

# WARRINGTON BOROUGH COUNCIL

## CABINET – 13 November 2023

<b>Report of Cabinet Member:</b>	Councillor H Patel, Cabinet Member, Environment and Public Protection	
<b>Director:</b>	Steve Park, Director of Growth	
<b>Senior Responsible Officer:</b>	Michael Bell, Planning Policy and Programmes Manager	
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<b>Key Decision No.</b>	016/23	
<b>Ward Members:</b>	All	

### TITLE OF REPORT: ADOPTION OF WARRINGTON LOCAL PLAN 2021/22 – 2038/39

#### 1. PURPOSE

- 1.1 This report seeks the approval of Cabinet for the actions necessary to progress The Warrington Local Plan 2021/22 – 2038/39 to adoption, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended).
- 1.2 Cabinet is requested to approve the Main Modifications to the Local Plan, as recommended by the independent Planning Inspectors, together with consequential amendments to the Policies Map, and Minor Modifications that do not materially affect the Plan.
- 1.3 Pursuant to Regulations 4(1) and 4(3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the adoption of the Local Plan is a non-executive function which must be exercised by a full meeting of the Council. As such, Cabinet approval is requested for the Local Plan – incorporating the Main Modifications, amendments to the Policies Map and Minor Modifications - to proceed to Full Council. At this meeting a resolution will be sought to formally adopt the Local Plan under Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 1.4 The schedule of Main Modifications is provided at Appendix 1, the schedule of amendments to the Policies Map at Appendix 2 and the schedule of Minor

Modifications at Appendix 3. The updated Local Plan, incorporating the Main and Minor Modifications, is provided at Appendix 4.

**2. CONFIDENTIAL OR EXEMPT**

- 2.1 The report is not confidential or exempt.

**3. INTRODUCTION AND BACKGROUND**

- 3.1 The Council has a statutory duty to prepare a Local Plan, with a requirement set in law that planning decisions must be taken in line with the Local Plan unless material considerations indicate otherwise. Warrington's Local Plan will ensure sufficient land is made available to meet Warrington's future need for new homes and jobs. The Local Plan provides the opportunity to ensure that future growth is sustainable through the delivery of infrastructure necessary to support an increasing residential and working population, as well as providing the basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. It provides the planning policies which are used to assess individual planning applications.
- 3.2 The Council started the process of preparing a new Local Plan in 2016. The Council has undertaken extensive consultation on the emerging Local Plan and its evidence base, including consultation on:
- The scope and content of the Local Plan in 2016, carried out under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
  - The Preferred Development Option for the Local Plan in 2017, carried out under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
  - The Proposed Submission Version of the Local Plan in 2019, carried out under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012
  - The Updated Proposed Submission Version of the Local Plan in 2021, carried out under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012
- 3.3 Full details of the consultation undertaken, the key issues raised at each stage of consultation and how these issues have been taken into account in the plan making process are set out in the Responding to Representations Report (2022) which is available to view on the Council's web site.
- 3.4 Full Council resolved to submit the Plan to the Secretary of State for Examination in April 2022. The examination hearing sessions were held in September and October of 2022, with the Council consulting on Main Modifications, as recommended by the independent Planning Inspectors, in March to April 2023 and May to July 2023. Further detail on the Main Modifications is provided below.

- 3.5 Having considered the consultation responses to the Main Modifications, the Inspectors held a further hearing session in July 2023, specifically relating to the Plan's employment land requirement, before finalising their Report.
- 3.6 The Inspectors' Report was published by the Council on 25<sup>th</sup> October 2023. The Report concludes that subject to inclusion of the Main Modifications, the Plan is sound, complies with all relevant legal requirements and provides an appropriate basis for the planning of the Borough. The Report confirms that in preparing the Plan, the Council has met the Duty to Cooperate having engaged constructively and actively and on an ongoing basis with neighbouring boroughs and all relevant statutory consultees.
- 3.7 It should be noted that the Council can only adopt the Local Plan if it incorporates all the Main Modifications as recommended by the independent Inspectors.
- 3.8 Following adoption of the Local Plan, the Council will be required to produce an Adoption Statement and a Sustainability Appraisal Statement in accordance with Regulation 26 of the Town and County Planning (Local Planning) (England) Regulations 2012 and Regulation 16 (4) of the Environmental Assessment of Plans and Programmes Regulations 2004 respectively.

#### **4. MAIN MODIFICATIONS**

- 4.1 Following the examination hearing sessions, the Council received a post hearing letter from the Inspectors on 16 December 2022, setting out their conclusions on the key issues of soundness and the main modifications that would be required to ensure the Plan was sound.
- 4.2 A copy of the letter, and the subsequent correspondence referenced below, is available to view on the Council's web site. In summary the Inspectors concluded that:
- The Plan's housing requirement of 14,688 over the plan period is justified.
  - The Plan's employment land requirement of 316.26ha is too high and should be reduced to 168ha.
  - The proposed South East Warrington Employment Area allocation should be deleted.
  - Land to the south of the canal and railway line at Fiddlers Ferry should remain in the Green Belt.
  - The Waterfront allocation is not developable on the basis of current evidence relating to the funding of the Western Link, although as funding may come forward in the future, the Waterfront allocation and the Western Link safeguarding can remain in the Plan, (with this being important to protect the route from any development which would impact upon it), albeit the housing trajectory and the calculation of the supply of housing land should not factor in any completions from the Waterfront in the Plan Period.
  - Notwithstanding the reduced Fiddlers Ferry Allocation and the Waterfront not being able to contribute to developable housing supply, the Plan still provides an adequate housing supply compared with the overall requirement.

- 4.3 On 22 December 2022, the Council wrote to the Inspectors to confirm it wished to proceed in accordance with the conclusions on the key issues of soundness as set out in the Inspectors' post hearing letter. Following this, on 3 February 2023, the Inspectors provided a Note to the Council with an outline of the Main Modifications required to make the Local Plan sound. This included a Main Modification relating to the Peel Hall allocation, where having given the matter further detailed consideration, the Inspectors concluded that it is appropriate to identify the site as a commitment rather than a new site allocation.
- 4.4 The Council prepared the Main Modifications schedule in accordance with the Inspectors' Note, together with a schedule of consequential amendments to the Policies Map, and these were subject to a 6 week consultation from 15 March to 26 April 2023. Due to the Council recognising that not everyone received notification of the consultation on the Proposed Main Modifications, the consultation was re-opened for a further six week period from 24 May until 5 July 2023.
- 4.5 The Main Modifications underwent further Sustainability Appraisal / Strategic Environmental Assessment and Habitats Regulations Assessment, which were consulted on, alongside the modifications themselves. These documents, together with all consultation responses to the Main Modifications Consultation are available to view on the Council's website.
- 4.6 Having reviewed the representations on the Main Modifications, the Inspectors noted that there were substantial technical submissions in relation to the proposed reduction in the employment land requirement and the related deletion of the proposed South East Warrington Employment Area. In light of these representations, the Inspectors considered it appropriate to hold an additional hearing session to discuss the employment land requirement for the Borough. This was held on 13 July 2023 at the Halliwell Jones Stadium.
- 4.7 The Inspectors subsequently wrote to the Council on 2 August to confirm that they were now proceeding with their report on the basis of the Main Modifications that were subject to consultation. In terms of the employment land requirement, the Inspectors confirmed that they maintained their view that the employment land requirement of 316.26ha set out in the submitted Local Plan is not justified and that it should be reduced to a figure broadly in line with that set out in the proposed Main Modifications. They also confirmed that they maintained the view that the proposed South East Warrington Employment Area allocation should be deleted.
- 4.8 As stated above, the Council published the Inspectors Report on 25<sup>th</sup> October 2023. The Report confirms that the Plan, incorporating the Main Modifications, is sound.

## **5. MINOR MODIFICATIONS**

- 5.1 The Council and the Inspectors are also able to make Minor Modifications to the Plan that (taken together) do not materially affect the policies within it (Section 23 Planning and Compulsory Purchase Act 2004).

- 5.2 The Council is proposing a number of Minor Modifications to address typographical errors, to provide clarification or to provide minor factual updates. The Minor Modifications are provided in the schedule at Appendix 2. None of the Minor Modifications, either on their own or when taken together, materially alter the policies set out in the Plan.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 Development proposed in the Local Plan will provide new employment opportunities, new homes, including affordable homes, and investment in education, health and other community facilities across the Borough. The scale of development provides a unique opportunity for transformational investment in the Borough's infrastructure.
- 6.2 The preparation of the Local Plan is funded from existing budgets.

## **7. RISK ASSESSMENT**

- 7.1 It should be noted that the housing target in the current adopted Local Plan was quashed by the High Court in 2015. In the absence of an up-to-date Local Plan the Council is unable to demonstrate a Five Year Housing Land Supply. The Council has also consistently failed the Government's Housing Delivery Test. As such, the 'presumption in favour of sustainable development' as set out in the Government's National Planning Policy Framework (NPPF) applies in Warrington. Without an up-to-date Plan there is a significant risk that the Council could lose control over the location and form of new developments, with development coming forward in a piecemeal and unplanned fashion, without the ability to coordinate the delivery of infrastructure to support it.
- 7.2 Not planning to meet development needs could also worsen the affordability of housing, particularly for young people and could constrain Warrington's future economic prosperity.
- 7.3 The Council considers that it can demonstrate that there is a reasonable prospect that the policies and proposals in the Plan can be developed within the timescales envisaged. However, the prospects of delivery over the Plan period will be monitored by the Council, taking into account the most up to date evidence available. For example, the Council will monitor and consider the extent to which its housing and employment requirements are capable of being met, and the extent to which necessary infrastructure is able to come forward to support key elements of the Plan. Regulation 10A of the 2012 Town and Country Planning (Local Plan) (England) Regulations requires that a plan is reviewed at least every 5 years starting from the date of adoption.

## **8. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT**

- 8.1 The Local Plan is subject to Equality Impact Assessment (EqIA) at key stages of its preparation in accordance with the Council's published practice and guidance on such matters. The EqIAs for the Updated Proposed Submission Version Local Plan and the Main Modifications are published on the Council's web site as part of the evidence base for the Plan.
- 8.2 Development proposed in the Local Plan will provide new employment opportunities, affordable housing and investment in education, health and other community facilities across the Borough. The continued focus on regenerating the inner parts of Warrington provides the opportunity to address the relatively high levels of deprivation in these areas and provide more affordable housing, including for young people. There are specific policy requirements relating to meeting the needs of elderly people and disabled people.

## **9. CLIMATE AND SUSTAINABILITY IMPLICATIONS**

- 9.1 In preparing the Plan, climate change formed a key consideration in the option assessment and sustainability appraisal process. The Plan's vision and Strategic Objectives include a commitment to reduce carbon emissions and tackle climate change.
- 9.2 A number of the Local Plan policies include specific provisions to reduce and mitigate the impacts of development on climate change and to ensure new development is resilient to the potential effects of climate change. Individual site allocation policies have a requirement to mitigate the impacts of climate change; be as energy efficient as possible and seek to meet a proportion of its energy needs from renewable or low carbon sources. The Plan includes a policy specifically relating to Renewable and Low Carbon Energy Development and sets out Plan wide requirements in this regard.
- 9.3 The Plan contains wide ranging policies relating to the protection and enhancement of the natural environment, including a requirement for new development to secure a net gain in biodiversity and specific measures to address air quality.
- 9.4 The Plan will support the Council in ensuring Warrington's levels of recycling continue to increase, with a corresponding reduction in municipal and commercial waste. The Plan will ensure that Warrington's mineral resources will be protected and contribute to future resource needs in a sustainable manner.
- 9.5 The Plan has been subject Sustainability Appraisal / Strategic Environmental Assessment and Habitats Regulation Assessment throughout its preparation. This has ensured the full range of environmental impacts have been assessed and appropriate mitigation measures included, where necessary.

## **10. CONSULTATION**

- 10.1 Consultation on the Local Plan must be undertaken in accordance with the Council's adopted Statement of Community Involvement (2020) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 10.2 The Council has undertaken extensive consultation at each stage of Local Plan preparation. Full details of the consultation undertaken, the key issues raised at each stage of consultation and how these issues have been taken into account in the plan making process are set out in the Responding to Representations Report (2022) which is available to view on the Council's web site. Consultation responses on the Main Modifications are also available on the Council's web site.

## **11. REASONS FOR RECOMMENDATION**

- 11.1 To ensure the Council has an up-to-date Local Plan which is effective in promoting and guiding Warrington's future growth in a sustainable manner and that the social and physical infrastructure necessary to support an increasing resident and working population is delivered.

## **12. RECOMMENDATION**

- 12.1 Cabinet is recommended to:
  - (i) Recommend that Full Council approve the Main Modifications to the Local Plan proposed by the independent Inspectors, as set out in Appendix 1 to this report, for incorporation into the final version of the Local Plan.
  - (ii) Recommend that Full Council approve the amendments to the Local Plan Policies Map, as set out in Appendix 2 to this report, for incorporation into the final Local Plan Policies Map.
  - (iii) Recommend that Full Council approve the Minor Modifications to the Local Plan, as set out in Appendix 3 to this report, for incorporation into the final version of the Local Plan.
  - (iv) refer the final version of the Local Plan (provided in Appendix 4) – incorporating the Main Modifications, Amendments to the Policies Map and Minor Modifications – to Full Council with a recommendation to formally adopt the Warrington Local Plan 2021/22 – 2028/39 as the new Development Plan for Warrington, in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).
  - (v) up to the point of consideration of the Local Plan at Full Council, authorise the Director of Growth, following consultation with the Cabinet Member for Environment and Public Protection, to make any necessary further minor modifications to the draft Plan that do not materially alter the policies set out in the Plan and recommend any such changes to Full Council.

## **13. BACKGROUND PAPERS**

- All documents relevant to the preparation of the Local Plan, including the Plan's evidence base, earlier versions of the Plan, responses to consultations and the Inspectors' Report, are available to view on the Council's web site:  
<https://www.warrington.gov.uk/planning-policy>

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**APPENDICES - Circulated as a Separate Document**

Appendix 1 - Schedule of Main Modifications

Appendix 2 - Schedule of amendments to the Policies Map

Appendix 3 - Schedule of Minor Modifications

Appendix 4 - Warrington Local Plan 2021/22 – 2038/39 (Including Policies Map)