

In February 2023, the Council reported the planning application back to its Development Management Committee to determine what position it would take at the public inquiry. The Council resolution, in line with the officer's recommendation was:

*"That the Council does not produce evidence either in support of or in opposition to the proposed development at the forthcoming public inquiry (officers would maintain a role in the inquiry in terms of assisting the Inspector through the provision of associated documentation, being available for any queries the Inspector may have and suggesting conditions/ S106 obligation should the application be approved, which would be reflective of DMC's previous resolution)".*

The reasons for the Council's decision are set out at paragraph 1.26 of the February 2023 committee report, which states:

*"Given that the progress of the Local Plan is running parallel to the determination of the planning application, and given that the weight that can be attributed to it and the employment need evidence base underpinning it is likely to evolve during the course of consideration and determination of the application by the Secretary of State, it is considered that the most appropriate position for the LPA at the forthcoming inquiry is to not produce evidence in support of or in opposition to the application but to attend the inquiry to assist the Inspector on factual matters, conditions and the S106. It will be a matter of judgement for the SoS, as the decision maker in this case, to decide what weight to give to the emerging Local Plan and the evidence, based on the circumstances that exist at the point of his determination of the application."*

The Local Plan process has now concluded and the Plan has been adopted. However, the public inquiry is now already part way through, a significant amount of evidence has already been heard that is relevant to the planning balance, and the LPA has not produced evidence in respect of these matters for the reasons set out above. Further, it is the Secretary of State and not the Council who is the decision maker in respect of the planning application. It therefore remains the Council's position that it is a matter for the Secretary of State to determine whether Very Special Circumstances exist to justify the granting of planning permission, taking into account the evidence presented at the inquiry. Given the stage the inquiry has now reached, and consistent with its resolution and the above, the Council's position therefore remains that it does not produce evidence in support of or in opposition to the inquiry but will attend to assist the Inspector on factual matters, conditions and the S106.

To assist the Inspector, the Council can provide a list of relevant policies from the newly adopted Local Plan below:

- DEV4 – Economic Growth and Development
- GB1 – Warrington's Green Belt
- INF1 – Sustainable Travel and Transport
- INF3 – Utilities and Telecommunications
- INF5 – Delivering Infrastructure
- DC1 – Warrington's Places
- DC2 – Historic Environment
- DC3 – Green Infrastructure
- DC4 – Ecological Network
- DC6 – Quality of Place
- ENV1 – Waste Management
- ENV2 – Flood Risk and Water Management
- ENV7 – Renewable and Low Carbon Energy Development
- ENV8 – Environmental and Amenity Protection
- M1 - Local Plan Monitoring and Review

The Council will attempt to agree these in a Statement of Common Ground with the Applicant.