundary consistency and cooperation on the airport.
22. In conclusion, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## Assessment of Other Aspects of Legal Compliance

23. The Plan has been prepared in accordance with the Council's Local Development Scheme, which has been updated at various stages. The January 2020 update reflects the revised 5 March 2020 submission date. A further update to the LDS was published alongside modifications. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
24. The Council carried out a SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Local Plan and other submission documents under regulation 19.
25. Historic England raised concerns regarding the scoring of some of the policies and site allocations in the appraisal in relation to the effect on the SA Objective 'Cultural Heritage and Landscape'. The Council and Historic England prepared a SoCG [PSD03a] in which modifications to a number of policies are proposed to address these concerns. It also sets out a Site Allocation Heritage Impact Assessment in consultation with Historic England.
26. The proposed modifications to the various policies are discussed at the relevant sections below. Historic England confirm that these modifications address their concerns. The SA was updated to reflect the proposed changes and assess the MMs.
27. The HRA (July 2020) [SD03a] sets out that an appropriate assessment has been undertaken. It identifies that the Local Plan may have some negative impacts which require mitigation, and this mitigation has been secured through the Local Plan as modified.
28. The HRA identified that some impact pathways relating to the Mersey Estuary SPA and Ramsar, the Sefton Coast SAC and the Manchester Mosses SAC require the incorporation of further mitigation wording into the relevant policies to avoid adverse effects on site integrity. In the case of the Mersey Estuary SPA and Ramsar potential impacts may arise due to the proximity of the designated sites to development allocated in the Local Plan. In relation to the Sefton Coast additional mitigation is necessary to protect the vulnerable dune habitats and the associated specialised vegetation from recreational pressure.
29. In order to address these impacts the Council has worked with MEAS, the Liverpool City Region and Natural England. The Council and Natural England have agreed a SoCG [PSD 03d) which sets out suggested modifications to various policies in the Local Plan and the HRA itself. The Council has also prepared the Halton Recreational Management Interim Approach (HRMIA) [PDS04], in consultation with partners, in order to address recreational pressures arising from development proposed in the Local Plan until the LCR Recreational Management Strategy is adopted.

30. The HRMIA would apply to all residential schemes over 10 dwellings, and it would recognise a distinction between a core zone within 5km of protected habitats; and an outer zone beyond. Three types of mitigation would be secured including Suitable Alternative Natural Greenspaces (SANG), Site Avoidance Mitigation Measures (SAMM) and householder packs. The HRMIA identifies Halton SANG locations including Town Par, Wigg Island and Widnes Waterfront. Hale Head is identified as Halton's SAMM for the targeting of mitigation.
31. Main Modifications to Policies CS(R)1 [**MM003**], CS(R)20 [**MM016**] and HE1 [**MM037**] are required to ensure that future development proposals satisfy the requirements of the Habitat Regulations; mitigate any recreational disturbance impacts arising from developments; deliver green infrastructure approaches in all developments in accordance with the HRMIA and the LCR RMS; and ensure that development proposals adequately assess and mitigate the loss of supporting habitat. These modifications are required to ensure that the Plan is legally compliant.
32. Main Modification **MM008** is required to Policy CS(R)7 to ensure that there is sufficient wastewater treatment capacity. Main Modification **MM013** is required to Policy CS(R)17 to ensure that assessment of air quality impacts arising from proposals at LJLA are undertaken at the project level to ensure that the Local Plan is legally compliant.
33. Main Modification **MM045** is required to Policy HE7 and the supporting text to ensure that development does not have an unacceptable impact on national and international designated nature conservation sites. These modifications are necessary to meet the Habitat Regulations and to ensure that the Local Plan is legally compliant.
34. Overall, with these modifications we are satisfied that the HRA work underpinning the Plan has been carried out in accordance with the relevant legal requirements and that the policies of the Local Plan provide an appropriate framework to ensure that development would not have an adverse impact on European Protected habitats. Furthermore, the Whole Plan Viability Assessment (WPVA) takes account of the effect of any contributions towards recreational mitigation and management.
35. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. Furthermore, the Local Plan, includes policies designed to secure that the development and use of land in the local planning authority's area which contribute to the mitigation of, and adaptation to, climate change.
36. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

37. Taking account of all the representations, the written evidence and the discussions that took place at the Examination Hearings, we have identified 18 main issues upon which the soundness of this Local Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### **Issue 1 – Whether the spatial strategy is justified, effective and consistent with national policy**

#### **Spatial Strategy**

38. The spatial strategy set out in Policy CS(R)1 seeks to focus development within or around Principal Towns of Runcorn and Widnes; reflecting their size, wide range of services and facilities and accessibility by a range of transport modes. Together they form the main urban areas within the Borough and provide significant opportunities to accommodate development, including remaining undeveloped land associated with the previous Runcorn New Town. However, the actual distribution of development proposed in the Local Plan is also influenced by a number of other factors that affect the availability of suitable sites, such as biodiversity, flood risk and Green Belt.
39. The spatial strategy seeks to focus on a balanced approach of prioritised urban regeneration supported by greenfield expansion in five Key Urban Regeneration Areas within or around Runcorn and Widnes. This concept builds on the Areas of Change established in the Halton Core Strategy and focuses on renewing Halton's urban landscape through the re-use of previously developed land. The areas include West Runcorn, South Widnes and Halebank and Ditton Corridor, that contain sizeable areas of previously developed land. These areas have benefitted from previous regeneration initiatives and improved accessibility arising from the opening of the Mersey Gateway Bridge and are suitable for a mix of employment and residential uses.
40. However not all of the development required over the plan period can be accommodated on previously developed land, hence the need to identify greenfield land suitable for development. East Runcorn was selected because it is on the edge of Runcorn, it is not in the Green Belt, it represents a continuation of the policy of developing housing at Sandymoor and, by incorporating the currently free standing employment areas at Daresbury Park and Daresbury Sci-Tech Campus, it creates the opportunity to expand them.
41. The built-up areas of North Widnes and Halebank cover the main areas for greenfield expansion in the Green Belt on the northern and western edge of Widnes. The Core Strategy Inspector indicated that due to the limitations on the supply of the previously developed land and limited scope for additional infilling, a review of the Green Belt boundaries would ensure the provision of a flexible

and responsive supply of housing land on brownfield and greenfield sites over the Plan period. The areas on the edge of Widnes have reasonable access to a range of local services and facilities and public transport links and were considered against a range of reasonable alternative options.

42. Outside of the Key Urban Regeneration Areas and the Towns, in the villages of Hale and Moore, smaller scale development which would be commensurate with their limited size and range of services and facilities would be accommodated within these villages.
43. Overall, Policy CS(R)1 sets out a clear and effective strategy for the location of new development and the role of the Principal Towns of Runcorn and Widnes in meeting development needs. The spatial strategy and the approach to the distribution of development in the Borough is justified by the scale of the settlements concerned, the level of services and facilities and accessibility. It will provide a good range and choice and allow for the development needs of the Borough to be met effectively.
44. Main modification **MM004** is required to ensure that the Strategic Residential and Employment sites in the Key Urban Regeneration Areas are more clearly identified in the Key Diagram (Figure 6) so that the Plan is effective.

#### **Strategic approach to distribution of housing and employment between Runcorn and Widnes/Hale**

45. The Local Plan does not identify specific targets for the distribution of housing and employment between Runcorn and Widnes/Hale and some concerns were raised about the balance in the distribution and the higher proportion of housing against employment development in Runcorn and vice versa in Widnes/Hale. However, as noted above, the actual distribution of development proposed in the Plan is influenced by the availability of suitable sites having regard notably to limitations on the supply of the previously developed land, impact of biodiversity, flood risks and releasing land from the Green Belt. This approach was chosen by the Council following consideration of reasonable alternatives, consultation responses and the SA.
46. Various iterations of the SA undertaken during the preparation of the Local Plan identified benefits and disbenefits associated with the proposed strategy, against steering more development towards Runcorn or Widnes. However, the appraisal ultimately concludes that the changes to the proportions of new homes and employment between the principal towns that arise through the allocations made in the Plan would not affect its overall findings (SD07 in particular Appendix C pages 221-232). The proposed strategy would not undermine the aim of achieving sustainable patterns of development, or the vision and objectives set out in chapter 3 of the Local Plan.
47. Moreover, increasing the proportion of housing development in Widnes/Hale would require more land to be removed from the Green Belt or allocations in high flood risk areas or that would be unsuitable for other reasons. It was reasonable for the Council to reject those alternatives, and there is no

compulsion for the Plan to carry forward the previous approach in the Core Strategy of setting separate housing targets for the principal towns.

48. Furthermore, whilst it was reasonable to take localised housing needs in different parts of the Borough into account when determining the spatial strategy and deciding which sites to allocate, there is no requirement in national policy to meet needs on a settlement by settlement basis.
49. Decisions about the overall spatial strategy for an area and the broad distribution of housing and employment are ultimately based on judgements taking account of a range of factors that the local planning authority has primary responsibility for making. Thus, whilst others may have chosen a different spatial strategy for housing and employment development, that proposed through the allocations in the Local Plan is justified as it was informed by a wide range of proportionate and relevant evidence including the SA.

### **Conclusion**

50. Overall, subject to the MM set out above, the approach towards the Spatial Strategy is justified, effective and consistent with national policy.

### **Housing**

#### **Issue 2a – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing and the housing requirement?**

### **Background**

51. The Halton Core Strategy (April 2013) (SD22) set out a housing requirement of 552 dwellings per annum (dpa), reflecting the then Regional Spatial Strategy requirement of 500 dpa plus an additional amount to reflect previous under-supply. Subsequently, the NPPF introduced the requirement for plans to quantify and then plan to meet their objectively assessed need (OAN) for housing. This resulted in the Council working together with partners in the preparation of two studies to quantify OAN.
52. The MM SHMA (EL026) identified that Halton formed part of the Mid-Mersey Housing Market Area together with Warrington and St Helens Councils. The MM SHMA considered trend-based population and household projections, migration projections, market signals, affordable housing and affordability and recommended a housing requirement of 466 dpa.
53. The subsequent LCR SHELMA (2018) (EL014/EL014a) supported the inclusion of Halton within the Mid-Mersey HMA. It was based on 2014 based Sub-National Population Projections (SNPP), rebased to reflect the 2015 mid-year population estimates and the 2014 Sub-National Household Projections (SNHP). It identified a demographic need of 254 dpa for Halton.

54. The LCR SHELMA considered separately the potential growth in jobs, number of employees, applied adjustments for commuting, 'double jobbing' and economic activity to arrive at the number of houses needed to serve the economic projections. Utilising data from Oxford Economics it considered a baseline and a growth scenario based on aspirations in the LEP's Growth Plan (EL017). The LCR SHELMA calculated a housing need of 326 dpa for Halton founded on the economic baseline scenario and a potential need of 565 dpa based on the growth scenario.
55. Whilst the SHELMA had been commissioned at the time of the Publication Draft Local Plan (2018) (EL083) it was not sufficiently advanced to inform the preparation of the Local Plan. Consequently, the Publication Draft of the Local Plan included the 466 dpa figure recommended by the MM SHMA.

### **Local Housing Need – Standard Method (May 2018)**

56. After consultation on the Publication Draft Plan the Government introduced the Standard Method for preparing Housing Needs Assessments with the revision of the NPPF and accompanying Planning Practice Guidance (PPG) in May 2018. Paragraph 61 of the NPPF states that in setting housing requirements, authorities should be informed by a housing needs assessment using the 'standard method' unless exceptional circumstances justify an alternative approach.
57. The Council's calculation of local housing need is set out in the Housing Needs Assessment 2018 (EL096) which identifies an annual requirement of 265 dwellings including an adjustment to account for local housing affordability. The 2018 calculation forms the starting point for the housing requirement set out in Policy CS(R)3 of the submission draft Local Plan. The calculation has been undertaken in accordance with the standard methodology set out in the PPG.
58. The PPG states that local housing need calculated using the standard method may be relied upon for a period of two years from the time that a plan is submitted for Examination. Consequently, the 2018 Housing Needs Assessment forms an appropriate starting point for the calculation of the housing requirement.

### **Is a higher level of housing need than the standard method justified?**

59. Policy CS(R)3 sets out a housing requirement of 8,050 net additional dwellings for the period 2014 to 2037 or 350 dpa (net). This equates to 85 dpa above the figure produced by the 2018 standard method calculation (265 dpa).
60. The NPPF expects strategic policy making authorities to follow the standard method for assessing local housing need. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. It identifies a minimum annual housing need figure - it does not produce a housing requirement figure.
61. The Planning Practice Guidance (PPG) sets out the circumstances where it is appropriate to consider whether actual housing need is higher than the standard

method indicates. These include the presence of a growth strategy; strategic infrastructure improvements likely to drive an increase in homes; and taking on unmet need from neighbouring authorities. It goes on to say that there may occasionally be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently produced Strategic Housing Market Assessment) are significantly greater than the outcome from the standard method.

62. The Housing Topic Paper (SD32) sets out the reasons for the Council proposing a higher figure than the standard method which include the presence of a Growth Deal for the Liverpool City Region and an Enterprise Zone; the presence of a recently produced SHMA, which includes a greater assessment of housing need than the standard method; and recent completion rates.
63. The Liverpool City Region LEP Strategic Economic Plan seeks to achieve GVA and jobs growth in order to increase productivity and to rebalance the economy. It identifies seven key growth sectors including the SuperPort, low carbon economy, visitor economy, advanced manufacturing, life sciences, digital and creative, and business and professional services.
64. The Liverpool City Region Growth Strategy: Building our Future outlines ambitions for economic growth over 25 years. The Growth Strategy is funded from a number of sources including: EU funding (EU Structural and Investment Funds Strategy [ESIF]); the Local Growth Fund-Growth Deal Funding from the Government; and the Strategic Investment Fund.
65. HBC Field is included as a transformational site in Halton as it is within a sector (manufacturing) which is forecast for decline in the general economic forecasts. Consequently, the jobs arising from the site would not have been captured in the baseline scenario of the SHELMA or Local Housing Need calculation.
66. Sci-Tech, Daresbury is a National Science and Innovation Campus which was established in 2006 and confirmed as an Enterprise Zone in 2012. It is home to high-tech companies in areas such as advanced engineering, digital/ICT, medical and energy and environmental technologies and is funded by Enterprise Zone Capital Grant and a proportion of European Regional Development fund. The majority of 'above-trend' jobs growth for Halton is due to the projected potential of the Sci-Tech Daresbury campus.
67. The projected economic growth arising from these transformational sites would be above that reflected in general economic projections and so will not have been captured in the standard method. It is, therefore, appropriate to take account of jobs growth from both sites within an economic uplift figure.
68. Table 1 of the Authority Monitoring Report Housing 2020 (EL101) shows an annual average of around 427 dpa (net) in the period 2010 to 2019/20. Previous levels of housing delivery have, therefore, been consistently significantly greater than the outcome of the standard method.



69. Furthermore, both the MM SHMA and the LCR SHELMA recommend a significantly higher housing requirement than the outcome of the standard method.
70. In summary, taking the above factors into account, an uplift to housing need over and above the outcome of the standard method is justified in principle and meets the provisions of paragraph 010 [Reference ID: 2a-010-20201216] of the PPG.

### **Calculation of the Housing Requirement**

71. The Council considered that it was not appropriate to use the LCR SHELMA as it has been superseded by more recent population projections and as there was a lack of transparency in terms of how the economic scenarios had been calculated. Furthermore, the transformational sites were not proceeding at the rates originally envisaged.
72. The Council, therefore, used the standard method as the starting point for the housing requirement but utilised the LCR-SHELMA to inform an appropriate uplift figure. It applied adjustments to the LCR-SHELMA Growth Scenario requirement of 565 dpa to reflect changes in population and economic growth since the LCR SHELMA was produced. The approach is set out in the Housing Topic Paper (SD32) and subsequent responses to our further questions (EX04, Matter 4a and HBC PSD16). HBC PSD16 represents the Council's final position on the issue.

### **DEMOGRAPHIC CALCULATIONS**

73. The Standard Method utilises the 2014-based household projections, as required by the PPG. However, the Council, in the Housing Topic Paper, sought to apply adjustments to the LCR-SHELMA Growth Scenario to reflect the 2016 based sub-national population projections which are lower than the 2014-based population projections reflecting changed mortality assumptions affecting older age ranges.
74. In contrast, the subsequent 2018-based population projections showed a significantly higher upward trend than previous projections, perhaps due to Unattributable Population Changes as occurred in the 2011 Census. Whilst mindful of these more recent and contradictory population projections, the PPG requires Local Housing Need to be based on 2014-based projections. Consequently, the 2018 Local Housing Need should form the demographic basis for any uplift calculations, as is now the Council's revised position.

### **ECONOMIC UPLIFT CALCULATIONS**

75. The LCR SHELMA produced two economic scenarios. The baseline scenario used a trend-based jobs growth figure of 3,800 jobs for the period 2012-37, equivalent to 3,496 jobs in the Plan period. The Growth Scenario was based on jobs growth of 12,400 jobs for the period 2012-37, equivalent to 11,408 jobs in the Plan period. The economic projections were then converted into the need for additional dwellings by making adjustments to commuting patterns, double

jobbing and employment rates. This generated a need of 326 dpa in the baseline scenario and 565 dpa in the growth scenario.

76. The difference between the baseline and growth scenario in terms of jobs growth is 7,912 jobs over the Plan period. As the baseline scenario is trend-based, we consider that this is accounted for in the local housing need calculation of housing growth.
77. The difference between the baseline and growth scenarios in terms of the number of dwellings is 239 dpa. The 239 dpa figure, therefore, represents the number of dwellings above the baseline required to support the growth scenario. The Council then adjusted this figure to reflect lower jobs growth arising from the two 'transformational sites' than originally projected.
78. HBC Field, was originally projected to deliver 600 jobs within the Local Plan period, 300 of which were been completed on Phase 1 in 2018. Due to uncertainty regarding Phase 2, only the projected jobs growth from phase 1 (300 jobs) are included in the revised jobs growth calculations as this phase was completed within the Plan period.
79. Sci-Tech, Daresbury was originally projected to deliver a total of 13,201 jobs in the Plan period. The Council together with consultants acting on behalf of the Sci-Tech Daresbury Enterprise Zone have provided revised jobs growth forecasts which are set out at page 9 of HBC PSD16. These show that around 5,061 jobs, just under half of those jobs originally projected will now be delivered in the Plan period with the remaining jobs being delivered beyond due to the site progressing more slowly and lower jobs densities.
80. It is not easy to quantify precisely when sites will come forward and jobs will be provided. However, the Council has used the floorspace delivery timetable provided by Sci-Tech and applied an average figure of 11 square metres per worker for B1a Tech developments from the Homes and Communities Agency (3<sup>rd</sup> Edition) Jobs Density (2015) to the floorspace data to calculate the potential number of jobs. It is acknowledged that the sites may not come forward exactly at the rate envisaged; however, the figures provide the most up-to-date estimate of jobs growth.
81. Taking the projected jobs growth from Sci-Tech and HBC Fields together the total jobs growth arising from the transformational sites would be 5,361, around 39% of the original job growth estimates (13,801) from the transformational sites. Applying this pro-rata to the economic uplift figure of 239 dpa ( $239 \times 39\% = 93$  dpa) suggests an uplift of around 93 dpa to the Local Housing Need figure of 265 dpa. This results in a housing requirement of 358 dpa, very close to the proposed housing requirement of 350 dpa.
82. The Council has not commissioned an update to the SHMA/SHELMA to inform the proposed uplift to the local housing need figure. However, whilst the Council has taken a relatively simple approach there is a clear correlation between the predicted transformational jobs growth and the proposed economic uplift to the local housing needs figure. Furthermore, calculating the housing land requirement for an area is not an exact science and recommissioning a full

update to the LCR SHELMA would not be consistent with the Government's move away from complex SHMA's.

83. There are a number of alternative housing requirement figures for the Borough ranging from the local housing need figure of 265 dpa, through to the LCR Growth Scenario of 565 dpa. Indeed, a site promoter has undertaken their own assessment based on the 2018-based SNHP and updated economic forecasts which concludes that the requirement should be between 344 dpa to 424 dpa. The Council's proposed housing requirement of 350 dpa lies within the range of all these forecasts. Whilst at the lower end of the range it, nevertheless, provides sufficient flexibility to enable economic growth and take account of emerging demographic forecasts.
84. The Council has exercised reasonable planning judgment in reaching the housing requirement based on proportionate evidence. The requirement sits above that indicated by the standard method and exceeds the minimum starting point and can, therefore, be considered sound.
85. The Local Plan is allocating around 180 ha of employment land which the Council acknowledges aligns with the full growth scenario set out in the LCR-SHELMA. However, the baseline economic growth should be reflected within the local housing need calculation and the transformational sites are not coming forward as quickly as originally envisaged. Furthermore, the higher employment land requirement and allocations will ensure that sufficient land is available of an appropriate scale and in the right location to respond to the market.
86. Moreover, as noted by the Core Strategy Inspector, Halton is situated within a densely populated region within short commuting distance to neighbouring towns such as Warrington and so any commuting to employment from other authorities in the region would be no less sustainable than commuting within the Borough.

### **Conclusion on Issue 2a**

87. We consider that the Plan is positively prepared, justified, effective and consistent with national policy in relation to the overall provision of housing and the housing requirement.

### **Issue 2b – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the provision for other housing requirements and residential development?**

#### **Housing Mix and Specialist Housing (Policy CS(R)12)**

88. It is appropriate for the Local Plan to seek a range of housing to meet the varied needs of the local community reflecting paragraphs 60 and 62 of the NPPF which require that the size, type and tenure of housing needed for different groups are addressed. However, **MM009** is required to Policy CS(R)12 to clarify that the housing mix in terms of dwelling size and specialist housing would be 'encouraged' as opposed to be a requirement under part 1 of the Policy in the interests of effectiveness.

89. Part 5 of the Policy encourages the delivery of homes which meet 'Lifetime Homes' standards; however, this standard has now been superseded by the optional higher standard set out in Part M4(2) Accessible and Adaptable Dwellings Standards of the Building Regulations. This is an optional standard and the PPG [Paragraph: 002 Reference ID: 56-002-20160519] states that Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and the Local Planning Authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans.
90. It goes on to say that based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4 (2) (accessible and adaptable dwellings) and/or M4 (3) (wheelchair user dwellings) of the Building Regulations.
91. The Council draw on evidence from the SHMA which shows that, in 2014, 16.6% of the population of Halton was aged 65 or over which is slightly lower than other authorities in the Mid-Mersey area. Halton is expected to see a notable increase in the older person population with the total number of people aged 65 and over expected to increase by 63.6% at 2037. Furthermore, the SHMA highlights that there will be a 94% increase in the number of people with mobility problems.
92. It is a priority of the Housing Strategy (2013-2018) (EL028) to increase the supply of housing for older and vulnerable people and it seeks to achieve an aspirational target of a 25% increase in the number of Lifetime Homes Standard (subject to site viability). However, whilst there is high level evidence of an ageing population; no detailed analysis is available as to how this translates into the size, location and type of housing, the accessibility and adaptability of existing housing and how needs vary across tenure.
93. The additional costs associated with reaching optional Part M Building Regulations are assessed at section 8 of the WPVA. It makes an allowance for 20% of new residential development to meet Part M4(2) of the Building Regulations and 10% to meet Part M4(3) of the Building Regulations; however, it is not clear how these proportions have been determined.
94. Consequently, we do not consider that sufficient evidence is before us to justify the approach of encouraging the higher optional requirement. Nevertheless, the approach of encouraging designs of dwellings that can be adapted should they be required is appropriate. Main Modification **MM009** remedies the above concerns in order for Policy CS(R)12 and its supporting text to be justified, effective and consistent with national policy.

### **Affordable Housing (Policy CS(R)13)**

95. Policy CS(R)13 sets out a mechanism to deliver affordable homes as a proportion of the total housing on sites. The Mid-Mersey SHMA [EL026]

identifies a need of 199 affordable units per year across Halton, a substantial proportion of the overall housing requirement. This need equates to around 58 dpa year in Widnes and 61 dpa in Runcorn with a need for around 25% intermediate housing in both locations.

96. The WPVA [SD04] recognises that viability differs across the site typologies and that a blanket 25% affordable housing target across the Borough would not be deliverable. Strategic sites are likely to have higher infrastructure costs and a lower net developable area, and this is reflected in the lower percentage target of 20% on these sites. Smaller greenfield sites are the least constrained and can, therefore, support a higher requirement of 25%.
97. The Policy does not seek affordable housing on brownfield sites in recognition of challenging viability issues associated with these sites. However, reference to the brownfield sites at Part 1c of the policy is contradictory and is, therefore, relocated to the beginning of the policy. **MM010** remedies this matter to be effective.
98. The threshold above which affordable housing would be sought is set at 10 dwellings or 0.3 ha. The site size threshold does not reflect the definition of 'major development' set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 which defines major residential development as 10 or more dwellings or development on a site area of 0.5ha. **MM010** addresses this point to be consistent with national policy.
99. Part 3 of the Policy requires that affordable housing should be provided as 74% affordable or social rent and 26% intermediate, based on evidence in the Mid-Mersey SHMA. The SHMA used information relating to incomes in the Study area to estimate the proportion of households who are likely to be able to afford intermediate housing and the number for whom only social or affordable rented will be affordable.
100. The percentage split in the policy should be the starting point for the consideration of housing mix. Nevertheless, the SHMA is now somewhat dated and furthermore, there may be circumstances where varying the tenure mix may be appropriate. For example, in some locations it may be preferable to seek a particular tenure in order to address imbalances in the local supply and varying the tenure mix may improve the viability of a scheme without necessarily reducing the overall proportion of affordable housing. Consequently, it is necessary for the policy to afford some flexibility but only where demonstrated by evidence which justifies a departure from the requirement. **MM010** addresses this point for the policy and the supporting text to be effective.
101. Paragraph 65 of the NPPF requires that planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership (as part of the overall housing capacity) which is reflected in part 2 of the Policy. However, were the 10% requirement to be applied to the Council's affordable housing requirement of 20% on Strategic Housing Sites, or 25% on Greenfield sites it would not be possible to secure the 74% affordable or social rent tenure mix requirement set out in part 3 of the Policy. Consequently, there is inherent conflict in the policy as written.

102. The evidence before us points to an overwhelming predominance of need in relation to affordable housing for rent. NPPF paragraph 65, moreover, contains a caveat that 10% affordable home ownership provision should not be sought where this would 'significantly prejudice the ability to meet the identified affordable housing needs of specific groups'.
103. Applying the 10% affordable home ownership requirement would significantly prejudice the ability to meet the identified affordable housing needs of residents who can only afford to access affordable or social rented homes due to low incomes. Consequently, in these specific circumstances, we consider that a 10% blanket affordable home ownership requirement would not be justified or appropriate. **MM010** remedies this matter and instead requires homes for affordable home ownership to be provided within the intermediate proportion of affordable housing provision for effectiveness.
104. Policy CS(R)13 makes reference to 'starter homes'; however, the scheme is no longer available and so references at part 2 and part 6 of the Policy and the supporting text are deleted (**MM010**) in the interests of effectiveness and consistency with national policy.
105. In principle, affordable housing should be provided in perpetuity; however, with shared ownership or shared equity homes, the owner has the option to 'staircase' to outright ownership. Consequently, it is necessary to amend part 4 of the Policy to reflect this flexibility and **MM010** address this point to be effective. An additional change has been made to the supporting text (new paragraph after 7.90) of the Policy in response to MMs consultation to ensure consistency between the Policy and the supporting text to be effective (**MM010**).
106. In accordance with paragraph 63 of the NPPF part 5c of the Policy requires that affordable housing is provided on site unless it can be proven that on site provision is unviable. However, to reflect paragraph 63b of the NPPF it is necessary to refer to the objective of creating mixed and balanced communities and **MM010** addresses this point to be consistent with national policy.
107. An additional criterion is also necessary to reflect that custom build housing can be a source of affordable housing in the interests of effectiveness and **MM010** addresses this point.
108. The Government's policy on First Homes came into effect on 28 June 2021, pursuant to the Written Ministerial Statement of 24 May 2021. However, that Ministerial Statement explains how plans submitted for Examination before 28 June 2021 are not required to reflect First Homes policy requirements, as is the case here. In our view, review provisions and statute will provide appropriate opportunity for consideration of First Homes in time.
109. There is concern that the affordable housing mechanism would render developments unviable in an area where viability is already marginal. Indeed, the Council acknowledge that no affordable units have been delivered through the application of the predecessor Core Strategy policy due to viability issues. Nonetheless, the WPVA has assessed the Strategic Sites and a range of site typologies and has proposed a tailored approach to percentage targets.

Indeed, no affordable housing is sought on brownfield sites. Moreover, with the proposed MMs, the policy would provide sufficient flexibility to reduce the affordable housing contribution or vary the tenure mix where supported by robust evidence.

110. Although the mechanism set out in Policy CS(R)13 is unlikely to deliver the identified need for affordable housing in full there is a good track record of delivery by registered providers with around 576 affordable units having been delivered in the first six years of the Plan period, representing around 18% of all completions. Consequently, the affordable housing need is likely to be met through a combination of direct provision and the policy mechanism. With Main Modification **MM010** the policy is justified, effective and consistent with the NPPF.

### **Gypsy, Traveller and Travelling Showpeople (Policy CS(R)14 and RD2)**

111. The Cheshire East, Cheshire West, Halton and Warrington Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018 (GTAA) (ORS) identifies the need for 4 additional pitches to meet the known need; an additional 1 pitch for households that may meet the planning definition; and a need for 12 additional pitches for Gypsy and Traveller households who do not meet the planning definition up to 2032. There is no identified need for plots for Travelling Showpeople as none were identified as living in the area. Overall, having reviewed the evidence we consider that the 2018 GTAA provides a robust assessment of need in Halton.
112. A relatively high proportion of households were not able to be interviewed resulting in 24 unknown households that may meet the planning definition. In order to estimate the future need arising from the unknown households ORS applied a net growth rate of 1.50% to the 24 unknown households to give a future need of 6 additional pitches to 2032. It then goes on to apply the ORS national average (ORS Technical Note on Population and Household Growth [2015]) of 10% which would result in a need for one additional pitch.
113. The application of a 10% standard allowance could result in an underestimate of need. We note that the proportion of households in Halton that meet the planning definition is higher (14%) than the 10% ORS national average; however, due to the small numbers involved this would also result in a need for one additional pitch and still result in a need of 5 pitches overall.
114. Policy CS(R)14 sets out a positive approach to the provision of additional pitches to meet identified need and provides a framework for the consideration of site allocations and planning applications. It requires provision for the 4 additional pitches which meet the definition of planning need and **up to** (our emphasis) 6 additional pitches for Gypsy and Traveller households that may meet the planning definition which would be 100% of the newly arising need from unknown households.
115. At our request the Council provided additional information [EX52] in relation to how the existing and proposed sites set out in Policy RD2 would meet the 5-year supply of sites and the requirement over the Plan period. This information

confirms that even including 100% (6 pitches) of the need arising from unknown households the proposed supply would represent a 143% of the 5-year requirement, equivalent to a 7.1-year supply. Adding the contribution from the 4 vacant units on the Canalside site, the total supply would rise to 13 pitches, significantly ahead of the 5-pitch requirement in the Study and the 10-pitch requirement including the 100% need arising from unknown households. Consequently, we are satisfied that both the 5-year supply and requirement to 2032 would be met by the sites identified in Policy RD2.

116. Transit provision has been made at Runcorn Transit site (GT2) which provides 12 transit pitches. It is a good facility which is well used and has resulted in a significant reduction in roadside encampments. Consequently, it is considered to meet the need for transit provision in Halton.
117. Any need arising beyond 2032 would need to be addressed as part of any local plan review. Furthermore, should any further applications for accommodation come forward in the Plan period they can be determined in accordance with the criteria in Policy CS(R)14. The proposed allocated sites to meet this need are discussed at issue 15 below.
118. **MM011** is required to CS(R)14 to ensure that any proposal conserves and enhances affected heritage assets and maintain the enjoyment of the historic environment to be effective. With **MM011** we consider that Policies CD(R)14 and RD2 provide a justified, effective approach to meeting the needs of Gypsies, Travellers and Travelling Showpeople which is consistent with national policy.

### **Custom Build Housing (Policy RD6)**

119. Policy RD6 seeks to support Custom and Self Build housing in the Borough. The need for such housing is identified in the Council's Self-Build Register. At December 2020 there were 13 entries representing demand for 14 units. Annual registrations in the first three reporting periods since the Register began point to identified need of around 3 units per annum, equating to around 69 dwellings over the Plan period.
120. As a number of sites have already been developed within the Plan period, the Council sought to assess the potential for delivery on the remaining sites over 20 dwellings in size. Applying a 5% requirement the remaining number of sites could deliver around 205 custom and self-built units over the Plan period; however, this would result in a significantly greater number of self-built units than the register indicates.
121. The Self-Build Register is the starting point for the consideration of the need and there is no analysis of how the number of registrations would translate into the requirement. Although reference was made in the hearing sessions to Build Store data which shows demand or interest for 317 units, this has not translated into interest on the register. Neither is the Build Store Data put forward in evidence nor is it explained how this secondary data has influenced the requirement.



122. There appears to be no analysis of the quality of the data on the Register. For example, of the 13 entries on the Register around 20% have also registered an interest in Warrington and around 20% have also registered an interest in Cheshire West and Chester Council so there may be duplication of interest which would reduce the Halton requirement. Furthermore, the Register shows that the majority of those on the Register would prefer a plot with other self-builders, as opposed to a plot on a larger market housing site.
123. Moreover, the Annual Monitoring Report [2020] shows that there was a total of four entries seeking a total of four plots on the register at the end of the annual accounting period 2 (Oct 2017) and there were 5 plots specifically identified as being self-build over this period. Consequently, the requirement for the period October 2017 to October 2020 was met.
124. Taking the above into account, we do not consider that the evidence supports a percentage requirement for custom/self-build housing as a proportion of housing sites.
125. **MM026**, therefore, deletes the existing criteria-based policy and replaces it with a positively worded policy to support proposals for self-build homes in locations consistent with the spatial strategy utilising the Council's self-build register as a source of evidence to determine demand. This MM is required for the policy to be justified and effective.

### **Other residential policies**

126. Policy RD6 sets out the approach to the consideration of dwelling alterations, extensions, conversions and replacement dwellings. It is necessary to clarify that the harmful concentration of residential conversions relates to matters of amenity and highways in part 2i of the policy. **MM024** address this point in the interests of effectiveness.
127. The overarching approach to open space and Green Infrastructure is set out in Policies CS(R)21 and Policy HE4. These policies and the updates to the Open Space Study (June 2021) are discussed at Issue 9 below. Policy RD4 sets out how the Council will approach green space provision for residential development. **MM025** is necessary to include the accessibility standard within Table RD4.1 in order for the Policy to be effective. In addition, it is necessary to clarify that contributions will be sought where there is an identified need to ensure that they are necessary and reasonably related to the development. **MM025** addresses this point to be consistent with national policy.
128. Following consultation on the MMs, a further amendment is required to part 4 of the policy to clarify the circumstances where off-site provision or financial contributions will be agreed and where a viability appraisal would be required. **MM025** addresses this matter in the interests of effectiveness.
129. Furthermore, standards for outdoor sports and playing pitches will not be included in the Playing Pitch Strategy. Hence, following consultation on the MMs, a further change is required to part 5 of the Policy to address this and

clarify that requirements for indoor and outdoor sports provision are contained in Policy HE6. **MM025** addresses this point in the interests of effectiveness.

### **Conclusion on Issue 2b**

130. Subject to the MMs set out above, the plan has been positively prepared and is justified, effective and consistent with national policy in relation to the provision for other housing requirements and residential development.

## **Employment**

### **Issue 3 – Whether the Local Plan has been positively prepared and is justified, effective and consistent with national policy in relation to employment development?**

#### **Employment land requirement**

131. Policy CS(R)4 of the Local Plan sets out the employment land requirement of approximately 180ha (gross) between 2014 and 2037. It is derived from the historic monitoring of employment completions by the Council and the LCR-SHELMA. It considered jobs led and population driven scenarios along with the continuation of past trends in take up of employment land.
132. The LCR-SHELMA employment growth calculations use forecasts from the Oxford Economic forecast model together with information from the LCR LEP and additional data from each local authority about future development projects and proposals in their respective areas. Over the period from 2012-2037, the SHELMA produces a baseline and growth scenario for each of the local authority areas.
133. For Halton, the SHELMA forecasts a growth of 3,500 full time equivalent (FTE) jobs in the baseline scenario and the 11,200 full time equivalent (FTE) jobs in the growth scenario, based largely on additional job growth from the identified transformational sites in Halton. Based on this, the SHELMA recommended an employment requirement of 131ha (net) in the baseline scenario, 142ha (net) in the growth scenario and a requirement of 223ha (gross) based on the past take up rate (HBC Hearing Statement on Employment (Matter 6)).
134. The forecasts are a starting point. It needs to be recognised that development constraints and other economic trends may well have affected these projections. The Council's Local Economy and Employment Topic Paper (SD33) outlines that, based on the historic monitoring of employment completions by the Council, there is a requirement for between 171ha (gross) (based on past take rates from 1996-2020) and 192ha (gross) (based on past take up rates from 1996-2014), including a 20% flexibility buffer and an allowance for large scale B8 development.
135. The Council chose the requirement of 180ha as the mid-point between the past take-up rates based on the historic monitoring of employment completions by the Council. Such a long term trend, which covers peaks and troughs in the

property market, provides a more robust basis than the lower forecasts from the SHELMA. It is a tempered outlook for economic performance providing flexibility and choice that is supported by the high rates of jobs growth of the last few years. Evidence shows that there has been a growth in employment of 12,000 jobs in Halton since 2014 which is broadly similar to the job growth forecast for the entire period 2012-2037 in the SHELMA Growth Scenario (ONS Business Register and Employment Survey – HBC Hearing Statement Matter 4a Appendix 2).

136. In addition, as the residual large scale B8 requirement from the SHELMA was not disaggregated by the Local Planning Authorities in the LCR, the Council made an allowance of 30ha for large scale B8 development based on an assessment of the replacement and reuse of the existing large scale B8 uses in Halton. Based on the assumptions from the SHELMA that the anticipated lifespan for large scale B8 buildings would be on average around 30-35 years before they become obsolete and would be recycled (i.e. replaced, rebuilt or refurbished), the Council's assessment looked at a range of factors, including the age, location, planning status and the recent investment activity.
137. The Council's land use monitoring showed a total of 12 large scale B8 sites in Halton covering around 78ha or 350,000 sqm of floorspace. Of these, 7 sites covering around 39ha were developed before 2002 and therefore would be over 35 years old and become potentially obsolete at the end of the Plan period. The Council's assessment identified that all of the large scale B8 sites were located in existing employment areas (3MG, Ashmoor, Manor Park and Whitehouse) to be retained for employment use in the DALP, had good road accessibility and have recent investment demonstrating market confidence in the locations. One of the sites (LIDL, Manor Park) saw recent investment in 2017, so was discounted, thus leaving around 30ha of large scale B8 to be recycled during the Plan period (SD33).
138. There was criticism about some of the assumptions used by the Council. However, the Council's approach takes into the account the availability of the existing B8 stock to serve the market demands in the short-medium term and, the lack of growth provided to serve both regional and national demand for large scale B8 development. In the absence of the disaggregation of the residual large scale B8 requirement from the SHELMA by the Local Planning Authorities in the LCR, the approach appears to be both reasonable and proportionate in the circumstances.
139. The existing supply of sites identified in the Plan provides a good range and choice of sites that would be available in the short to medium terms to serve the demand for large scale B8 uses, including a 20% flexibility buffer. It is realistic to assume that a certain proportion of the existing large scale B8 uses will be recycled in Halton during the Plan period. Whatever amount this might be, this land will only add to the existing supply of employment land available and provide a more sustainable approach to the delivery of employment land in this area. It can be monitored and if necessary, an early review of the Plan can be undertaken if required.

140. Additionally, forecasting employment land is subject to numerous variables which require a degree of caution. Consequently, even if the overall requirement was increased to 190ha as suggested as an alternative, the submitted shortfall of 10ha at approximately 5.5% of the Borough's overall requirement is unlikely to impede local or sub-regional economic growth in the short term.
141. On this basis we consider that the provision of approximately 180 ha (gross) of employment land would meet the forecast needs and strike the right balance between being aspirational and realistic.

### **Overall supply of Employment Land**

142. The Employment Annual Monitoring Report 2020 (EL102) provides the latest position on the supply of employment land that stands at 186.39ha, as of 31 July 2020, including commitments and allocations identified in Policy ED1. This would be over and above the employment land requirement set out in Policy CS(R)4.
143. The Joint Employment Land and Premises Study 2010 (EL023), Technical Site Assessments 2018 (EL069) and SA (SD07) have examined reasonable options to meet the need for additional employment land. The employment allocations in Policy ED1 will provide a range of sites in terms of type and location. The allocation at the Sci-Tech Daresbury (SEL1) will include provision for office, research and development and light industrial uses. Allocations and committed floorspace includes some specifically for general industrial and storage and distribution uses and a significant amount of land for all types of employment use. Opportunities would also exist for additional employment development to come forward under Policy ED2.
144. The proposed sites are, in general terms, deliverable and have been assessed for potential market attractiveness. Therefore, in quantitative terms the sites make adequate provision, with a reasonable degree of flexibility in supply to accommodate changing circumstances, such as the non-delivery of any of the sites. This can be reviewed on a regular basis through the AMR process to ensure that sufficient land is readily available to meet the demand for employment development during the Plan period.

### **Other Employment Policies**

145. Policy ED2 provides a positive and flexible approach to the development of employment uses in a range of locations whilst setting out appropriate criteria in relation to the potential adverse effects of such development. The Council has carried out a comprehensive assessment of the quality of existing employment sites which concludes that the vast majority perform a valuable role in the provision of employment land and premises.
146. Policies ED2 and ED3 give a suitable level of protection for such sites whilst providing reasonable flexibility to allow for redevelopment for other uses and complementary services and facilities under specific circumstances. However, **MM021** is required to Policy ED2 to ensure the policy is justified, effective and consistent with national policy in terms of assessing the future flexibility for a

range of uses as part of proposals for new economic development and to reflect the new Use Classes Order.

## **Conclusion**

147. Subject to the MM set out above, the Local Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the approach to employment development.

## **Halton's Centres**

### **Issue 4 – Whether the Local Plan has been positively prepared and whether is it justified, effective and consistent with national policy in relation to Halton Centres?**

148. Halton contains three principal centres including Widnes Town Centre, Halton Lea serving Runcorn New Town and Runcorn Old Town. The regional centre of Liverpool is situated 10 miles to the west and Chester City to the south west. Warrington Town Centre, a sub-regional centre lies to the north east.

149. Policy CS(R)5 sets out a hierarchy of centres identifying Widnes and Halton Lea as Town Centres; Runcorn Old Town as a District Centre; and a series of local centres. Part 2 identifies two new centres to serve planned new developments.

150. The Halton Retail Study 2017 (HRS) identified that Widnes and Runcorn captured the majority of convenience goods expenditure arising from within the area, although there was some leakage to Warrington and some to Liverpool. In terms of comparison goods, Widnes captured the largest share of the comparison goods expenditure, followed by Warrington, Liverpool and Internet shopping. Runcorn captured less than half the expenditure of Widnes, due to poor performance in the clothes sector. Widnes also captured the largest share of bulky comparison goods expenditure.

151. The HRS identified the potential need for additional floorspace in Halton. At 2037 the HRS identified the need for around 1,429m<sup>2</sup> of convenience goods floorspace across the three centres; around 7,756m<sup>2</sup> of non-bulky comparison goods in Widnes and Runcorn (Halton Lea and Runcorn Old Town); and 5,112m<sup>2</sup> of bulky comparison goods in Widnes and Runcorn (Halton Lea and Runcorn Old Town).

152. Halton has seen some significant new retail developments in the past including Widnes Shopping Park (Phase 1); Tesco Extra (Widnes) and Bridge Retail Park in Runcorn. However, reflecting the national downward trends, plans for a new retail park development were abandoned and several high-profile stores closed. The site owners of Halton Lea (Shopping City) have also gone into administration. The only significant retail investment has come from food discounters in both Widnes and Runcorn.

153. The Local Plan is making some modest allocations across the Borough in order to meet the identified retail requirement and retain a higher proportion of retail

expenditure in the Borough. Two sites are identified in Policy HC2, TC3 (Widnes Retail Park Phase 2) and TC9 (Albert Square Car Park) which have the capacity to accommodate the majority of the retail requirement for Widnes. Three sites identified in Runcorn/Halton Lea would more than meet the requirement for this sub-area. Some of these sites are allocated for both retail and leisure or mixed retail, leisure and residential uses in order to provide flexibility for alternative uses or mixed-use schemes.

154. The centres listed in Policy CS(R)5 are designated following the Local Centres Review (2015) (EL047). Two new local centres are also proposed at South Widnes and Daresbury to support new developments in these areas. The hierarchical approach to centres is consistent with paragraph 86a of the Framework. **MM006** is necessary for the supporting text of Policy CS(R)5 to properly reflect the new Use Classes Order and to be effective.
155. Some of the proposed allocations would be brought forward by the private sector and some would be part of wider regeneration schemes led by the Council as part of a public/private partnership. Whilst the delivery of the allocations is dependent on a fragile retail sector the Local Plan, nevertheless, takes a positive approach by ensuring that suitable sites are available to meet the requirement and respond to the market.
156. Policy HC1 sets out the Council's approach to retail and other town centre uses in the town, district and local centres. Part 5 deals with proposals for retail uses at edge of centre locations. However, part 5a fails to clarify that proposals would need to demonstrate through the sequential approach that there are no appropriate town centre sites available in the *Primary Shopping Centre*. Furthermore, a new criterion is required to refer to the need for proposals to be situated in a well-connected area and within 300m of the primary shopping area to be consistent with the definition of 'edge of centre' in the glossary of the NPPF.
157. It is also necessary to amend part 6 to clarify that retail uses in out-of-centre locations will only be permitted where it is demonstrated through a sequential test that there are no appropriate sites in the *Primary Shopping Centre or edge of centre sites* available.
158. An additional criterion is required to differentiate the approach to non-retail town centre uses in edge of centre locations from the approach to retail uses to be consistent with national policy. For the same reason, a modification to part 7 to clarify that the threshold for an impact assessment is required for retail proposals outside of the Primary Shopping Area, but leisure proposals outside of the *town centre*. In addition, parts 9 and 11 require amendment to reflect the new Use Classes Order in the interests of effectiveness. Similarly, it is necessary to amend Policy HC3 to ensure that it reflects the new Use Classes Order. **MM031** and **MM032** remedy the above matters and are necessary for Policies HC1 and HC3 and the supporting text to be effective and consistent with national policy.

159. Policy HC4 sets out the Council's approach to considering applications for shop fronts, signage and advertising. **MM033** is necessary to ensure that part d of the policy is effectively worded in terms of conserving and enhancing features which contribute to the significance of heritage assets and their settings to reflect national policy.
160. Policy HC5 sets out the Council's approach to community facilities and services. Part 6 of the policy seeks to protect the Halton Hospital Campus as a key community facility whilst also providing guidance on the range of uses that would be acceptable from opportunities which may arise from the consolidation and reconfiguration of uses within the site. We consider that the range of uses are acceptable for the site. **MM034** is necessary for the policy to properly reflect the new Use Classes Order and to be effective.
161. Policy HC8 sets out the Council's approach to the consideration of applications for food and drink uses. Part 2 of the policy relating to Hot Food Takeaways lacks clarity in terms of the thresholds for the percentage of hot food takeaways that would be allowed as a proportion of the total number of units in each type of centre. **MM035** clarifies the approach in the different types of centre in the interests of effectiveness. **MM035** is also necessary for the policy to properly reflect the new Use Classes Order in order for it to be effective. Consequential amendments are necessary in the supporting text to the policy (paragraphs 11.35 and 11.36) and additional paragraphs are required to provide further clarity on how the policy will be applied. **MM035** addresses this point in the interests of effectiveness.
162. **MM036** is required to ensure that Policy HC9 properly reflects the new Use Classes Order and in order to be effective.

#### **Conclusion on Issue 4**

163. Overall, the subject to the MMs set out above, the Local Plan has been positively prepared and is justified, effective and consistent with national policy in relation to Halton's Centres.

#### **Issue 5 – Whether the approach to the alteration of the Green Belt and development within it is justified, effective and consistent with national policy?**

164. The Council has carried out a comprehensive assessment of the potential capacity to accommodate housing through the SHLAA (HBC, 2017) (EL031). The SHLAA was based on an appropriate methodology which took account of environmental and other constraints and the assessment of potential sites in light of the spatial strategy and other policies. It reaches justified conclusions in terms of housing land availability.
165. Taking into account existing commitments, there is a residual requirement of 2,515 dwellings to meet the housing land requirement. As already discussed, the SHLAA has identified a significant amount of land within the urban area to meet the housing requirement and to minimise the release of Green Belt land; however, most of this land is within Runcorn. Whilst there would be a small

surplus of housing land in the Borough as a whole (25 dwellings), without Green Belt release only 392 dwellings would be provided within Widnes/Halebank.

166. The Core Strategy Inspector considered that Runcorn and Widnes act as largely separate housing markets and as a result there would need to be a review of the Green Belt to meet the housing needs of Widnes. The Inspector supported a 57:43% split in Runcorn and Widnes respectively. As set out at Issue 1 above, we do not consider that it is necessary to set specific housing targets for each settlement. Nevertheless, we agree that Runcorn and Widnes act as largely separate housing markets. Consequently, there is a need to ensure the provision of land in Widnes to maintain its population and to meet local housing need whilst also taking account the availability of non-Green Belt land in the Borough and the availability of employment land. We consider that the proposed distribution of development in the Local Plan achieves an appropriate balance.
167. PSD025 Housing Figures (Rev2b) provides the final update of Table 4 from the Council's Exceptional Circumstances Paper (EL001). It sets out the housing supply situation for the Borough showing the 57:43% split in the Core Strategy. Whilst we do not support the use of specific settlement targets, Table 4 is nevertheless useful to illustrate the need for Green Belt release in Widnes/Hale. Based on the previous 57:43% split there would be a shortfall of around 1,130 dwellings in Widnes relying on sites only within the urban area, equivalent to around 7.5 years. Consequently, the housing need for Widnes/Hale can only realistically be met by allocating strategic sites on land currently within the Green Belt.
168. The Halton Green Belt Review 2017 (EL003) (the Green Belt Study) provided a comprehensive assessment of the contribution of areas of land to the purposes of the Green Belt. The definition of broad areas of land and specific land parcels inevitably involves an element of professional judgment, as do the conclusions regarding the contribution that a particular broad area or land parcel makes to the purposes of the Green Belt. We are satisfied that the assessment was carried out in a consistent, objective and robust manner, following an appropriate methodology.
169. The Council used the findings of the Green Belt Study as a key fact in preparing the Local Plan and identifying site allocations. The Local Plan avoids site allocations on land which makes a significant or essential contribution to Green Belt purposes. A number of the site allocations are situated on land which is identified as making a moderate contribution to Green Belt purposes. On such sites, even with suitable mitigation, despite the potential for on or off-site mitigation, significant built development would undermine one or more purpose.
170. The Council's Exceptional Circumstances Paper (EL001) examines the objectively assessed need for development and development constraints in the Borough. It also looks at other reasonable options including maximising the use of previously developed land and land within the urban area, drawing on the SHLAA. The Council has discussed the potential for other authorities to accommodate some of its housing and employment requirements and none



have stated that they would be able to do so. It concludes that there are exceptional circumstances to release land from the Green Belt.

171. The Council has focused a greater proportion of housing development in Runcorn reflecting the availability of non-Green Belt land whilst also ensuring an adequate supply of housing land to the north of the river Mersey. There is a clear need to meet the housing need in Widnes and Hale and the future need for employment land in the Borough. Furthermore, the Council has identified sites which do not make a significant or essential contribution to any of the Green Belt purposes. The approach taken by the Council is logical, justified and consistent with national policy. Consequently, due to the need to make suitable provision for housing and employment and the lack of sufficient non-Green Belt alternatives, we agree that there are exceptional circumstances to alter the Green Belt in principle.
172. Paragraph 143c of the NPPF states that when defining Green Belt boundaries, plans should where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching beyond the Local Plan period. Policy GB2 identifies several safeguarded sites of around 155.3 hectares in total.
173. It is difficult to identify at this stage the extent of land which would be required for new development in the next Local Plan period. However, the Council consider that the 155.3ha would be equivalent to 6.3 years supply based on standard annual average requirements in the submission draft local plan and densities for employment and housing sites (paragraph 1.59 HBC Green Belt hearing statement). Taking account of the proposed deletions to the safeguarded sites in Daresbury and an amended site size at SG11, as discussed elsewhere in this Report, there would be a total of 148.4ha of land equivalent to 6 years supply of land. Whilst sites are not identified for a particular purpose the Council's Green Belt hearing statement makes it clear that they would be either for employment or housing purposes.
174. Based on the current annual average housing requirement the sites would not provide a full 15-year requirement. Whilst the safeguarded sites at Daresbury are to be deleted, these would have made a relatively small contribution to the supply of safeguarded land reducing the overall supply by only 0.3 years. In addition, the Council's calculations of Local Housing Need indicate that the Local Housing Need calculation is likely to reduce and there would be opportunities within the urban area for development. Given the healthy supply of housing land in the Local Plan period, the uncertainty of the future requirement beyond the Plan period and the great importance which the Government attaches to Green Belts, a cautious approach to the release of safeguarded land is justified.
175. On the evidence before us the identified safeguarded land provides a range of sites to accommodate housing and employment needs in the longer term beyond the Local Plan period. Furthermore, the Council has avoided

safeguarded sites which make a significant or essential contribution to at least one Green Belt purpose. Exceptional circumstances, therefore, exist to release Green Belt land to meet future development needs beyond the Plan period.

176. Land is proposed to be released from the Green Belt to the east of the Chester Road around the small village of Daresbury. The proposed eastern boundary formed by the safeguarded sites would be mainly composed of weak field boundaries and intermittent hedgerows and trees. In contrast, the current Green Belt boundary formed by the A56 Chester Road is very strong.
177. The building frontages and low walls and hedges provide an element of enclosure within the linear core of the village. However, the village has an open feel to the northern edge created by the setting of mature trees by the Church and scattered along its main street and the Vicarage is set in open grounds. In particular, the entire land to the west and south of the village, enclosed by the Chester Road contributes to the open feel of the village. There are also views across open land to the east of the village from gaps in frontages such as the field opposite the school. Rear and side gardens of properties also contribute to the openness of the Green Belt. Consequently, we consider that the rural setting forms an integral part of the character of the village and that the village cannot be considered in isolation. It, therefore, contributes to the openness of the Green Belt and should remain as 'washed over' by the Green Belt.
178. The sites are discussed in more detail below; however, given the strong supply of housing land in Runcorn taken together with site specific factors, we do not consider that exceptional circumstances exist to release land from the Green Belt in this location. The Green Belt boundary should remain as the A56 Chester Road. **MM022** and **MM055** address the site deletions in order for the Plan to be justified and consistent with national policy.
179. The village of Moore is currently within the Green Belt; however, Moore is a larger village with significant and relatively dense built development and so does not contribute to the openness of the Green Belt. Furthermore, the linear urban park to the north is more closely associated with the urban area of Runcorn. Consequently, the retention of Moore within the Green Belt would be contrary to paragraph 144 of the NPPF. A more logical and defensible boundary would be to the east of the village.
180. Land is to be released at Preston-on-the Hill to meet strategic housing need in the Local Plan period and beyond. The land is situated in one of the wider gaps between settlements and it is clear from Map 12a of the Green Belt Study that these sites perform less well in terms of the contribution the sites make to Green Belt purposes.
181. Land is to be released from the Green Belt to the north of Widnes and at Halebank. Whilst land at north east Widnes is one of the narrow gaps between settlements, the Council has selected sites which make only a partial or moderate contribution to Green Belt purposes and development is required to meet housing needs north of the River Mersey.

182. Policy CS(R)6 is a strategic policy which seeks to protect the Green Belt from inappropriate development. **MM007** is necessary to reflect paragraph 142 of the Framework which requires strategic policy makers to set out ways in which the impact of removing land from the Green Belt can be off set from compensatory improvements to the environmental quality and accessibility of remaining land.
183. Following consultation on the Main Modifications, an additional paragraph is required to the supporting text to Policy CS(R)6 to clarify the types of compensatory improvements which could be required to be consistent with the PPG. **MM007a** addresses this point to be consistent with national policy.
184. Policy GB1 sets out the approach to the consideration of development proposals in the Green Belt. It is necessary to amend part 1b to refer to burial ground and allotments to be consistent with the NPPF and **MM054** addresses this point.
185. Amendments are necessary to Policy GB2 to clarify that safeguarded land is not allocated for development at the present time to be consistent with paragraph 143 of the NPPF. Amendments are also necessary to clarify the position in terms of extensions to existing development and that development should not prejudice the future comprehensive development of safeguarded land. **MM055** addresses these points in the interests of effectiveness.
186. Following consultation on the MMs, a further change is required to paragraph 14.9 as it states that safeguarded land would be protected from development as if it were Green Belt implying that Green Belt policies would apply. **MM055a** remedies this point and clarifies that such land is safeguarded for potential future development should a future Local Plan Review deem it necessary for the policy to be effective and consistent with national policy.

### **Conclusion on Issue 5**

187. Overall, subject to the MMs set out above, the approach to the alteration of the Green Belt and development within it is justified, effective and consistent with national policy.

## **Transport and Communications**

### **Issue 6 – Whether the Local Plan is justified, effective and consistent with national policy in relation to Transport and Communications?**

#### **Sustainable Transport and Transport Networks**

188. Policy CS(R)15 outlines the Council's strategic approach to transport whilst Policy C1 sets out the framework for promoting sustainable transport options and dealing with the potential impacts of development on the transport networks. Transport assessment work has been prepared in order to assess the potential impact of Local Plan proposals on the local and strategic road network

including the Halton Local Plan Transport Modelling work (EL091) and motorway junction studies (M62 Junction 7, M56 Junction 11 and M56 Junction 12) that have been agreed with National Highways. The Infrastructure Delivery Plan 2020 (EL103) identifies strategic transport priorities and the specific infrastructure requirements for the strategic sites. Some site-specific infrastructure requirements will be identified through a transport assessment at the point of a planning application.

189. It would not be justified to assess development proposals in Policy CS(R)15 against the transport strategies and priorities in the Local Transport Plan (LTP) and the Transport Plan for Growth (TPG), which are not examined development plan documents. **MM012** would address this by removing the policy requirement for compliance with the LTP and TPG and adding additional explanatory text to Policy CS(R)15 recognising the role and objectives of the LTP and TPG which proposals should have regard to, as material considerations.
190. **MM027** is required to ensure that the approach to sustainable transport and accessibility under Parts 1 and 2 of Policy C1 is consistent with national policy and effective. As the new motorway junction scheme at Junction 11A of the M56 has been removed from National Highways Road Investment Strategy and is no longer due to go ahead in the Plan period, Policy C1 needs to be amended to reflect this change. Policy C1 needs to more clearly identify the transport hubs and potential transport hubs shown on the Policies Map and refer to air freight infrastructure, as well as water or rail freight infrastructure under Part 12 of Policy C1. **MM027** deals with these concerns and is necessary for the policy to be effective.

## Parking

191. Policy C2 sets out the Council's approach to car parking, cycle parking and motorcycle parking standards for new development. **MM028** is required to ensure that the supporting text to Policy C2 is effective in being clear that the cycle parking and motorcycle parking standards will be sought in line with the standards set out in Appendix E. **MM056** is necessary for Appendix E to be effective and consistent with national policy by ensuring that the parking standards reflect the new Use Classes Order.

## Telecommunication infrastructure

192. Policy C3 provides an appropriate policy framework for dealing with the promotion and delivery of telecommunication infrastructure in accordance with the NPPF. **MM029** is required to ensure that the approach to telecommunication infrastructure within the Green Belt under Part 2 of the Policy is consistent with national policy.

## Conclusion

193. Subject to the MMs set out above, the Local Plan is justified, effective and consistent with national policy in relation to transport and communication.

## **Liverpool John Lennon Airport**

### **Issue 7 – Whether the Local Plan is positively prepared, justified, effective and consistent with national policy in relation to Liverpool John Lennon Airport?**

#### **The Importance and Purpose of the Green Belt**

194. The bulk of Liverpool John Lennon Airport (LJLA) is in Liverpool rather than Halton but a proposed runway extension and an associated road extend into the Borough on land within the Green Belt. This extension, which is referred to in the Halton Core Strategy, would require a minor change to Green Belt boundaries and the possibility of this is anticipated in Policy CS17 of the Core Strategy, with an Area of Search for the runway extension in the Green Belt.
195. The part of the site currently Green Belt comprises a primarily undeveloped area of land that is partially enclosed by the airport's boundary perimeter fence and contains a mix of scrub and rough grassland. The site is bounded by the buildings and facilities associated with LJLA to the west, housing to the north and east and the River Mersey to the south. A number of runway localiser structures further reduce any intrinsic landscape value. The openness and tranquillity of the area is significantly affected by the proximity of the airport including prominent buildings and aircraft activity. The principal contributor to openness at this location is the expansive Mersey estuary. Overall, we find the modest area of land makes only a limited contribution to a sense of openness at this location.
196. The Green Belt Review concludes that the northern parcel of land proposed for inclusion within LJLA performs moderately against the purposes of Green Belt. Some parcels of land (GB079, GB221 & GB229) mainly to the south of Bailey's Lane are identified as making a relatively strong contribution to the purpose of safeguarding the countryside from encroachment.
197. In terms of safeguarding the countryside from encroachment, a relatively modest area of countryside would be developed with attendant harm in terms of physical loss of countryside. However, it does not form part of the wider fabric of cohesive countryside extending out from Liverpool. The proposal in the Plan to protect a strip of land adjacent to the Mersey would retain an element of the countryside at this location. Overall, we consider that there would be moderate harm in relation to this purpose of Green Belt.
198. In terms of the other purposes of the Green Belt, due to the small scale and contained nature of the site, it has very limited functionality in checking urban sprawl of large built-up areas and does not serve to prevent neighbouring towns merging into one another. Bailey's Lane, Hale Road and the Mersey estuary form a readily recognisable and permanent physical boundary to the east, north and south of the site, respectively.

## The Need for the Proposed Runway Development

199. In terms of need for the proposed runway development, the airport masterplan predicts a growth in passenger numbers over the period to 2050, reflecting recent trends. The forecast growth would require an operational expansion, including additional runway length (314 metres to create a 2,600 metre runway) and additional starter strips at each end of the runway for safety.
200. In terms of passenger growth, the airport operators have considered the Department for Transport's forecasts, and adjusted for local circumstances, and anticipate potential growth up to 7.8 million passengers per annum (ppa) rising to 11 million ppa by 2050. In the most recent pre-pandemic data, the airport was handling around 5 million ppa making it one of the busiest regional airports in the country. It represents a continuation of an identifiable recent trajectory of growth together with reasonable allowances to accommodate passengers within the airport's catchment that are flying from other airports due to route availability.
201. The impacts of the Covid 19 pandemic have inevitably caused some uncertainty. Initial indications, following the lifting of restrictions seems to point towards a strong demand for tourism and holiday flights, which is the core business at LJLA. However, it was recognised at the Hearing that it may take a couple of years to return to pre-pandemic passenger numbers and for projected growth to occur from that point forward, but would be well within the Plan period to 2037.
202. Overall, in our judgement, it is too early to conclude what the longer-term impacts of the pandemic will be on aviation. Prior to the pandemic there was clear evidence, including the robust York Aviation forecasts, to justify the LJLA masterplan and the approach in Policy CS(R)17. It is therefore difficult to justify leaving the airport, and key investments relating to the airport that are of sub-regional importance to the LCR, pending a Local Plan review.
203. In terms of the evidence to support the proposed runway extension, the York Aviation forecasts include the provision of long haul passenger services. There is some dispute about the realism of a sustainable business model for long haul, including value transatlantic flights and whether such services, depending on the model of aircraft used, would require the extended runway. Clearly additional runway capacity would allow for new passenger services within the wider parameters of clawing back leakage from other airports and maintaining a reasonable competitiveness and future choice at LJLA.
204. The potential of LJLA handling a greater share of the air freight market whether that be freight on longer haul flights, ad-hoc freight services or integrated cargo and logistics can be readily foreseen. Other comparable regional airports (e.g. Newcastle, Doncaster-Sheffield) are in a similar position, where runway size can accommodate the larger aircraft generally used for freight services. The opening of the LCR Superport will increase the potential for further growth in freight traffic at LJLA. Overall, based on the submissions and evidence provided (EL041, pages 30-32; CD041f, including paras 4.1-4.17], we conclude that there is justified need for a runway extension at the airport.

205. LJLA is of unique and strategic importance to the growth and regeneration of the LCR and based on the implementation of the LJLA masterplan is forecast to have significant social and economic benefits through creating an estimated 8,770 full-time equivalent jobs and £605 million (gross value added) by 2030 across the LCR (EL041f, para.6.1). The airport, which is in an area of severe deprivation, is a major employer and its expansion would enable other businesses in the area to flourish.
206. Furthermore, given the significant constraints and limited area of land available adjacent to LJLA, the Green Belt to the east of LJLA represents the only option available capable of accommodating the runway extension in this location. Overall, we are satisfied there are no reasonable alternative options to meet the requirement for the runway extension at the airport.

### **Biodiversity and Air Quality**

207. The site adjoins the Mersey Estuary SPA and Ramsar site and contains qualifying features (bird species) of biodiversity value. None of these environmental attributes indicates the site should not be developed subject to detailed project-specific HRA, bird surveys and mitigation. **MM013** in Policy CS(R)17 would clarify the need to protect the adjoining European Protected site and consult with the appropriate statutory bodies and we recommend it so that the Plan is justified and effective.
208. Whilst anticipated increase in air and ground traffic may impact on air quality, the Council's monitoring of nitrogen oxide and particulars (PM10), confirms air quality remains within existing UK objectives near LJLA (EL041f). However, in line with the SoCG with Natural England (PSD03d), the further assessment of the airport expansion at project level would ensure no adverse effect of atmospheric pollution on integrity of European protected sites, especially the Sefton Coast SAC. **MM013** in Policy CS(R)17 deals with this concern and we recommend it so that the Plan is justified and effective.

### **Climate Change**

209. Halton, like many areas, has made a climate emergency declaration such that is suggested by some that it would be detrimental for the Plan to support the runway extension and promote airport related growth. However, in terms of the Greenhouse Gas Emissions, aviation emissions are not counted as part of individual authority figures on carbon footprint and whilst the Government's Carbon Budget Order 2021 reflects a need to accelerate the reduction in carbon emissions by 2035, including the UK's contribution to international aviation, there remains little practical detail on how this is to be done.
210. In terms of what is in the remit of this Plan on carbon emissions in relation to the LJLA. The LJLA Hearing Statement and the airport masterplan (EL041) describes sustainability measures to minimise the impact on climate change. The LJLA Environmental Management Strategy indicates that the airport has implemented a range of energy saving measures and has plans to deploy photovoltaic cells on buildings and land and increased use of renewable energy. The LJLA Airport Surface Access Strategy (ASAS) (EL041e) aims to increase

the proportions of journeys by passengers and employees to the airport taken by walking, cycling and public transport. The LJLA strategy aims to deal with leakage of passenger and freight from the airport's catchment area to other airports and improve accessibility.

211. Whilst there is some scepticism about the effectiveness of this approach, the evidence presented by LJLA shows that the airport is taking steps to secure the development and the use of land that will contribute towards the mitigation of and adaptation to climate change and Policy CS(R)17 will provide an appropriate policy framework to deal with these matters. The enhancement of the attractiveness of the airport to its catchment population, combined with recent improvements at the A562 Mersey Gateway crossing, Liverpool Parkway station and the proposed Eastern Access Transport Corridor is likely to attract additional airline operators and passengers not currently flying from LJLA, thus reducing a wider need to travel.

### **Eastern Access Transport Corridor**

212. The Eastern Access Transport Corridor (EATC), whilst not directly linked to the proposed expansion of the airport, forms part of the Halton Local Transport Plan 3 (EL043) and the Liverpool City Regional Combined Authorities (CA) LCR Transport Plan 2019 (EL042) that seek to improve transport connections in this part of Halton and South Liverpool and to further support its regeneration. The recently commissioned feasibility work by the CA will allow the EATC to progress to a full business case and enable the scheme to access future national or local infrastructure funding. The inclusion of the EATC in the Plan, including its indicative line on the Policies Map, is therefore both positively prepared and justified.

### **Conclusions - Whether Exceptional Circumstances exist**

213. Overall, the site is well placed to contribute to a sustainable pattern of development and the proposed runway extension at the airport would have significant social and economic benefits that would make a significant contribution to the growth and regeneration of the LCR. Compensatory improvements can be made through improvements to the environmental quality of the area and accessibility to the open space alongside the Mersey Estuary and the Green Belt to the east of the site. These are balanced against the general absence of any specific and significant environmental harm, the moderate harm of safeguarding the countryside from encroachment and limited harm in relation to the other purposes of the Green Belt.
214. Consequently, within the context of the overall strategic considerations and the lack of reasonable alternatives, taking all of the site-specific factors into account, there are the exceptional circumstances to justify altering the Green Belt boundary in this location.
215. Policy CS(R)17 and C4 would provide an appropriate robust and comprehensive framework and the mitigation measures for dealing with the potential social and environmental impacts of the proposed expansion of LJLA, including biodiversity, air quality and climate change. Policy C4 will provide an



appropriate framework for supporting the operational needs of the airport, including amendments to the Public Safety Zone associated with the expansion of the airport and runway extension.

216. **MM013** is necessary for Policy CS(R)17 to be justified, effective and consistent with national policy, in line with the SoCG with Historic England (PSD03a), in order to ensure that the policy provides an appropriate framework for the protection of the historic environment. It would not be justified to require proposals at the airport in Policy C4 to be in accordance with the ASAS, which is not an examined development plan document. **MM030** would address this by removing the policy requirement for compliance with the ASAS and adding additional supporting text to Policy C4 recognising the objectives of the ASAS and is necessary to ensure that Policy C4 is justified and effective.

## Conclusion

217. Subject to the MMs set out above, the Local Plan is positively prepared, justified, effective and consistent with national policy in relation to Liverpool John Lennon Airport.

## Minerals

### Issue 8 – Whether the Local Plan is justified, effective and consistent with national policy in relation to Minerals?

218. As Halton Borough Council, is a Minerals Planning Authority, the Plan deals with the matter of Minerals (Policy CS(R)25, HE10 and HE11). However, it is not a strategic issue in the Borough which contains only a limited number of small potential mineral sites, some of which are potentially sterilised by existing development. In these circumstances it is appropriate for Mineral Safeguarding Areas and Minerals Areas of Search to be identified.
219. **MM019** is required to ensure that Policy CS(R)25 is effective in terms of assessing the unacceptable adverse impacts on the integrity of geological structures under the Oil and Gas exploration stage of the Policy and more clearly defining in the supporting text the least sensitive locations in which onshore Oil and Gas exploration will be considered. **MM019** is also required to ensure that Policy CS(R)25 is effective by distinguishing between the Mineral Safeguarding Areas and Minerals Areas of Search and more clearly identifying that the criteria in Policy HE11 apply to both exploration and potential extraction of minerals and other subterranean resources.
220. **MM048** is necessary for Policy HE10 to be justified and effective to ensure that the Mineral Safeguarding Areas and Minerals Areas of Search are clearly identified. An additional change has been made in response to MMs consultation to ensure consistent with national policy relating to the approach to safeguarding mineral resources. **MM049** is necessary for Policy HE11 to be effective in order to provide flexibility in its approach, where appropriate, to the restoration of minerals workings and any enhancements required.

## Conclusion

221. Subject to the MMs set out above, the Local Plan is justified, effective and consistent with national policy in relation to Minerals.

## Natural and Historic Environment

### Issue 9 – Whether the Local Plan is justified, effective and consistent with national policy in relation to Natural and Historic Environment?

#### Natural and Historic Environment

222. Policy CS(R)20 outlines the Council's strategic approach to the natural and historic environment. **MM016** is necessary for Policy CS(R)20 to be justified, effective and consistent with national policy, in line with the SoCG with Historic England (PSD03a), in order to ensure that the policy provides an appropriate framework for assessing the potential impacts of development on the historic environment and local landscape.
223. Policies CS(R)20 and HE1 aim to protect, maintain and enhance international, nationally, regionally and locally important sites and features of the natural environment, ensuring mitigation where appropriate. The HRA of the Local Plan reviewed the approach to the mitigation of development on International Nature Conservation sites which include the Mersey Estuary SPA and Ramsar site, Dee Estuary Special Area of Conservation, Dee Estuary SPA and Ramsar site, Liverpool Bay SPA and Mersey Narrows and North Wirral Foreshore SPA and Ramsar site. **MM016** is necessary for Policy CS(R)20 to be justified, effective and consistent with national policy, in line with the advice from National England, including the SoCG (PSD03d) and their response to the MMs consultation, in order to ensure that the policy provides an appropriate framework for assessing the potential impacts of development on the natural environment and the Internationally protected European sites.
224. The HRA of the Local Plan identified that without appropriate mitigation, planned development (either alone or in combination with development elsewhere) would be likely to have a range of significant effects on a number of protected European sites, or that significant effects could not be ruled out. These include potential effects on the coastal and estuarine plants and species due to the effects of recreational disturbance on the accessible European protected sites on or near the Mersey Estuary and the coastline in the LCR arising from an increased population, and traffic emissions along the M62 adjacent to part of the Manchester Mosses SPA.
225. The HRA identified that appropriate mitigation measures would need to be in place to ensure that the proposed development can take place without a harmful impact on the integrity of the protected European sites.
226. However, Policies CS(R)20, HE1 and their supporting text need to clearly set out the appropriate mitigation measures to address the recreational disturbance on the accessible European protected sites on or near the Mersey Estuary and

the coastline in the LCR. **MM016** and **MM037** address these concerns. This will be supplemented by detailed guidance set out in the Halton Interim Recreational Mitigation Strategy (IRMS) (PSD04) and the LCR Recreational Mitigation Strategy (RMS) to be completed in the early part of the Plan period. An additional change has been made to Policy HE1 in response to MMs consultation to ensure the approach would be in line with any subsequent RMS updates for effectiveness.

227. For residential development within 5km of protected accessible coasts providing a net increase of 10 or more dwellings and certain major tourism development, financial contributions would be required towards the provision of avoidance and mitigation measures including projects for the provision of Suitable Alternative Natural Greenspace and recreational routes, access and visitor management and monitoring.
228. The HRA concludes that reliance can be placed on the mitigation provided by Policies CS(R)20 and HE1, the IRMS and the LCR RMS to adequately mitigate potential recreation pressure from development proposed by this Local Plan and that adverse effects on integrity due to recreation pressure can be ruled out on the European protected sites both alone and in combination. Natural England confirms that the proposed approach would avoid or mitigate potentially significant recreational impacts on the protected European sites arising from future development (SoCG (PSD03d)). We give particular weight to this favourable conclusion by Natural England given its statutory role and its experience of the implementation of similar mitigation strategies elsewhere.
229. On this basis, subject to the MMs, we consider that the approach in Policies CS(R)20 and HE1 would provide effective mitigation for the potential recreational impacts of residential development. **MM003** is also required for Policy CS(R)1 and its supporting text to be justified, effective and consistent with national policy to ensure direct and combination potential adverse effects resulting from increased recreational pressure on accessible European protected sites as a result of major housing and tourism development across the area is addressed in combination with Policies CS(R)20 and HE1.
230. Policy HE1 needs to give appropriate consideration and more clearly set out the approach to the Core Biodiversity Area and Nature Improvement Area identified in the LCR Ecological Framework and the Policies Map, which is amended to make a clearer distinction between the different environmental designations covered by the policies in the Plan. **MM037** addresses these concerns in the supporting text to the Policy and incorporates further changes in response to the MMs consultation under Part 8 of Policy HE1, as well as ensuring that the approach to significant development and proposals on the best and most versatile agricultural land under Part 10 of Policy HE1 is effective and consistent with national policy.
231. Policy HE2 seeks to conserve and where appropriate, enhance the historic environment. **MM038** is necessary for Policy HE2 and its supporting text to be justified, effective and consistency with national policy, in line with the SoCG with Historic England (PSD03a), in order to ensure that the policy provides an

appropriate framework for dealing with the potential impacts of development on the historic environment.

### **Waterways, Trees and Landscaping**

232. Policy HE3 provides a justified and effective basis to protect and enhance the waterways and waterfronts in the Borough including its wildlife and cultural heritage. **MM039** is necessary for Policy HE3 and its supporting text to be justified, effective and consistency with national policy, in line with the SoCG with Environment Agency (PSD03b), in order to ensure that the policy provides an appropriate framework for dealing with the potential impacts of development on the waterside and to more clearly set out the approach to Coastal Change Management Areas identified in the Local Plan.

233. Policy HE5 seeks to ensure that development conserves and enhances the woodlands, trees, hedgerows and landscape in the Borough. **MM043** is required to ensure that the presumption in favour of the retention and enhancement of existing woodlands, trees and hedgerows and the approach to landscaping as part of development proposals as well as adjacent to highway and service infrastructure is justified and effective.

### **Open Space and Green Infrastructure**

234. Policy HE4 seeks to retain, maintain and enhance the identified green infrastructure and greenspace within the Borough. The policy complements Policy CS(R)21 that outlines the Council's strategic approach for the enhancement and ongoing management of the green infrastructure network.

235. In term of evidence to support the Council's approach to identified green infrastructure and greenspace in the Borough. The submitted Halton Open Space Study June 2021 (PSD022a) only covers a quantitative update on open space and a review of the open space standards. The previous comprehensive Open Space Study 2005 (EL111) is dated. However, there has only been a relatively small increase in the population of the Borough since the preparation of the original assessment and whilst there have been some changes in the open space typologies in some areas, the latest study highlights the continued overall surplus of green infrastructure and greenspace across the Borough. Moreover, a number of proposed allocations provide key opportunities to secure meaningful greenspace in accordance with Policies RD4, HE4 and HE6.

236. The Policies Map identifies the green infrastructure and greenspace to which Policies CS(R)21, HE4 and HE6 apply. The green infrastructure and greenspace appropriately respond to the evidence in, amongst other sources, the LCR Ecological Framework provided by the Merseyside Environmental Advisory Service, Halton Landscape Character Assessment 2009 (EL054) and the Halton Open Space Study 2021 (PSD022a-c). Additional work has been undertaken by the Council during the course of the Examination, including a comprehensive Open Space assessment (PSD024), to support and more clearly define the different categories of green infrastructure and greenspace identified on the Policies Map.

237. In these circumstances, we consider that a full quantitative and qualitative update of the open space study is not required and that this approach is consistent with national policy which requires the evidence base of Local Plans to be proportionate. The submitted Open Space Study 2021 also provides adequate justification for green infrastructure and greenspace standards used in the Plan.
238. In our view the approach to the green infrastructure network is in line with the PPG which states that Local Plans should be tailored to the needs of each area. Although some criticisms have been raised regarding some areas identified as green infrastructure and greenspace through this process, in our view, the Council's approach appears to be both reasonable and proportionate in the circumstances and, in every case that has been drawn to our attention, the designation is justified.
239. Given the significant scale of development proposed in the Borough, Policy HE4 is vital in securing an appropriate dividend of amenity greenspace, parks, natural and semi-natural green space, green corridors and other greenspace, such as allotments, to support biodiversity, promote health and well-being, climate change and flood management. However, as submitted Policy HE4 is ambiguous and includes duplication which affects the policy effectiveness. **MM042** is required to set out an effective approach to green infrastructure and greenspace and more clearly define in the Policy and its supporting text, the type of green infrastructure and greenspace that would be covered by Policy HE4 in contrast to Policy HE6. Additional changes have been made in response to MMs consultation to address the effectiveness of the Policy. The Policies Map has also been amended to make a clearer distinction between the different green infrastructure and greenspace designations covered by the Policies in the Local Plan.
240. Policy HE6 seeks to retain, maintain and enhance the recreation and sports facilities as part of the local green infrastructure network within the Borough. However, as submitted Policy HE6 is ambiguous and includes duplication with Policy HE4 which affects the policy effectiveness. **MM044** is required to set out an effective approach to recreation and sports facilities, including indoor and outdoor sport provision, taking into account the particular demands and identified needs for sports and playing pitch facilities in the latest Halton Playing Pitch Strategy 2020 (PSD08a). The amended wording to Policy HE6 and its supporting text deals specifically with this issue, in line with advice from Sports England and we recommend this for effectiveness and consistency with national policy. **MM017** is also required to remove the outdoor sports facilities and formal playing fields standards in Table 10 under Policy CS(R)21 in order to be effective and consistency with national policy.
241. In addition, in order to seek contributions from developers towards the improvement of existing or the provision of new open space, recreation and sports facilities in the local green infrastructure network, there needs to be up-to-date evidence of either a quantitative or qualitative deficiency of open space, recreation and sports facilities in order to be consistent with paragraph 98 of the NPPF. Consequently, it is necessary to clarify that contributions will be sought where there is an identified need in order to ensure that they are necessary and

reasonably related to the development. Furthermore, amended wording to Policies HE4 and HE6 is necessary to reflect the exceptions test in paragraph 99 of the NPPF. **MM043** and **MM044** addresses these points and are necessary to ensure Policies HE4 and HE6 are justified, effective and consistent with national policy, with further refinements made to Policy HE6 in response to the MMs consultation to more clearly reflect the exceptions test in the NPPF.

### **Pollution, Water Management and Flood Risk**

242. Policies HE7 and HE8 seek to ensure that development does not result in pollution or nuisance which would prejudice the health and safety of communities and their environments and address land contamination issues. **MM045** and **MM046** are necessary for Policies HE7, HE8 and their supporting text to be justified, effective and consistent with national policy in terms assessing the impact on designated nature conservation sites, ensuring appropriate mitigation measures are in place in line with the Local Plan HRA and the SoCG with Natural England (PSD03d) and, more clearly setting out the approach to contaminated land affecting controlled water resources.
243. Policy HE9 seeks to avoid development in areas at risk of flooding and ensure effective sustainable drainage and water management measures are in place. **MM047** is necessary for Policy HE9 and its supporting text to be justified, effective and consistency with national policy, in terms of assessing the impact of development proposals on flood risk and water resources, in line with the SoCG with the Environment Agency (PSD03b), as well as ensuring sustainable drainage and infrastructure is delivered in a holistic and co-ordinated manner.
244. It would not be justified to assess development proposals in Policy HE9 against the thresholds and drainage discharge run-off rates in the Department for Environment, Food and Rural Affairs (DEFRA) non-technical standards for sustainable drainage systems, which is not an examined development plan document. **MM047** would address this by removing the policy requirement for compliance with the DEFRA non-technical standards and adding additional explanatory text to Policy HE9 recognising the role and objectives of the DEFRA non-technical standards which proposals should have regard to, as a material consideration.

### **Conclusion**

245. Subject to the MMs set out above, the Local Plan is justified, effective and consistent with national policy in relation to the Natural and Historic Environment.

## Design and Sustainable Development

### Issue 10 – Whether the Local Plan is justified, effective and consistent with national policy in relation to Design and Sustainable Development?

246. Policy CS(R)18 outlines the Council's strategic approach to high quality design whilst Policies GR1 and GR2 set out the framework for dealing with the potential impacts of development on the design and amenity. **MM014** and **MM050** are necessary for Policies CS(R)18, GR1 and their supporting text to be justified and effective in terms of ensuring development proposals are sufficiently flexible and adaptable to respond to the environmental needs of the Borough and are consistent with national policy.
247. Policy GR2 deals with amenity. **MM051** is necessary for Policy GR2 to be justified, effective and consistent with national policy in terms of assessing the potential impacts of development proposals on amenity.
248. Policy GR3 deals with boundary treatment. **MM052** is necessary for Policy GR3 and its supporting text to be justified and consistency with national policy in terms of the approach to proposals for boundary fences and walls.
249. Policy CS(R)19 outlines the Council's strategic approach for sustainable development and resilience to climate change whilst Policies GR1 and GR5 sets out the framework for dealing with these matters as part of major development and assessing the potential impacts of renewable energy and low carbon energy proposals.
250. **MM015** and **MM050** are necessary for Policies CS(R)19 and Part 4 of GR1 to be justified, effective and consistent with national policy, in terms of the approach to encouraging sustainable design and construction methods in major development proposals, taking into account site specific viability, and the advice in the National Design Guide and National Model Design Code on achieving resource efficiency and resilience to climate change.
251. Paragraph 7.119 of the Local Plan requires higher energy efficiency standards that are over and above those set out in National Building Regulations. However, there are no local circumstances in Halton to warrant this. **MM015** is necessary for paragraph 7.119 to be justified and effective by making it clear that these standards will be encouraged rather than required in line with Policy CS(R)19.
252. **MM053** is necessary for Policy GR5 to be justified, effective and consistent with national policy in order to ensure that the policy provides an appropriate framework for assessing the potential individual and cumulative impacts of major renewable energy and low carbon energy proposals against the wider benefits of delivering renewable and low carbon energy.

## Conclusion

253. Subject to the MMs set out above, the Local Plan is justified, effective and consistent with national policy in relation to Design and Sustainable Development.

## Housing allocations

### Issue 11 – Whether the proposed housing allocations are justified, effective and consistent with national policy?

#### Strategic sites

##### SRL1 Delph Lane West, Daresbury, Runcorn

254. The site is situated to the north-east of Runcorn and to the west of Sci-Tech, Daresbury and it was previously identified as a strategic site in the Core Strategy. It is around 19 hectares and is identified for approximately 295 dwellings reflecting the full planning permission for the site.

255. The site is within the single ownership of a volume housebuilder (other than private residential properties on Delph Lane). It is at an advanced stage of planning and all site constraints have been identified and addressed through technical work.

256. In terms of securing a sustainable pattern of development, the Section 106 obligation for the site (and part of SRL2) covers potential highway improvements including the dualling of the A558 (in part), public transport improvements, public open space, including the creation of a Linear Park and greenways.

257. Following discussion at the Hearing session and subsequent to the MMs consultation, the site capacity of SRL1 is amended to 300 dwellings and **MM022** addresses this point in the interests of effectiveness. The developer confirms that the site is viable and that the first dwellings would be completed on site in 2022 at a rate of around 50 dwellings per annum. Overall, the site is well placed to contribute to a sustainable pattern of development and contribute to housing land supply and is available and deliverable/developable.

##### SRL2 Central Housing Area, Daresbury, Runcorn

258. SRL2 comprises three main parcels of land equating to around 57 ha of land in total with a notional capacity of around 1000 dwellings. Part of the site - R32 Central Housing Area, between the canal and the railway, was previously identified as a strategic site in the Core Strategy (2013) and is identified for around 255 dwellings.

259. Half of R32 is included in an outline planning application and associated s106 obligation which also covers SRL1 for 550 dwellings, 15,000m<sup>2</sup> offices, research and development and a local centre. The remainder of SRL2 which lies outside



of the outline is referred to as the 'future development phase'. It is around 13ha and has the potential to deliver an additional 250-300 dwellings. However, the notional capacity of R32 in Policy RD1 only reflects the part of the site which has planning permission. Following consultation on the MMs, the capacity of R32 requires amendment to 500 dwellings which is addressed by **MM022** in the interests of effectiveness.

260. The part of R32 subject to the outline planning permission is at an advanced stage of planning. All site constraints have been identified and addressed and the 106 obligation covers infrastructure and mitigation requirements. Furthermore, there are no constraints which would preclude the 'future development area' coming forward. A connection over the Bridgewater Canal may be required subject to capacity studies. If it is required, the site promoter confirms that the future development would be viable even taking this into account.
261. R40 and R41 were identified as a residential allocation in the Core Strategy. The notional capacity of 339 dwellings for the sites does not directly align with the extant hybrid planning permission, which includes a maximum of 300 dwellings. Various amendments to the hybrid permission are pending determination, reflecting engineering challenges and drainage issues which would result in a total of around 259 dwellings. **MM022** addresses this point in the interests of effectiveness, following consultation on the MMs.
262. Sites R32, R40 and R41 are within the ownership of a developer and a financial viability assessment confirms that they are viable. Development of the part of R32 with planning permission is likely to follow completion of SRL1 with a build-out rate of around 50 dpa. The future development phase of R32 is likely to come forward at a later date, following on from SRL1; R40, R41 and the earlier phase of R32.
263. Parcel R84 is situated between The Office Village, Daresbury Park and the Bridgewater Canal and is identified with a notional capacity of around 417 dwellings. It was previously an employment allocation as part of Daresbury Park. However, the delivery of the park has slowed down in recent years and the site is now proposed for housing development.
264. There is a recent outline application for residential development on the eastern part of the site for 350 dwellings. In terms of securing a sustainable form of development, discussions are advanced on this part of the site and so matters of landscaping, access, open space provision including the provision of a greenspace to buffer the adjacent employment area; crossing of the railway line to SRL3 and public transport into the site are substantially resolved.
265. The landowner is keen to sell the land to a developer and on this basis, it is likely that development would commence towards the end of 2022 with a lower output in the first year and around 50dpa thereafter. Overall, strategic allocation SRL2 is in a suitable location for development, maximising the use of land within the urban area. Furthermore, it is available and deliverable/developable.

### **SRL3 Wharford Farm, Runcorn**

266. Wharford Farm, together with Sandymoor, phase 2 represents the completion of the new town areas of Runcorn. The site was previously allocated for residential development in the UDP and Core Strategy as part of the wider Daresbury Strategic Site.
267. The site is around 17.48 ha and has a notional capacity of around 300 dwellings in the submission draft plan. The site comprises two main ownerships: Homes England (R38; R39) to the north; and Peel Group (R67) around the marina to the south. The notional capacity reflected some uncertainty around the final access arrangements that will have to traverse the Bridgewater Canal and possibly the Chester-Warrington railway which may constrain the capacity of the site.
268. Homes England are at an advanced stage of preparing an outline planning application for the site. Further technical work and the ability to secure two access points enables a revised capacity of around 600 dwellings at Wharford Farm, North and Central, excluding the marina area to the south. It is necessary to amend the notional capacity in Policy RD1 to reflect the revised capacity. **MM022** addresses this point so that the policy is effective.
269. Mitigation measures have been identified within the Environmental Statement. In terms of infrastructure, a new canal bridge to serve Wharford Farm is required, along with an access through into Sandymoor South under the railway. A bus route will be provided to the site along with greenways, footpaths, bridleways and cycle routes to enable access to the site by sustainable means.
270. A viability exercise has been undertaken by Homes England to inform the phasing strategy considering the timing of infrastructure requirements. The increase in capacity can be accommodated in the local highway network subject to detailed engineering and technical works. With the assistance of Homes England, the development is anticipated to yield 50 dpa, continuing at the same rate until 2035.
271. The southern part of the site (R39) is owned by the Peel Group. The Marina will remain; however, the area of land to the north can be developed for around 57 dwellings. The site capacity reflects the retention of the marina which creates an irregular shaped site; the presence of the west coast main line railway; and the site being situated within a core biodiversity area.
272. The site has a willing landowner; however, it is likely to come forward later in the Plan period being dependent on the provision of a new access road, facilitated by the Homes England part of the site. It is anticipated that there would be a 7-year lead in time and build rate of around 30 dpa. Given the different land ownerships, R39 should be represented separately in Policy RD1 whilst retaining the SRL3 notation. **MM022** addresses this point to be effective.

273. Overall, strategic allocation SRL3 is in a suitable location for development, maximising the use of land within the urban area. Furthermore, it is available and deliverable and developable.

#### **SRL4 Sandymoor, Runcorn**

274. The SRL4 allocation represents the final phase of residential development in the original Sandymoor Master Plan. The sites have previously been allocated for housing development in the UDP and Core Strategy. In total the parcels of land making up SRL4 are around 40 hectares of land with a notional capacity of 734 dwellings indicated in the submission Local Plan.

275. The largest parcel of land to the south of Walsingham Drive (R29) is owned by Homes England who is preparing a planning application for the site. The site is around 16.63 hectares with a notional capacity of 349 dwellings. Measures have been identified through the Environmental Statement to ensure that any likely environmental impacts are appropriately mitigated. In addition, the site also has requirements set out within the adopted Sandymoor SPD to adhere to. An access under the railway line between SRL3 and SRL4 is proposed.

276. Detailed technical work and master planning has informed a proposed revised capacity for this particular site of 250 dwellings reflecting site constraints. This is addressed by **MM022** to be effective.

277. The site is covered by an existing s106 agreement for the wider Sandymoor area which requires the developer to make a fixed contribution per dwelling towards the required infrastructure to support development in the Sandymoor Area in order to create a sustainable development. Based on known infrastructure requirements and residential capacity the developer has confidence that the development is viable and deliverable within the Local Plan period. Development is anticipated to begin in 2023 with an annual output of around 40 dwellings per annum.

278. The remaining parcels of land (R30, R37, R31 and R79) are at various states of the planning process with some of the sites under-construction and/or with planning permission.

279. Overall, strategic allocation SRL3 is in a suitable location for development, maximising the use of land within the urban area. Furthermore, it is available and deliverable/developable.

#### **SRL5 Halton Lea**

280. Halton Lea is made up of a grouping of four sites situated within the urban area comprising a total of around 5.32ha with a notional capacity for around 146 dwellings. The sites are within close proximity to Halton Lea centre with excellent accessibility to public transport, services and facilities. Consequently, the sites are within a sustainable location.

281. Site R1 and R81 are situated within the Hallwood Park neighbourhood and have become available due to the closure of a public house and the reconfiguration of a road junction. A planning application, including a recent one for 27 apartments on R1, the site of a former public house, shows the willingness of the landowner to bring the site to the market.
282. R80 is constrained by the steep bank and road; however, the capacity of the site reflects this, and the wooded embankment provides the opportunity to buffer any future development from road noise. Access to R80 would need to come through site R1. Whilst development would result in the loss of open space allocated in the UDP, the neighbourhood is well served by public open space. Within the Council's ownership, it is anticipated that once formal allocation is confirmed the Council would seek a resolution to dispose of the site and/or be promoted by the major projects team.
283. R81 is situated behind the ambulance station to the south of the hospital. Glen Local Wildlife site to the south is to be retained. No prohibitive constraints have been identified and there has been some planning activity in the past.
284. R2 is situated to the east of Kestrel's Way and is the site of a former district heating plant. Due to the topography, the northern part of the site is most likely to be developed. The site is owned by Homes England which will assist in bringing the site to market.
285. The deliverability of some of these sites has been questioned; however, whilst the sites may not attract volume housebuilders, they are likely to be of interest to smaller housebuilders and Registered Social Landowners. The allocation of SRL5 will provide greater certainty and incentivise owners to bring them to the market. The sites are phased later in the housing trajectory accordingly.
286. Overall, strategic allocation SRL5 is in a suitable location for development, maximising the use of land within the urban area. Furthermore, there is a reasonable prospect that the site will come forward within the Plan period.

### **SRL7 North-East Widnes**

287. SRL7 is one of the larger housing sites in the Plan on the north-eastern edge of Widnes. There is one small parcel (W40) of previously developed land on a roundabout next to A557 Watkinson Way. The remainder of the site is currently Green Belt and is divided into separate parcels of mainly open pasture and arable farmland.
288. The land parcels W9, W10 and W11 are bisected by the A5080 Derby Road/ South Lane are bounded by housing and a railway line to the south and existing development to west on Mill Lane. Mill Green Lane and South Lane form a readily recognisable and permanent physical boundary to the north. The separate land parcel W49 is bounded by the existing development to the south-west and south-east and an established hedgerow along most of the north-western boundary. A557 Watkinson Way forms a readily recognisable and permanent physical boundary to the north-east.

289. Accordingly, whilst there would be a loss of openness, development would not represent unrestricted sprawl, there would be no merging with nearby settlements and the local and strategic highways network would prevent encroachment into the wider countryside to the north. The Green Belt Review identifies the parcels of land proposed for allocation as performing mainly only either partially or moderately against the purposes of Green Belt.
290. A small parcel of land (GB048) to the south of South Lane is identified as making a relatively strong contribution to the purpose of safeguarding the countryside from encroachment; however, an additional landscaped buffer could be provided on part of this land alongside the railway in order to define a strong Green Belt boundary. Overall, the site makes a moderate contribution to Green Belt purposes. Furthermore, other sites assessed to the north of Widnes performed more strongly in relation to Green Belt purposes than the site allocation.
291. In terms of securing a sustainable pattern of development, the site would be well-related to day-to-day services and facilities, including good bus services into Widnes Town Centre and is close to a range of employment opportunities. Opportunities exist to improve pedestrian, cycling and public transport links as part of any development.
292. The IDP identifies potential mitigation measures and the multifaceted highway modelling using the Liverpool City Region Transport Model (LCRTM) (EL091) shows increased traffic by 2035, could lead to overcapacity on the local highway network including at north Moorfield Road, Derby Road roundabout and the need for localised improvements. The precise timing of mitigation will depend on when development comes forward. The impact of SLR7 alone, or in combination, can be reasonably mitigated and the residual impact would not be severe.
293. Part of the site is covered by a Nature Improvement Area and the Core Biodiversity Area in the LCR Ecological Network. There are no statutory environmental designations and there is no reason why habitats and any local biodiversity and protected species considerations cannot be addressed through other policies of the Local Plan. The initial technical work by the developers of the site, where prepared, has confirmed that the ecological matters can be satisfactorily mitigated as part of the development.
294. Parcel W40 has a resolution granted for outline planning permission with development anticipated to commence with 18 units in 2023 and 24 units in 2024. W10 has landowner interest, but with no developer at present and as such is shown as likely to be developed later in the Plan period.
295. Parcels W9, W11 and W49 are being promoted by housebuilders. Based on the known infrastructural requirements and residential capacity, the housebuilders have confirmed that the land parcels are viable and intend to submit planning applications following the adoption of the Plan. It is anticipated that development on W9, W11 and W49 would commence in 2023/24 with a lower output followed by 50-80 dwellings per annum thereafter. The strategic site is, therefore, considered to be viable and deliverable/developable during the Plan period.

296. Overall, strategic allocation SRL7 is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and the provision of affordable homes. Compensatory improvements can be made through the provision of new green infrastructure and green space on the site. W9 is bisected by the United Utilities Vyrnwy aqueduct and is shown as a potential greenway on the Policies Map. These are balanced against the general absence of any specific and significant physical and infrastructural constraints, the moderate harm of safeguarding the countryside from encroachment and limited harm in relation to the other purposes of the Green Belt.
297. Consequently, given the strategic future need for housing in the Borough, in particular in Widnes/Hale, and the lack of sufficient alternatives, we consider that there are the exceptional circumstances to justify altering the Green Belt boundary in this location and allocate the site.

### **SRL8 North-West Widnes**

298. The site is currently Green Belt on the north-western edge of Widnes and comprises a patchwork of open pasture, arable farmland and woodland. The site (W4/W5) is bounded by housing to the south and east and is bisected by Sandy Lane, a gated public highway/bridleway. Open countryside to the north extends toward the village of Cronton, but an established hedgerow along most of the northern boundary provides a defensible limit.
299. The site contains buildings at Rose Farm which further reduce any intrinsic landscape value. Although a section of open footpath from Sandy Lane across the site would be subsumed within development, the rural character of the network of footpaths beyond to the north would not be affected. The contained nature of the site means that its development in line with the allocation would not result in unrestricted sprawl or wider encroachment into the countryside, with the northern edge of development aligning with the housing along Queensbury Way to the west. There would be no coalescence with neighbouring settlements within the Borough of Knowsley to the north.
300. The Green Belt Review identifies the parcel of land proposed for allocation as performing mainly only either partially or moderately against the purposes of Green Belt. A parcel of land (GB006 and GB008) on the north-western part of the site is identified as making a relatively strong contribution to the purpose of safeguarding the countryside from encroachment and maintaining the gap between the settlements of Widnes and Cronton. However, the retention of existing field boundaries and hedgerows will help to integrate the development into the landscape to the north and natural recreational greenspace or an additional landscaped buffer could be provided along the northern edge of the site in order to define a strong Green Belt boundary. Overall, the site makes a moderate contribution to Green Belt purposes. Furthermore, other sites assessed to the north of Widnes performed more strongly in relation to Green Belt purposes than the site allocation.
301. In terms of securing a sustainable pattern of development, the site would be well-related to day-to-day services and facilities, including good bus services

into Widnes Town Centre and is close to a range of employment opportunities. Opportunities exist to improve pedestrian, cycling and public transport links as part of any development.

302. Part of the site is covered by the Core Biodiversity Area in the LCR Ecological Network. There are no statutory environmental designations and there is no reason why habitats and any local biodiversity and protected species considerations cannot be addressed through other policies of the Local Plan. The initial technical work by the developer of the site has confirmed that the ecological matters can be satisfactorily mitigated as part of the development.
303. The IDP identifies potential mitigation measures and the multifaceted highway modelling using the LCRTM shows increased traffic by 2035 could lead to overcapacity on the local highway network including at the Black Horse roundabout (A5080 Cronton Road/B5419 Birchfield Road) and the need for localised improvements. The precise timing of mitigation will depend on when development comes forward. The impact of SLR8 alone, or in combination, can be reasonably mitigated and the residual impact would not be severe.
304. Parcels W4 and W5 are being promoted by Taylor Wimpey, who has undertaken a significant amount of technical work. Based on the known infrastructural requirements and residential capacity, the developer has confirmed that the site is viable. It is anticipated that development would commence on W5 in 2024/25 with an output of 22 dwellings followed by 45 dwellings per annum thereafter. The strategic site is, therefore, considered to be viable and deliverable/developable during the Plan period.
305. Overall, the strategic allocation SRL8 is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and the provision of affordable homes. Compensatory improvements can be made through the provision of new green infrastructure and green space on the site, including the retention and enhancement of Sandy Lane which forms part of the greenway network. These are balanced against the general absence of any specific and significant physical and infrastructural constraints, the moderate harm of safeguarding the countryside from encroachment and limited harm in relation to the other purposes of the Green Belt.
306. Consequently, given the strategic future need for housing in the Borough, in particular in Widnes/Hale, and the lack of sufficient alternatives, we consider that there are the exceptional circumstances to justify altering the Green Belt boundary in this location and allocate the site.

### **SRL9 Halebank**

307. SRL9 is one of the larger housing sites in the Plan on the south-western edge of Halebank. There are number of small parcels of infill garden land (W45) within the residential ribbon development on the north side of Halebank Road.
308. The remainder of the site (W24) is currently Green Belt and comprises a mainly open and large-scale patchwork of arable farmland bounded by existing

development to the north and east. Open countryside to the south extends toward the village of Hale but an established hedgerow along most of the southern and western boundaries provide a defensible limit. The site contains a number of farm buildings at Hope Farm which further reduce any intrinsic landscape value. Accordingly, whilst there would be a loss of openness, development would not represent unrestricted sprawl or result in coalescence with neighbouring settlements.

309. The Green Belt Review identifies the parcel of land proposed for allocation as performing mainly only either partially or moderately against the purposes of Green Belt. A small parcel of land (GB171) on the south-eastern corner of the site is identified as making a relatively strong contribution to the purpose of safeguarding the countryside from encroachment and maintaining the gap between the settlements of Widnes and Liverpool. However, the retention of existing field boundaries and hedgerows will help to integrate the development into the landscape to the south and an additional landscaped buffer could be provided along the southern and western edge of the site in order to define a strong Green Belt boundary. Overall, the site makes a moderate contribution to Green Belt purposes. Furthermore, other sites assessed to the south of Halebank performed more strongly in relation to Green Belt purposes than the site allocation.
310. In terms of securing a sustainable pattern of development, the site would be well-related to day-to-day services and facilities, including bus services into Widnes Town Centre and is close to a range of employment opportunities within Widnes/Halebank. Opportunities exist to improve pedestrian, cycling and public transport links as part of any development.
311. The IDP identifies potential mitigation measures and the multifaceted highway modelling using the LCRTM shows increased traffic by 2035, but did not identify any links around Halebank that would be overcapacity as a result of the proposed development. A transport assessment at the planning application stage would reassess the potential impacts and the need for any localised improvements, if required. The precise timing of any mitigation will depend on when development comes forward.
312. There are no statutory environmental designations and no reason why habitats and any local biodiversity and protected species considerations cannot be addressed through other policies of the Local Plan. Opportunities exist for on-site and off-site greenspace within the initial technical work by the site promoter to off-set any potential impact on the nearby Mersey Estuary SPA. This would be in combination with a further requirement for additional bird survey work and contributions in line with the Halton Interim RMS. Part of the site is within the Health and Safety Executive middle and outer consultation zones of a hazardous installation and there is no reason why the development cannot be delivered wholly in line with the Council's policies on managing pollution and risk.
313. Parcel W24 is in a single ownership and being promoted by the Harworth Group who has undertaken a significant amount of technical work. Based on the known infrastructural requirements and residential capacity, the promoter has



confirmed that the site is viable. It is anticipated that development would commence in 2023/24 with an output of 30 dwellings followed by 60-70 dwellings per annum thereafter. W45 is in Council ownership with no developer interest at present and as such is shown as likely to be developed later in the Plan period. The strategic site is, therefore, considered to be viable and deliverable/developable during the Plan period.

314. Overall, the strategic allocation SRL9 is well placed to contribute to a sustainable pattern of development and would make a significant contribution to the supply of housing and the provision of affordable homes. Compensatory improvements can be made through the provision of new green infrastructure and green space on the site. These are balanced against the general absence of any specific and significant physical and infrastructural constraints, the moderate harm of safeguarding the countryside from encroachment and limited harm in relation to the other purposes of the Green Belt.
315. Consequently, given the strategic future need for housing in the Borough, in particular in Widnes/Hale, and the lack of sufficient alternatives, we consider that there are the exceptional circumstances to justify altering the Green Belt boundary in this location and allocate the sites.

### **Non-strategic Green Belt Sites**

#### **D1 Land between Chester Road and Chester Road, Daresbury**

316. Daresbury is a small village situated to the west of Chester Road and the main settlement of Runcorn. The proposed site allocation is situated between Chester Road, a dual carriageway and the western edge of the village. It is proposed to accommodate 92 dwellings; however, the site capacity would be around 83 dwellings reflecting the area already developed fronting Chester Road.
317. The Daresbury Conservation Area includes the whole village and land up to the south-east boundary of the dual carriageway, including site D1. It is a traditional linear village built on a sandstone ridge above the valley of the River Mersey. It is situated within a rural landscape, screened from more urban areas of the fringes of Runcorn by Keckwick Hill, the woods and intervening landscape. The village comprises late 18<sup>th</sup> and early 19<sup>th</sup> century buildings, with a number of later buildings constructed at the end of the 19<sup>th</sup> Century. A key landmark in the village is the church of All Saints which is located on the northern edge of the village, overlooking surrounding countryside. These factors combine to contribute to the significance of the Conservation Area.
318. The site has a sense of openness and as recognised in the Council's Site Allocation Heritage Assessment (EL061a) makes a moderate contribution to the significance of the Conservation Area. Indeed, the site was specifically included within the boundary of the Conservation Area.
319. Due to the relatively narrow nature of the site sandwiched between the road and the village, any residential development would effectively envelope the entire western edge of the village. There would be very limited opportunity to set the

housing back to protect the linear character of the village. Glimpses of the proposed housing from the village would create a sense of depth, indicating development beyond the linear core. Consequently, the linear character of the village set within a rural landscape would be completely and irreversibly lost.

320. The Conservation Area Character Appraisal 1967 (PSD10) recognises the importance of views out of the area by the inclusion of surrounding open spaces, where it appears that they form an integral part of the area. Furthermore, a specific conservation objective is to protect the surroundings of the Conservation Area, so that views out of the Area are not spoilt.
321. At present views of open fields are available on the southern approach to the village, to the south of the school. Any housing would be highly visible over the hedgerow adjoining the road and through any access point. The creation of visibility splays for the access point would also involve the removal of the stone wall and hedge. The proposal would, therefore, have a significantly urbanising effect on the approach to the village centre.
322. Furthermore, when walking along the public footpath which leads west from the village one has a sense of leaving the village behind. The proposed housing would be highly visible from the public footpath which leads west from the village and would undermine the views out of the area.
323. It is proposed to provide a car park for the school in order to alleviate parking problems within the village and potentially assist in securing the return of the bus service through the village. However, there is no firm evidence before us to indicate that the bus service would definitely return, and the car park could be secured on land without the provision of additional housing. Consequently, we only attach moderate weight to these factors.
324. Overall, we consider that the proposal would undermine the significance of the Conservation Area due to the loss of the linear character of the village and have a harmful effect on the character and appearance of the Conservation Area and its setting. Although serious, the harm to the Conservation Area would be less than substantial. However, the moderate public benefits of the proposal in terms of securing the car parking for the school and the potential return of the bus service would not outweigh the significant harm which we have identified.
325. Daresbury is currently 'washed-over' by the Green Belt and as such only limited infilling is permitted. The site has a strong boundary to the west created by the A56 Chester Road, reinforced by hedges and trees. The north-eastern boundary is weak created by the rear boundaries of properties and in places hedgerows. The south-eastern boundary is stronger, created by the Chester Road and a stone wall. The parcel would reduce the gap to Warrington, although it would remain more than 2km. The parcel is in partial use and is assessed as providing a moderate contribution to preserving countryside character. Overall, the Green Belt Study identifies that the site makes a partial contribution to the purposes of including land within the Green Belt.
326. The Green Belt boundary would run along the eastern edge of the safeguarded sites. However, we consider that the proposed Green Belt boundary would be

relatively weak in comparison to the very strong boundary created by the A56 Chester Road. Furthermore, Daresbury is a very small village of only around 40 houses and as such any locally arising need would be extremely limited and could be met by infill development in the village and in Runcorn. Housing land supply in the urban area of Runcorn is sufficient to meet the needs of the town. Consequently, the release of this site would not be required to meet housing need.

327. The nearest employment is situated at Sci-Tech, Daresbury across the A56. The village has a primary school, public house and a church but no convenience store or other facilities. The nearest convenience store is some distance away at either Preston Brook or Windmill Hill. The nearest health facilities are some distance away at Murdishaw. We note that a new local centre is being built at Sandymoor; however, this would still be some distance from the village.
328. Furthermore, as outlined above the proposed car park could be provided on land within the site promoters ownership without the need for significant new housing and there is no guarantee that the bus service would return. Taking the above factors into consideration, we do not consider that exceptional circumstances exist to release this site from the Green Belt. It is necessary to remove the site from Policy RD1 and **MM022** addresses this point in order to be justified and consistent with national policy. A consequential amendment to the Policies Map is also necessary (PMM01).

### **M8 Land to the east of Runcorn Road, Moore**

329. The site is situated to the east of Runcorn Road and to the southwest of the village of Moore. The site is around 0.73 hectares with a notional capacity of 20 dwellings. The site is currently agricultural land and is contained to the south east by the railway line, residential development to the north east and residential development on the opposite side of Runcorn Road to the north. The site is close to services within the village including a primary school and is accessible by public transport.
330. The site is adjacent to the urban area but less than 50% of the boundary is adjacent to development and so is partially contained. The site is considered to have a very limited impact on the resultant gap between settlements and presents a clear rounding opportunity. The Green Belt Study identified the site as making only a partial contribution to Green Belt purposes overall.
331. Significant technical work has been carried out and there are no physical or infrastructure requirements which would preclude the site coming forward. Furthermore, the development of the site would not have an adverse effect on the character and appearance of the Moore Conservation Area which is some distance away. A planning application is anticipated soon with site preparation work commencing towards the end of 2022 and first completions in 2023. It is controlled by a single party, on behalf of two landowners and interest has been expressed from housebuilders.

332. Overall, the site is in a suitable location and development would be of an appropriate scale to meet the local housing needs of Moore village. Given the limited Green Belt harm and a lack of alternatives, exceptional circumstances exist to alter the Green Belt at this location.

### **P1 E-Scape, Preston-on-the-Hill**

333. P1 is situated to the west of Preston on the Hill. The southern part of the site is a former electric bike track, and the northern part is undeveloped. The site is around 4.89 hectares and has been identified for a notional capacity of 117 dwellings.

334. The site is adjacent to the urban area and is partially contained by development on Windmill Lane. It would have a very limited impact on the gap between settlements with the gap to Warrington remaining more than 4km. There are opportunities within the site for compensatory improvements. The Green Belt study has identified that the site makes a partial contribution to the Green Belt.

335. The site has good access to employment at the Whitehouse Industrial Estate and to a local centre at Preston Brook. Higher level services are at Murdishaw. Furthermore, a bus service runs along the main road. Opportunities exist to improve pedestrian, cycling and public transport links as part of any development.

336. There are no constraints that would preclude development of the site and viability has been confirmed by the developer. There are advanced discussions regarding the sale of the land potentially for a provider of affordable housing. A planning application would be submitted post adoption of the Local Plan. It is anticipated that development would commence in 2023 with an output of 20 units followed by 40 dwellings per annum thereafter. The site is, therefore, suitable and deliverable within the Plan period.

337. Overall, the site makes effective use of previously developed land and would make an important contribution to the supply of housing. In the context of the overall housing requirement and the lack of sufficient alternatives, exceptional circumstances exist to alter the Green Belt at this location.

### **P2 Land between Chester Road and M56 at Preston-on-the Hill.**

338. The site comprises agricultural land situated between the A56 Chester Road and the M56. It is around 7ha and is identified as having a notional capacity of 146 dwellings.

339. The site is adjacent to the urban area and is partially contained. It is considered to have a very limited impact on the gap between settlements. The landowner has significant land holdings in the area and so there is scope to make compensatory improvements. Overall, the Green Belt Study identifies that the site makes a partial contribution to the purposes of including land within the Green Belt.

340. The notional capacity reflects the need for a landscaping bund to the M56 and canal and retaining the woodland to the north. As with site P1 the site has good access to employment at Whitehouse Industrial Estate and services at Preston Brook and access to public transport.
341. The site owner is amenable to bringing the site forward and a housebuilder is on board. A viability assessment has been undertaken by the developer which confirms that development would be viable. Development is likely to start no later than 5 years from the date of adoption and would progress at around 30 dpa. Given the limited Green Belt harm and a lack of alternatives, exceptional circumstances exist to alter the Green Belt at this location.

## **Residential development within the urban area**

### **General**

342. A number of smaller, non-strategic housing sites have been identified through the SHLAA within the urban area of Runcorn, Widnes, Halebank and Hale through Policy RD1 and presents them on the Policies Map. The SA has appraised these sites individually (SD07a) and demonstrates that they would contribute to the most appropriate strategy.
343. In all cases the sites identified in Policy RD1 are subject to detailed policy requirements in the Plan which would ensure suitable landscaping and screening where appropriate and address a range of other matters such as flood risk, ecology, vehicular access and improvements to the wider highway network.
344. Several of the proposed allocations are existing open space designations under the UDP. As a former New Town, Runcorn has a significant amount of open space and the recent update to the Open Space Study confirms that overall, there would be sufficient open space of each typology to serve the residents of the town. At our request the Council has produced a summary for each site proposed for allocation which confirms that each site is surplus to requirements.
345. The deliverability of some of the proposed allocations has been questioned. In these cases where it is acknowledged that there may be additional constraints or no active developer interest, they are shown as being delivered later in the Plan period. The sites are all within a suitable location within the urban area and have a reasonable prospect that they would be available and viably developed at the point envisaged. The sites are contained within the later stages of the housing trajectory and so the Council can monitor their progress. Even without the sites in question, the Council would be able to meet its housing requirement and five year supply. The sites do not, therefore, affect the overall deliverability of the Local Plan. In our view, the Council's approach appears to be both reasonable and proportionate in the circumstances and, in every case that has been drawn to our attention, other than those referred to below, the site allocation is justified.
346. Furthermore, the allocation of the sites would provide greater certainty to landowners and incentivise them to bring sites to the market. Many of the sites

would be attractive to smaller housebuilders and also Registered Social Providers. Overall, the approach of utilising sites within the urban area is one which should be supported to minimise Green Belt release in the Borough.

347. **MM022** would delete the housing site allocation at Land adjacent to the Foundry (RD1/W43) due to flood risk issues. This main modification is necessary to ensure that Policy RD1 and the housing site allocations are justified, effective and consistent with national policy.

### **Sites within HSE Consultation Zones**

348. Due to the industrial past of the Borough a number of proposed residential allocations are situated within either the Inner, Middle and Outer Health and Safety Executive consultation zones. Consultation would take place with HSE on any application coming forward on these sites. Development can be achieved within the middle and outer zone subject to being appropriately configured in order to minimise potential risk. Consequently, development would not be precluded on allocated sites within the middle and outer zone.
349. A significant area of west Runcorn is covered by the HSE inner zone arising from the ex-ICI companies. There are four sites (R83, R70, R71, R77) proposed for residential use under Policy RD1 which fall within the Inner consultation zone as shown EL107. In addition, mixed use area MUA10 'The Heath' also lies within the inner zone. As set out in the draft Statement of Common Ground [PSD09] and as discussed at the Hearing session on HSE matters, the HSE advises against development in the Inner Zone, apart from a small number of exceptions including a limited number of very low population developments/land uses. HSE would only allow for one or two dwellings on sites within the inner zone.
350. We acknowledge that HSE's role in planning is advisory only and that the detailed design and layout of sites can be considered at the development management stage. We also recognise that development may not increase the population of an area overall due to a declining population in the neighbourhood; however, there is no cogent evidence before us on the matter.
351. The sites are situated within the Inner consultation zone which represent the greatest hazard or risk and there is insufficient evidence before us to demonstrate that the principle of residential development on those sites is acceptable given the serious and very real risk to the public. Furthermore, the HSE sustains its objection to the development of those sites.
352. Moreover, the sites fail to pass the test of developability in the NPPF as there is not a reasonable prospect that the sites would come forward within the Plan period given the significant constraint.
353. R83 Heath Road South/Highlands Road is proposed for residential development for around 116 dwellings. The site is currently identified as Green Space within the UDP. Policy HC9 identifies that a range of employment, residential, small-scale retail and small-scale ancillary facilities would be acceptable within mixed use area MUA10. MUA10 is the site of the office complex of a former chemical

works which has been operating as a business park for several years providing incubator accommodation for local businesses. The existing owner is developing proposals for the reconfiguration and redevelopment of the site, together with proposals for residential development on R83 to create an innovative, sustainable campus comprising employment, residential and ancillary uses such as small-scale retail to serve local businesses and residents. The campus would be a net zero carbon environment based on a green energy network and innovative concepts such as vertical farming.

354. We acknowledge that the innovative project would have significant regeneration benefits for Runcorn. However, the sites lie entirely within the inner consultation zone of a hazardous installation where the HSE would resist an intensification of any use within the inner zone. The proposed employment, retail and residential uses would attract people to a location which is at the highest public safety risk.
355. We acknowledge that the MUA10 site is in existing use accommodating around 2,500 employees and the Council considers that there would be no intensification of the site; however, without any indication of the scale or mix of the proposals we cannot be certain that this would be the case. Furthermore, the proposal to build 116 dwellings on a currently vacant site at R83 would represent a significant intensification of use.
356. In the absence of cogent evidence to the contrary, development of the sites could result in significant risk to human life. Consequently, we cannot be satisfied that the proposed uses for the sites are acceptable in principle. The deliverability of the proposals is also in doubt given the significant constraints.
357. Consequently, the allocations and proposed uses cannot be supported at this time. **MM022** and **MM036** addresses this point by deleting the allocations from the Local Plan as they are not justified. Consequential changes to the Policies Map are also required.

### **Conclusion on Issue 11**

358. Overall, subject to the MMs set out above, the proposed residential allocations are justified, effective and consistent with national policy.

### **Issue 12 – Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy?**

359. The supporting text to Policy CS(R)3 sets out a housing trajectory which shows how the housing requirement will be met. The table at paragraph 9.4 sets out the sources of supply which will contribute to meeting the requirement on 31 March 2019. It concludes that there was a residual requirement of 3,289 dwellings at this date.
360. At our request the Council produced additional information (HBC PSD016) to: clarify the sources of supply which contributed to the housing supply; update the Exceptional Circumstances paper; and to update the site capacities and delivery

rates of the site allocations as a result of discussions in the Hearing sessions. This document informed discussion at the housing land supply session of the Hearings.

361. The Council had originally included sites from the SHLAA which were developable but not otherwise committed or allocated in the Plan (692 dwellings). At our request the Council reviewed sites larger than 5 units against the definition of 'developable' in the NPPF. The outcome of this assessment is set out in HBC -PSD023. All but one of those sites were deemed not to meet the developable test in the NPPF and so were excluded from the supply.
362. At our request, sites below 5 units have been included within a 'small sites windfall allowance' of 20 units per annum (from 2022 onwards to avoid double counting). This is supported by monitoring evidence from 1996-2021 which shows that the long-term evidence for small sites has been constant throughout the period of around 20 units per annum. Consequently, there is compelling evidence that they will provide a reliable source of supply in accordance with paragraph 71 of the NPPF.
363. A vacant homes allowance of 10 units per annum and an estate regeneration figure and an allowance for long term vacant stock were originally identified; however, these have not been carried forward as there is only a small number of homes in long term vacancy and the Council does not have any programmed estate regeneration initiatives.
364. An additional update to the housing supply position (HBC-PSD023) which incorporated these further amendments and revised site trajectories was published after the Hearing sessions. Following our post-Hearings letter the Council has subsequently updated the housing supply position reflecting the deletion of five housing sites. The analysis of housing land supply below reflects the most up to date version HBC-PSD025 (Rev 2b).
365. Completions between 2014 and 2021 totalled 3,336 homes. As of 1 April 2021, sites with planning permission (including remaining units on sites under-construction) had the capacity to deliver 2,199 dwellings which sensibly reflects a discount of 10% to provide some flexibility for actual numbers being delivered below that permitted. Existing commitments total 5,535 dwellings, leaving a residual requirement of 2,515 dwellings.
366. To meet this residual requirement, several strategic allocations have been proposed within the urban area of Runcorn with a capacity of around 1,510 dwellings. A further 979 dwellings are identified in the urban area of Runcorn and Widnes resulting in a capacity of 2,489 dwellings. The Council has taken a pragmatic approach by applying a 10% non-delivery allowance to these sources reflecting that some of the sites may not come forward resulting in a figure of 2,240 from sites within the urban area.
367. The small sites allowance of 20 dpa contributes a further 300 dwellings resulting in a total of 2,540 dwellings from within the urban area. Following consultation on the Main Modifications the 20 units dpa small sites windfall allowance has



been excluded from the 10% non-delivery allowance as it is a trend-based source of supply. This would leave a surplus in the Borough of 25 dwellings.

368. The Inspector who considered the Core Strategy determined that Runcorn and Widnes act as largely separate housing markets and that there would be a need to review the Green Belt to meet the housing needs of Widnes, due to the shortage of previously developed land there. He supported the 57:43% (Runcorn: Widnes/Hale) split in the supply of housing land.
369. In the update to the housing supply figures in HBC – PSD025 (Rev2b) the Council has shown the housing supply figures broken down into the 57:43% split in addition to a 50:50 split between the main towns. Whilst we consider that there is no compulsion to carry forward the previous approach of the Core Strategy in setting specific housing targets for the principal towns the analysis is, nevertheless, useful to illustrate the spatial implications of any potential surpluses or deficits arising from the proposed allocations.
370. Before allocating Green Belt land and taking into account the 57:43% percentage split between Runcorn and Widnes there would be a surplus of 1,155 dwellings in Runcorn against the requirement of 200 dpa and a shortfall of 1,130 dwellings in Widnes against a requirement of 150 dpa.
371. The SHLAA has identified a significant amount of land within the urban area to meet the housing requirement and to minimise the release of Green Belt land; however, most of this land is within Runcorn. Of the 2,540 dwellings within the urban area, 2,148 (85%) would be situated within Runcorn and only 392 (15%) within Widnes.
372. Whilst there is no shortfall at a Borough level against the housing requirement there would be a significant shortfall of housing land in Widnes. Consequently, there is a need to release Green Belt land to meet the housing needs of Widnes. A number of Green Belt housing land allocations are, therefore, proposed to meet this need at Widnes and at Halebank with the capacity to accommodate around 2,101 dwellings. This would result in an oversupply of around 6 years in Widnes were the sites all to come forward within the Local Plan period.
373. There would be an oversupply of housing land in the Borough as a whole for the Plan period of around 6.8 years, taking account of sites being deleted through the MMs. This partly results from the good supply of land within the urban area of Runcorn and partly from the need to provide housing land in Widnes. In the context of a Borough requiring Green Belt release, it would be illogical to deallocate land within the urban area in Runcorn purely based on oversupply.
374. For plan-making, the NPPF requires plans to meet the development needs of their area and that strategic policies should, as a minimum, provide for objectively assessed needs for housing (paragraph 11). The Halton Local Plan will meet and exceed, the housing needs of the area as set out above and so meets this requirement.

375. The oversupply of around 6.8 years Borough wide is considered to provide flexibility in the housing supply should sites not come forward and provides a five-year supply beyond the Plan period. Consequently, we consider that the approach is justified.

### **5 Year supply**

376. The NPPF states at paragraph 68 that planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period. When the start of the plan period is in the past, there would be no benefit in identifying a retrospective supply. Accordingly, it is important that plans identify a 5-year supply of deliverable housing sites at the point of adoption. This would accord with paragraph 75 of the NPPF which confirms that a 5-year supply can be demonstrated where it has been established in a recently adopted plan.

377. The housing requirement in the Plan is for at least 8,050 (net) additional dwellings for the Plan period equivalent to an average of 350 dwellings (net) each year. The Council's most recent calculation of 5-year housing supply is set out in HBC-PSD025 (Rev2b) which takes account of our Main Modifications for the deletion of 5 site allocations, considered later in this Report. The five-year supply period is from 1 April 2021 to 31 March 2026.

378. In calculating 5-year supply, the Council has taken account of completions since the start of the Plan period in 2014. From 2014 to 31 March 2021 completions have totalled 3,336 dwellings against a requirement of 2,450 (350 dpa) for this period. Consequently, there has been an oversupply of housing (886 dwellings) against the annual requirement since the beginning of the Plan period. The surplus has been deducted from the 5-year requirement of 1750 to give a residual 5-year requirement of 864 dwellings.

379. The NPPF is silent on whether past over-supply against a notional annual requirement based on dividing the whole plan requirement by the total number of plan years can be used to reduce the requirement over the remaining years of the plan. The PPG does acknowledge that past over-supply cannot be ignored and that it can be used to offset any shortfalls against requirements from previous years.

380. Paragraph 22 of the NPPF states that plans should look ahead over a minimum of 15-year period from adoption which the Local Plan will. Where the start date of the Plan period is in the past, as in Halton, it is entirely reasonable that the amount of housing completed in the earlier years before adoption is taken into account in determining the residual amount of housing to be planned for in the remaining plan period. If there had been an under-supply in the earlier years of the Plan, this would need to be made up in future years of the Plan in order to ensure that it meets its need. It is, therefore, logical to take into account any over-supply against a notional annual target applied retrospectively to past years. Neither the NPPF nor the PPG precludes this.

381. Furthermore, the approach is consistent with a recent judgment on this issue (albeit in the context of an appeal) that the decision whether or not to reduce the

residual annual requirement having regard to previous over-supply is for the planning judgement of the decision maker<sup>1</sup>.

382. The Local Plan reasonably assumes a 5% buffer, in accordance with the NPPF, giving an estimated 5-year requirement of 907 dwellings or 181 dpa. The evidence shows that there will be a supply of 1,810 dwellings, excluding Green Belt sites and 2,635 dwellings including Green Belt sites; a supply of 10 years and 14.5 years respectively (figures from HBC-PSD025 [Rev2b]).
383. Consequently, the Plan demonstrates that there would be well in excess of a 5-year supply of deliverable sites on adoption when measured against the housing requirement of 181 dpa. This is in accordance with both paragraph 68 and paragraph 74 of the NPPF.
384. Even had we decided that the over-supply in the early years of the Plan period should be ignored on the basis of the evidence before us the Local Plan would still be able to demonstrate a 5-year supply of land (5.2 years excluding Green Belt allocations; 7.5 years including Green Belt allocations). Consequently, regardless of whether the over-supply is taken into account the Plan can demonstrate a 5-year supply of land at the date of adoption.
385. The Council and developers agreed the start dates and annual output of each strategic site. For the larger sites an annual output of up to 50 units per annum per outlet was agreed. Given the obvious demand for housing in the Borough and previous build rates we consider this to be a realistic assumption. All but one of the Strategic Sites have an active developer. Based on the evidence in submissions and at the Hearing sessions we consider that the sites are deliverable, viable and will come forward as envisaged in the housing trajectory during the Plan period. Changes to Policy RD1 are required to reflect the revised capacities and **MM022** addresses this point in the interests of effectiveness.
386. The deliverability of some of the sites within the urban area was questioned. However, none of those sites had constraints which were prohibitive and whilst they may not be attractive to volume housebuilders they would appeal to smaller housebuilders and registered social providers who are active in the area.
387. The housing trajectory shows a peak in the delivery around 2024-2029 of around 800 dpa. This exceeds past rates of development which have achieved 500-600 dpa. However, there is a good mix of housing sites across Runcorn and Widnes and a mix of brownfield and greenfield sites. Furthermore, there is latent demand particularly in Widnes and developers would seek to provide a mix of housing types on their outlets. The Housing Land Supply table at Policy RD1 requires updating with the most up-to-date position and **MM022** deals with this in the interests of effectiveness. The Housing Trajectory at Figure 7 of the

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<sup>1</sup> Tewkesbury Borough Council and SoS for Housing communities and Local Government and JJ Gallagher Ltd and Richard Cook [2021] EWHC 2782 (Admin)

Plan also requires updating in the interests of effectiveness and **MM005** addresses this.

## **Conclusion on Issue 12**

388. Overall, subject to the MMs above, the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

## **Employment allocations**

### **Issue 13 – Whether the proposed employment allocations are justified, effective and consistent with national policy?**

#### **Strategic Employment Sites**

389. Policies CS(R)4 and ED1 allocate a number of strategic sites for employment uses. These strategic sites are at Sci-Tech Daresbury (SEL1), 3MG, Widnes (SEL2), Widnes Waterfront (SEL3) and West Runcorn (SEL4).

390. Sci-Tech Daresbury is a nationally important Science and Innovation Campus that has significant job growth potential and the logic of selecting this site has not been seriously questioned. However, it was recognised during the Hearings that full-build out of this transformational site would take longer than originally envisaged. A revised jobs growth trajectory has been prepared by the Council together with consultants acting on behalf of Sci-Tech Daresbury that is more conservative, but nevertheless more realistic and achievable during the Plan period.

391. The 3MG site (SEL2) is based within the Ditton Corridor where there is scope for further employment development particularly that associated with logistics and distribution. The slower than anticipated build out rate of the transformational site at HBC Field within the 3MG site (SEL2) is reflected in the revised jobs growth trajectory prepared by the Council and considered to be a reasonable and proportionate approach, based on the evidence provided.

392. Widnes Waterfront (SEL3) and West Runcorn (SEL4) are both areas where previous regeneration initiatives have been undertaken, both are areas which benefit from the opening of the Mersey Gateway Bridge and both are suitable for a mix of employment uses. While these areas, together with the 3MG site (SEL2), are close to the river, none of them suffers from insurmountable flooding problems and based on the evidence before us, we are satisfied that these Strategic Employment Sites will come forward for employment uses during the Plan period.

#### **Non-strategic Employment sites**

393. Two of the proposed non-strategic sites would involve alterations to Green Belt boundaries and are located at Land off Six Acre Lane (ED1/E28) and Land West of Moore Meadows (ED1/E29).

394. The sites make a modest contribution of some 6.69ha which has been presented in the Plan as part of the adjoining allocations to the Manor Park Employment area. The sites form part of a patchwork of open pasture fields, woodland and scrubland bounded by Moss Lane to the east and the employment uses to the west. Moss Lane forms a readily recognisable and permanent physical boundary to the east. Accordingly, whilst there would be a loss of openness, development would not represent unrestricted sprawl, there would be no merging with nearby settlements and the local highway network would prevent encroachment into the wider countryside to the east.
395. The Green Belt Review identifies the parcels of land (GB265 & GB424) proposed for allocation as performing only a partial contribution against the purposes of Green Belt. Furthermore, other sites assessed to the east of Runcorn performed more strongly in relation to Green Belt purposes than the site allocation.
396. In terms of securing a sustainable pattern of development, the sites would be well-related to services and facilities, including bus services into Runcorn. Part of sites E28 and E29 are within Flood Zones 2 and 3. The Environment Agency confirms that the proposed employment allocations are acceptable in principle and no further detailed Strategic Flood Risk Assessment are required (Council's response to Inspectors Initial Questions (EX08) and Statement of Common Ground (PSD03b)).
397. Part of the sites are covered by a Nature Improvement Area and the Core Biodiversity Area in the LCR Ecological Network. There are a number of Local Wildlife Sites (LWSs) located adjacent to the sites. The presence of the LCR Ecological Network and the proximity of the LWSs would not preclude development and there are no reasons why the habitats and any protected species cannot be addressed through other policies of the Local Plan.
398. Overall, sites E28 and E29 are well placed to contribute to a sustainable pattern of development and would make an important, albeit modest, contribution to the supply and choice of employment sites available. The sites would help deliver the employment land requirement in the Borough and provide a reasonable degree of flexibility in supply to accommodate changing circumstances, such as the non-delivery of any of the sites. Compensatory improvements can be made through improvements to the environmental quality of the area. These are balanced against the general absence of any specific and significant physical and infrastructural constraints and the partial contribution to the purposes of Green Belt. No neighbouring authority is able to meet any of Halton's employment needs. Consequently, given the clear necessity to meet the future need for employment land in the Borough and the lack of sufficient alternatives, we accept that there are the exceptional circumstances to justify altering the Green Belt boundary in this location and allocate the sites.
399. Policy ED1 allocates a number of other sites for employment uses. These are required to ensure an adequate supply of employment land and a good range of sites. In all cases the sites identified in Policy ED1 are subject to detailed policy requirements in the Plan which would ensure suitable landscaping and screening where appropriate and address a range of other matters such as

flood risk, ecology, vehicular access and improvements to the wider highway network.

400. A number of the sites are within the HSE consultation zones of a hazardous installation or will have local flood risk, contamination, biodiversity and heritage considerations, including the setting of the Bridgewater Canal, and as such mitigation would be required in accordance with other policies of the Local Plan. In our view, the Council's approach appears to be both reasonable and proportionate, and all of the site allocations put forward for employment uses are considered to be deliverability during the Plan period.
401. **MM020** amends the description of the uses proposed on each of the employment sites in Policy ED1 and its supporting text to reflect the new Use Classes Order, as well as modifying the employment site at 3MG (East) Foundry Lane (ED1/E26) to reflect the up to date situation regarding the site area. This MM is necessary to ensure that Policy ED1 and its supporting text is justified, effective and consistent with national policy.

## **Conclusion**

402. Subject to the MM set out above, the Employment allocations are justified, effective and consistent with national policy.

## **Issue 14 - Whether the proposed Halton centre allocations are justified, effective and consistent with national policy?**

### **Retail and Town Centre Allocations (Policy HC1)**

403. A number of town and local centre allocations are proposed to meet the retail requirement set out in Policy HC1.
404. TC1 and TC2 are proposed for retail and leisure uses within Runcorn Old Town in order to support the regeneration of the town which has suffered since the establishment of Halton Lea 'Shopping City'. TC1 would utilise a vacant site to the forefront of the Brindley Theatre and will come forward as part of a wider 'Canal Quarter' redevelopment. There is scope to rationalise or replace the existing bus station and 'Island Building' to free up a retail site to anchor the centre. Both sites would be brought forward as part of a public, private partnership led by the Council as part of a wider regeneration scheme.
405. Several sites (TC5, TC7 and TC8) are proposed for mixed retail, leisure, office and residential use within Halton Lea centre. The sites are previously developed with former civic buildings remaining on site. The sites have good access to public transport and there are proposals by the Council to improve accessibility across the centre for pedestrians and cyclists. Redevelopment of the sites would be private sector led.
406. Two sites are proposed in Widnes Town Centre (TC3, TC9) to enhance the retail offer. TC3 would represent an extension of the Widnes Retail Park by redeveloping the bingo hall and garage to create an extended run of larger retail

units along the north of the site. TC9 would be part of a wider regeneration of the Albert Square shopping area on a slightly larger footprint incorporating the car park. The whole of the site is in private ownership and any development is likely to be private sector led.

407. Three local centres are also allocated for development to support existing and emerging communities. TC6 Sandymoor Local Centre will serve the new development at Sandymoor and has commenced construction. A local centre is proposed at West Bank, South Widnes to serve a neighbourhood which is at risk of housing market failure and to support regeneration efforts.
408. TC10 Daresbury Local Centre is proposed to provide services for the new residential community and also to serve the needs of the adjacent employment centre. It is included in an outline planning application for residential development for 3,000m<sup>2</sup> of local centre. The land is set aside for retail and would be subject to a separate application to bring the site forward. The viability of the proposed local centre has been questioned, particularly given the proximity of Sandymoor local centre. However, Sandymoor local centre is not within walking distance of the Daresbury developments. Furthermore, it is anticipated that demand would be generated when the residential and employment development is delivered.
409. Overall, the proposed allocations are justified, effective and consistent with national policy.

### **Mixed Use Areas (Policy HC9)**

410. Some areas of the Borough do not have a single dominant land use, with a variety of development having grown up including businesses, shops, houses and community facilities. Many of the areas are in existing use or have vacant sites within them or sites which may come forward in the future. Policy HC9 does not allocate sites for specific uses; rather it is a development management policy which seeks to provide guidance as to the type of uses that would be acceptable in broad areas defined on the Policies Map. Some of these areas may be in transition, where a previous use is declining, and alternative uses are being established. Overall, the policy provides a flexible approach to the development of sites in the urban area, enabling an effective transition to new uses and aiding regeneration efforts. Sites MUA1-MUA7 and MUA9 within the urban areas of Runcorn and Widnes are justified. MUA10 is considered at paragraphs 298-303 above.
411. *MUA11 Daresbury Park* is within the consented business park at Daresbury. Part of the business park is now being proposed for residential use and the intervening section between R84 and E9 allows flexibility for the site owners to respond to the market for either residential or employment use. The site would provide a zone of transition between the employment use at E9 and the residential use. An application covering sites R84, E9 and MUA11 including residential, employment and small-scale retail, is being considered by the Council. We consider that the proposed uses for the site are acceptable in principle. However, a change is required to Policy HC9 to reflect the new Use Classes Order and **MM036** addresses this point in order to effective.

412. Overall, subject to the MM above the mixed use areas are justified, effective and consistent with national policy.

### **Education allocations (Policy HC10)**

413. EDU1 Sandymoor is allocated for a primary school as identified in the original masterplan for Sandymoor. It is included in a s106 agreement covering the area and the land can be transferred to the education authority should it be required in the future. EDU2 is identified for an SEN school. The project is being led by the Department of Education together with St Helens Council and is at an advanced stage. A planning application is anticipated soon, and a contractor has been identified for the project.

414. EDU3 is proposed for a primary school within the Green Belt at Halebank where the Council has identified the need for a school to serve the proposed development. Whilst Halebank Primary has recently been redeveloped, it lies within the middle consultation zone of a hazardous installation and so has no scope to add any additional capacity at its existing site. Consequently, EDU3 is reserved in case the school age population in Halebank increases sufficiently to warrant additional local educational provision.

415. The site does not narrow the gap between Hale and Halebank and would contribute towards rounding of the settlement. It has a significant level of visual encroachment from surrounding development. Compensatory improvements would be delivered as part of the wider residential development. The wider Green Belt parcel is identified as making a moderate contribution to Green Belt purposes overall. The need for additional education facilities would be likely to arise from the proposed residential development. Given the strategic housing requirement and the restrictions on the current school site we consider that exceptional circumstances exist for the release of the land from the Green Belt.

416. Furthermore, the site is not identified as supporting habitat for the Mersey SPA and educational use would not conflict with the conservation objectives. Overall, the education allocations are justified, effective and consistent with national policy.

### **Conclusion on Issue 14**

417. Subject to the MM set out above, the Halton Centre allocations are justified, effective and consistent with national policy.

### **Issue 15- Whether the proposed Gypsy, Traveller and Travelling Showpeople allocations are justified, effective and consistent with national policy?**

418. Policy RD2 allocates Sites GT5 and GT7 as Gypsy and Traveller sites to afford some protection to their continued use and to allocate an extension to GT1 at Warrington Road, Runcorn (GT6). Site capacities are based on the now withdrawn Government Guidance on Designing Gypsy and Traveller sites.



419. GT6 Warrington Road (extension) represents an extension of the existing site GT1, Canalside. Whilst the site is a greenspace designation in the UDP it serves no public open space function at present. The site may have low-level contamination due to the proximity to the Manchester Ship Canal; however, this can be addressed as part of any planning application. Part of the site adjacent to the canal is within flood zone 3 and part in flood zone 2. However, additional flood modelling has been undertaken for the canal which shows that the extent of overlap with those sites has been reduced. Furthermore, there is potential to raise the site to take parts out of the flood zone. Nevertheless, the capacity of the site has been reduced from 12 pitches to 9 pitches in recognition of the revised flood risk maps. Further to consultation on the Main Modifications, the site area has been slightly revised to more accurately reflect the extent of Flood Zone 3 and this is shown on the additional revisions to the Policies Map. **MM023** addresses these points for the policy to be effective and consistent with national policy.
420. The site is in private ownership and the owner's preferred use is for employment given its location adjacent to the industrial estate. Whilst the availability of the site is in question, the Council have confirmed that it would negotiate and if necessary, use its compulsory purchase powers to bring the site forward taking account of its statutory duty.
421. Furthermore, it is logical to consolidate the existing Gypsy and Traveller use at Warrington Road which would assist site management enabling the shared use of existing facilities. Moreover, the existing use is established and there is no conflict with surrounding uses. Funding sources from Homes England could be utilised to facilitate the provision of the extension. Whilst the above issues would take some time to resolve the site would not be required immediately. Overall, we consider that the allocation is justified, effective and consistent with national policy.

### **Conclusion on Issue 15**

422. Subject to the MMs set out above, the Gypsy, Traveller and Travelling Showpeople allocations are justified, effective and consistent with national policy.

### **Issue 16 – Whether the land proposed for safeguarding is justified, effective and consistent with national policy?**

#### **Safeguarded sites-Daresbury: SG2; SG4 and SG9**

423. Land to the east of Daresbury village is proposed as safeguarded land (SG2; SG4; SG9). The sites demonstrate strong countryside character and are only partially contained with less than 50% adjacent to the urban area. Development of the sites would reduce the gap to Warrington at this point; however, it would remain more than 3km. Site SG2 has limited visual encroachment, with most views open or with built development absent or well-screened. Sites SG4 and SG9 have some visual encroachment with views at certain points of the sites

overlooked by development. Overall, the sites make a moderate contribution to the openness and purposes of the Green Belt.

424. The western boundaries of the sites are weak to moderate formed by boundary treatment to the rear of residential gardens at some points and hedgerows and intermittent trees. The eastern and southern boundaries which would form the new Green Belt boundaries are weak to moderate at present formed by hedgerows which are patchy in parts and intermittent trees. Whilst there would be potential to strengthen these boundaries with landscaping, this would take many years to establish. Consequently, a stronger, more logical and defensible boundary in this location is the A56, Chester Road bypass.
425. The Council seek to justify the release of housing land in this location based on the contribution it would make to future housing land supply at a strategic level; however, the village only has around 40 houses and so locally arising need would be extremely limited and could be met through infill development within the village.
426. Whilst not referred to in the Council's exceptional circumstances paper the Council explained at the Hearing sessions that the exceptional circumstances also relied upon the ability of the land to assist in addressing parking problems at the school and in relation to the safeguarded sites to provide playing pitches for the school. However, the car park and playing fields could be provided on land without the provision of housing and there is no firm evidence before us to demonstrate that the bus service would definitely return. Consequently, we do not consider that these factors justify the exceptional circumstances required to release the land from the Green Belt in this location.
427. Accessibility considerations are the same as for site D1. Furthermore, whilst the safeguarded sites are not proposed for development at present the cumulative effect of any proposed development of D1 and the safeguarded sites on the linear character of the village and the Conservation Area would be a very important consideration. In particular, SG4 is situated in close proximity to the Grade II \* listed Church of All Saints (within 50m of the site boundary). The effect of any development on the setting of the Church would also be a very important consideration.
428. In conclusion, the exceptional circumstances do not exist for release of this land from the Green Belt. **MM055** addresses this point to be consistent with national policy. A consequential amendment to the Policies Map is also necessary (PMM01).

#### **Safeguarded Land-Preston-on-the-Hill: SG1, SG3, SG5, SG7 and SG8**

429. Preston-on-the-Hill is a small linear village, overlooking the larger settlement of Preston Brook. The settlement is proposed to be taken out of the Green Belt and identified as a Primarily Residential Area in recognition of its relatively dense urban form which does not contribute to the openness of the Green Belt. An opportunity exists to develop a partially previously developed site (P1) to the west of the village and a site (P2) between the A56 and the M56, both of which

make only a limited contribution to the Green Belt. Together, these sites make a logical urban extension to the village.

430. A number of safeguarded sites are proposed to the south and east of the village. The release of these sites from the Green Belt would result in breaching existing strong Green Belt boundaries of the M56 and the railway line. However, significant development at Preston Brook and the Whitehouse Industrial Estate have already breached the M56 and the built form of Preston-on-the-Hill exists beyond the railway line and the canal.
431. The proposed sites are adjacent to the urban area of Preston Brook and the Whitehouse Industrial Estate and are therefore, partially contained. Sites SG5 and SG8 are only identified as making a partial contribution to the Green Belt, whilst SG7 and SG1 make a moderate contribution to the Green Belt.
432. Parts of the north-eastern boundary of SG7 and SG8 formed by field boundaries are weak; however, the creation of an access road off the A56 provides the opportunity to create a strong, defensible boundary. Furthermore, there is potential to create a link road from Junction 11 of the M56 to the A533 to the south which would have wider benefits for the road network. The link road would also provide opportunities to connect to existing bus routes, footpaths and cycle routes and improve sustainable transport modes. The link road is at the business planning stage and whilst not in the delivery schedule of the IDP it is referred to in the supporting text.
433. The sites are situated close to the local centre in Preston Brook which comprises a convenience store and post office. Opportunities to improve access to education and health facilities in Murdishaw and Sandymoor would need to be carefully considered.
434. The existing settlement of Preston-on-the-Hill would be surrounded by future development. However, the village is not a Conservation Area and given the scale of the sites, opportunities would exist to set development back to maintain a degree of separation in order to protect the linear core.
435. Whilst the sites have some constraints, it is apparent that those can be addressed as part of any detailed scheme and would not preclude or unduly constrain future development. The sites have a willing landowner and a housebuilder is involved with site SG8 and part of SG7. Consequently, there is no reason to doubt that the sites would be available for development in the future.
436. In summary, Map 12a of the Green Belt Study clearly shows that this location performs less well in terms of the contribution it makes to Green Belt openness and purposes. Furthermore, Preston-on-the-Hill is situated in one of the largest gaps between settlements in comparison to other locations.
437. Overall, we consider that the safeguarded sites in the broad location of Preston-on-the-Hill have the potential to form a logical strategic extension to meet future development needs beyond the Plan period. Given the future housing and employment needs of the Borough and the lack of alternative sites we consider

that the exceptional circumstances exist to release the sites from the Green Belt.

**Safeguarded Sites, North Widnes: SG10 Pex Hill; SG12 Notcutts Garden Centre.**

438. Two sites are proposed as safeguarded land to the north of Widnes. SG10 Pex Hill is situated to the north of the A5080 and the west of Norland's Lane and is around 17 hectares. The smaller parcel of land comprises of a paddock, whilst the larger parcel is in agricultural use.
439. Around 50-70% of the boundary of the larger parcel of land is adjacent to development and so is largely contained. The site is within one of the narrower gaps between settlements and its development would reduce the gap from Widnes to Cronton and Widnes to Rainhill; however, there is already intervening development and it would not lead to the merging of settlements. Whilst the boundary strength on the north and eastern boundaries is weak, these could be strengthened through landscaping and an access road may strengthen the northern boundary. Whilst in isolation the boundaries of the smaller parcel of land are identified as weak; the site would be developed as part of the wider parcel of land and would not, therefore, form a Green Belt boundary. Furthermore, there is potential for off-site compensatory improvements.
440. Given the strategic future housing need for in the Borough and in particular in relation to need in the Widnes area taken together with the relatively contained nature of the site, we consider that exceptional circumstances exist to release the site from the Green Belt for future need.
441. In terms of creating sustainable patterns of development, there is potential to improve accessibility to services through connections to local bus services; footpaths and cycleways in addition to the Pex Hill Nature Reserve.
442. Some concern surrounds the access onto Cronton Road, due to the potential conflict with movements associated with the college; however, it is considered that those concerns could be resolved. Other identified constraints are deemed to be resolvable in the longer term through the consideration of a detailed planning application. The site is available and there is interest in the site from housebuilders. Consequently, there is no reason to doubt that the site would come forward in the future.
443. SG12 Land adjacent to Notcutts Garden Centre is situated to the north of an existing garden centre on the northern edge of Widnes and is around 4.17ha of land with a potential capacity for around 101 dwellings.
444. The site is adjacent to the urban area, but with less than 50% of the boundary adjacent to development and so is partially contained. The site would have a limited impact on the gap between settlements. The site has a strong boundary to the east formed by Twyford Lane and to the west by the former railway line. There is potential to strengthen the northern boundary on the site. Overall, the site makes a moderate contribution to Green Belt purposes.

445. There are opportunities to improve the Greenway which runs to the northern edge of the expressway as part of compensatory improvements to off-set the loss of Green Belt land. Given the strategic future housing need in the Borough and in particular in Widnes, we consider that the exceptional circumstances required to release the site from the Green Belt exist.
446. In terms of creating sustainable patterns of development, the site is within 300m of a bus stop and within a reasonable distance of a supermarket. There is an existing access onto Mill Lane and a secondary access would be required on Tyford Lane. There are opportunities to improve pedestrian links via the Greenway and also as part of the wider development of North-East Widnes.
447. The land is within a single ownership and available has been subject to sub-market testing. There is nothing to suggest that the site would not come forward in the next Plan period.

**Safeguarded Sites, Halebank: SG11 Land at Hale Gate Road; SG13 Land to the south of Hale Bank Road**

448. SG11 Land at Hale Gate Road is situated to the rear of existing residential properties on Hale Gate Road and to the west of Pickerings Pasture, a local wildlife site. It is around 22ha and is currently in agricultural use. A wastewater treatment works is situated to the south-east of the site.
449. The site is adjacent to the urban area, but with less than 50% of the boundary adjacent to development and so is partially contained. The site would contribute to the rounding of settlements and would have limited impact on the gap between Halebank and Hale. The southern boundary of the site is strong, formed by the access road to the waste-water treatment works. The eastern boundary is also strong, formed by a woodland belt for the most part. Whilst the western boundary is weak this would not form an outer Green Belt boundary in any event.
450. Overall, the main parcel of land is identified as making a moderate contribution to Green Belt purposes whilst the smaller parcel to the rear of Mersey View Road is identified as making a partial contribution to Green Belt purposes. Given the strategic future housing need in Widnes together with the limited Green Belt harm and the lack of alternatives we consider that exceptional circumstances exist to release the site from the Green Belt.
451. The capacity of the site is constrained by the proximity to the wastewater treatment works due to the potential noise and odour. A pipeline traverses the site, and the site is at potential risk of flooding from surface water. It is considered that these can be overcome through technical solutions in the longer term and by focussing development on the northern part of the site which would contribute to the rounding of the settlement.
452. The southern part of the site is more heavily constrained and could be used to create a standoff with the wastewater treatment works and provide compensatory improvements with linkages to the existing greenspaces and footpaths.

453. Provision of on-site greenspace and recreation would also off-set any potential impact on the SPA in combination with contributions in line with the Interim Recreation Mitigation Strategy. Initial survey work has not identified the site as being functionally linked land; however, there would be the requirement for additional survey work.
454. There is sufficient capacity within the road network and while not straightforward, access issues are not insurmountable. Services and facilities are available in Halebank. A developer has an option to develop the site and so there is no reason to doubt that the site is available and developable in the longer term.
455. Main modification **MM055** is required to reflect a reduced site area taking account of the need for a stand-off from the waste-water treatment works for the Policy to be effective. A corresponding change to the Policies Map to show the reduced boundary along the edge of the site with the adjacent waste-water treatment works is required and formed part of an additional consultation on the Policies Map.
456. SG13 Land to the south of Hale Bank Road is situated to the south of the village and to the west of the proposed allocation W24. The site is adjacent to the urban area, but with less than 50% of the boundary adjacent to development and so is partially contained. The development of the site would reduce the gap between the western edge of Widnes and Liverpool and the southern edge of Halebank and Hale; however, sufficient separation would remain.
457. Due to the nature of the landscape, there is a lack of physical features which makes it difficult for any allocation to reflect strong boundaries on the ground, particularly on the south and west boundaries which would need to be strengthened through structural planting. The Green Belt Study identifies that the site makes a moderate contribution overall to Green Belt purposes. Given the future housing need and a lack of alternatives we consider that exceptional circumstances exist to release the site from the Green Belt.
458. The site is situated in close proximity to the Hale Bank Conservation Area (HBCA), the significance of which derives from its linear nature. Given the size of the proposed sites there would be the opportunity to set development back from the HBCA in order to protect the linear core of the village. Retaining important views through gaps in the frontages of the village to the open land beyond would help to avoid the perception of depth.
459. There are no identified constraints which could not be overcome, and the developer has confirmed that the site is available. Consequently, there is no reason to doubt that the site would come forward in the future.

### **Conclusion on Issue 16**

460. Subject to the MMs set out above, the land proposed for safeguarding is justified, effective and consistent with national policy.

## Issue 17 – Other matters

461. There are a number of other parts of the Local Plan that need to be modified to ensure soundness.
462. **MM001**, **MM002** and **MM018** are required in the introduction to the Local Plan as well as Policy CS(R)22 and its supporting text to reflect the new Use Classes Order, so the Local Plan is effective and consistent with national policy.

## Infrastructure Provision, Implementation, Monitoring and Viability

### Issue 18 – Whether the Local Plan is justified, effective and consistent with national policy in relation to Infrastructure Provision, Implementation, Monitoring and Viability?

#### Infrastructure

463. The Council has worked closely with a range of other organisations to identify key infrastructure requirements and a programme for delivery and these are set out in the Infrastructure Delivery Plan 2020 (IDP). There is a clear commitment to keep this under review. The IDP sets out clearly the specific infrastructure requirements for the Strategic and individual site allocations. The Council has also been active in pursuing funding opportunities to bring forward improvements to infrastructure such as for strategic highway and junction improvements and flood alleviation schemes.
464. **MM008** is necessary to Policy CS(R)7, in line with the SoCG with the Environment Agency (PSD03b) and SoCG with Natural England (PSD03d), to ensure that development proposals are supported by the timely provision of an appropriate level of infrastructure, including water supply and treatment and flood defence, in consultation with the relevant infrastructure/ service providers. In addition, the working arrangements with the infrastructure providers on the IDP is moved to the supporting text and the reference to the pooling of developer contributions is removed in light of the latest changes to the Community Infrastructure Levy Regulations. This MM is necessary to ensure that Policy CS(R)7 and its supporting text is justified, effective and consistent with national policy.

#### Implementation

465. The Local Plan takes a pragmatic and realistic approach to developer contributions given the issues in terms of viability. Policy CS(R)7 gives sufficient flexibility to allow for viability to be taken into account.
466. Policies CS(R)21, HE4, HE6 and HC5 sets out an appropriate approach to green infrastructure as well as social, sports, recreation and community infrastructure and facilities.

## Monitoring

467. **MM057** and **MM058**, which would amend the Local Plan Monitoring Framework in Appendix G to take account of the non-strategic policies and other MMs, are necessary to ensure that there would be clear and effective mechanisms to monitor the implementation of the Local Plan. Additional changes have been made in response to MMs consultation to address the effectiveness of the monitoring indicators and targets, including those relating to Policies CS(R)1, CS(R)20, HE2, HE4, HE10 and HE11.

## Viability

468. A Whole Plan Viability Assessment (HDH, 2019) (WPVA) [SD04] was submitted alongside the Local Plan. The WPVA has been subject to consultation at various stages and the points raised were addressed and considered in the report. There is some dispute over inputs to the assessment including the base assumption unit s106 costs, benchmark land values, abnormal development costs and developer's profit. However, undertaking a WPVA is not an exact science there will always be an element of judgement in applying assumptions and reaching conclusions. From everything which I have read, and the evidence given by HDH at the examination, I find the methodology used and the inputs applied to be grounded in recognised data sources.

469. Furthermore, whilst detailed assumptions were challenged by developers, they, nevertheless, agreed at the hearing session on viability that overall, the Local Plan is viable. Indeed, developers were keen to emphasise at the hearing sessions on site allocations that their specific sites were viable.

470. The WPVA recognises that viability differs across the site typologies and that a blanket 25% affordable housing target across the Borough would not be deliverable. Strategic sites are likely to have higher infrastructure costs and a lower net developable area, and this is reflected in the lower percentage target of 20% on these sites. Smaller greenfield sites are the least constrained and can, therefore, support a higher requirement of 25%. Affordable housing is not sought on brownfield sites in recognition of challenging viability issues associated with these sites. Main Modifications to CS(R)13 have been made to ensure that the policy is applied flexibly to reflect viability issues. Similar adjustments have been made to open space policies to reflect viability.

471. Overall, the WPVA demonstrates that the cumulative requirements of the Plan would not undermine the delivery of the strategy of the plan by threatening the viability of development. Consequently, the plan would be consistent with paragraph 34 of the NPPF and paragraphs 001-006 and 029 of the NPPG.

## Conclusion

472. Subject to the MMs set out above, the Local Plan is justified, effective and consistent with national policy in relation to Infrastructure Provision, Implementation, Monitoring and Viability.



## Overall Conclusion and Recommendation

473. The Local Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

474. The Council has requested that we recommend MMs to make the Local Plan sound and legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix to this Report, the Halton Delivery and Allocations Local Plan 2014-2037 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Caroline Mulloy and David Troy*

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.