

# **WARRINGTON**

# **BOROUGH**

# **COUNCIL**

**March 2019**

**LOCAL PLANNING FRAMEWORK**  
**LOCAL DEVELOPMENT SCHEME**



**WARRINGTON**  
Borough Council

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## **1 Introduction**

- 1.1 This document is the Council's eighth Local Development Scheme (LDS). It was approved by the Council's Executive Board at their meeting of the 11<sup>th</sup> March 2019 and comes into effect from 19<sup>th</sup> March 2019. The LDS describes what the Council is going to do to prepare new and revised planning policies as part of Warrington's Local Planning Framework. Preparation and review of the LDS is a mandatory requirement under the Planning & Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 1.2 The updated LDS sets out a detailed programme for the review of the Local Plan in order to accommodate the new homes and jobs required to meet Warrington's development needs over the next 20 years.
- 1.3 The update of the LDS has been prompted due to the expanded scope of Warrington's new Local Plan and the delay to the timetable set out in the previous LDS.
- 1.4 The LDS programme includes consultation milestones to inform the public, landowners, developers and other key stakeholders about opportunities to get involved in the plan making process and to let them know the likely dates for involvement.
- 1.5 A review of progress on the programme set out in the LDS together with the monitoring of adopted Local Plan policies is undertaken each year and included within the Council's Annual Monitoring Report (AMR).

## 2 Warrington's Local Planning Framework

2.1 Warrington's Local Planning Framework provides the spatial framework to deliver the key objectives of the Warrington Means Business programme and the Borough's Health & Well-being Strategy. It seeks to promote and guide Warrington's growth over the next 20 years, ensuring housing and economic needs can be sustainably accommodated and that the social and physical infrastructure necessary to support an increasing resident and working population is delivered. It comprises a suite of documents as illustrated in figure 1.

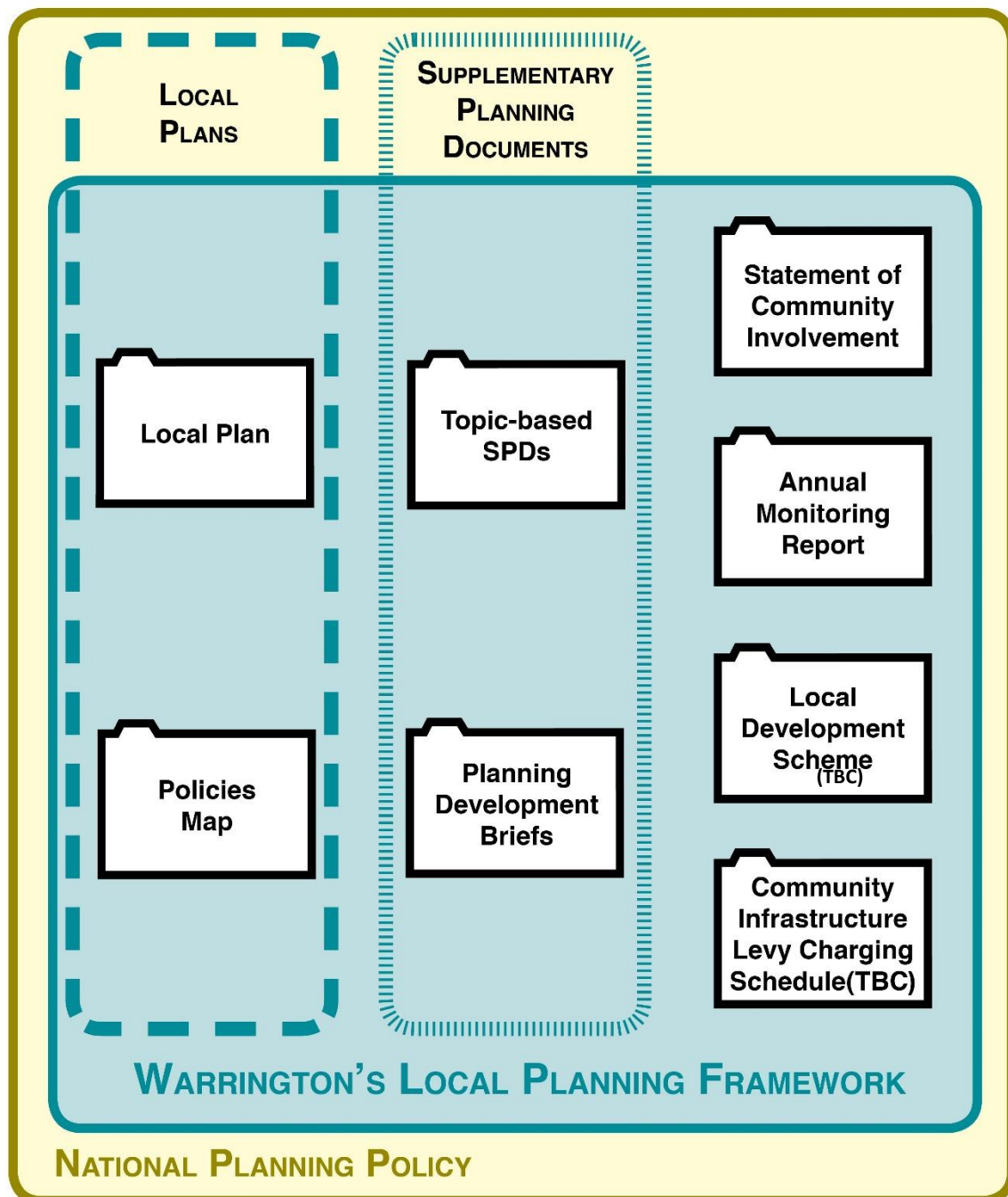


Figure 1: Warrington's Local Planning Framework

## **Local Plan Core Strategy**

- 2.2 Warrington's Local Plan Core Strategy is the overarching strategic policy document at the heart of the Local Planning Framework. It establishes development principles that will shape the way that Warrington as a whole and its individual places will develop up to 2027. It also contains more detailed Development Management Policies in respect of specific issues for use in determining individual planning applications.
- 2.3 The Local Plan Core Strategy was adopted in July 2014 but the subsequent High Court ruling means that the Plan's housing target and elements of the associated housing policies have been quashed. This has prompted the preparation of a new Local Plan which is the focus of this updated LDS.

## **Supplementary Planning Documents (SPDs)**

- 2.4 SPDs build upon and provide more detailed advice or guidance on the policies in the Local Plan. They can be either topic specific to a policy area or relate to a development site. The Council has adopted a number of SPDs which are published on the Council's website. The Council recognises the need to update, streamline and simplify a number of its SPDs. The Council is also proposing to prepare a SPD for the proposed Garden Suburb Local Plan allocation. There is no longer a requirement to include the work programme for preparing SPDs in the LDS. The Council will however provide updates on its website and ensure consultation is undertaken in accordance with the Statement of Community Involvement (SCI), as detailed below.

## **Statement of Community Involvement (SCI)**

- 2.5 The SCI sets out how and when the community (in its widest sense) will be involved in the preparation of Local Plan and other documents and how they will be consulted on planning applications. It is a statutory requirement under the Planning and Compulsory Purchase Act (2004) for the Council to prepare a SCI.
- 2.6 The latest version of the SCI was adopted in April 2014. It was updated to ensure consistency with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 as well as changes to local development management protocols. The Regulations incorporate the changes to the planning system made by the Localism Act 2011, including the "Duty to Co-operate" and Neighbourhood Planning.
- 2.7 The Council will review its SCI following the adoption of the Local Plan to address new Government requirements and to ensure it still provides the most effective way of engaging local residents, businesses and other local stakeholders in the planning process.

## **Annual Monitoring Report**

- 2.8 The Council prepares an Annual Monitoring Report each year to monitor how effectively its policies and proposals are being implemented and what action might need to be taken to address emerging issues or problems. This includes an assessment of the level of housing completions against housing requirements and a trajectory of future housing completions. It also reports on progress being made in implementing the work programme set out in the Local Development Scheme.
- 2.9 The Council's 14th AMR was published in January 2019.

## **Neighbourhood Planning**

- 2.10 The Localism Act introduced new powers to allow local communities to prepare 'neighbourhood plans' and 'neighbourhood development orders' to guide the future development of their areas. In the 'parished' parts of Warrington, this responsibility rests with the Parish Council. In 'un-parished' areas a Neighbourhood Forum needs to be established and approved by the Council to undertake neighbourhood planning.
- 2.11 Neighbourhood Plans must be in general conformity with the adopted local plan and once approved by the Council are subject to a local referendum before coming into force with full development plan status.
- 2.12 The current status of made and emerging Neighbourhood Plans is provided below:

### Appleton Thorn

On 19th June 2017 the Appleton Thorn Ward Neighbourhood Development Plan came into force under 38A (4) (a) of the Planning and Compulsory Purchase Act 2004. The Appleton Thorn Ward Neighbourhood Development Plan now forms part of the Development Plan for Warrington Borough Council.

### Grappenhall and Thelwall Parish Area

The Council designated a Neighbourhood Area on 6th March 2017.

### Lymm

The Council designated a Neighbourhood Area on 6th December 2017.

### Stretton

The Council designated a Neighbourhood Area on 6th December 2017.

## **Community Infrastructure Levy**

- 2.13 The Community Infrastructure Levy (CIL) is a tariff based charging system that the Council can introduce to help fund the infrastructure required to support the delivery of the Local Plan. Whilst the preparation of CIL is not mandatory, the CIL Regulations have deliberately restricted the use of Section 106 planning obligations in order to encourage Councils to adopt a CIL. The Council is looking to introduce CIL following the adoption of the Local Plan.

### 3 Overview of LDS Programme

- 3.1 This section explains and justifies the approach set out in the LDS. In addition, it explains how the work programme will be managed.

#### Key Work Areas

##### Local Plan Review

- 3.2 The detailed programme for the review of the Local Plan is set out in Section 4, with a summary of key stages provided below.

##### *Work undertaken to date*

- 3.3 In October 2016, the Council's Executive Board agreed to commence the process of reviewing the existing Warrington Local Plan. This follows the High Court ruling in 2015 which quashed the Plan's housing target.
- 3.4 The Council subsequently undertook a 6 week period of consultation on the **scope of the review and the Council's assessment of Warrington's development needs**. The Council also invited developers, landowners, the local community and other stakeholders to submit sites they wanted to be considered as part of the Plan review.
- 3.5 Following this consultation the Council undertook the work necessary to progress to a **Preferred Development Option** for accommodating Warrington's development needs. This work included:
- Updating the assessment of need for additional homes and jobs in the context of consultation responses and more recent socio-economic data;
  - Carrying out a more detailed assessment of the capacity of the existing urban area to accommodate additional development, including the capacity of existing infrastructure;
  - Revising the existing Plan's Strategic Objectives to retain the focus on regenerating the town centre and Inner Warrington, whilst recognising the need to accommodate additional growth and release land currently in the Green Belt; and
  - Assessing different options for the release of Green Belt to accommodate additional growth across the Borough, including identification of the additional infrastructure that will be required.
- 3.6 Consultation on the **Preferred Development Option** was carried out between 18th July and 29th September 2017. The Council held a number of public consultation events across the Borough as well as publicising the consultation in the local press, on the Council's website, through social media, on local radio stations and through a you-tube video.



- 3.7 Around 4,500 responses were received to the Preferred Development Option consultation. These have all been taken into account in the preparation of the Proposed Submission Version Local Plan.
- 3.8 The vast majority of representations were made by Warrington residents and campaign groups, together with Parish Councils, MPs, Borough Councillors and community groups, concerned with the scale and location of development being proposed, in particular relating to the release of Green Belt. A petition was also submitted objecting to the proposals in the Preferred Development Option which was signed by over 4,000 people.
- 3.9 The Council also received a significant number of representations from developers and landowners actively promoting sites through the Local Plan process.
- 3.10 In preparing the Proposed Submission Version Local Plan, the Council has completed a number of evidence base studies to ensure that the Local Plan is based on the most up to date assessment of Warrington's development needs; that all options for meeting these needs have been appropriately considered; and that the infrastructure requirements to support new development are understood and can be delivered.
- 3.11 A key focus of this work has been to ensure that every opportunity is taken to maximise the capacity of the existing urban area to accommodate new development.

*Amendments to work programme in previous LDS*

- 3.12 The LDS is being updated due to significant changes to the scope of the review of the Local Plan and the associated timescales. Following the initial Local Plan consultation it became apparent that that fundamental elements of the existing Plan - including the amount of development proposed, the Plan period, the approach to Green Belt and the format of the Plan with a Core Strategy and separate Development Plan Documents – will change. The Council therefore concluded that the Review will result in a new Local Plan rather than simply resulting in an alteration to the existing Plan.
- 3.13 The new Plan will also include policies relating to Minerals and Waste and Gypsy and Traveller's housing needs. These were originally envisaged to be prepared as separate Development Plan documents.
- 3.14 The broader scope of the Plan has also had implications for key milestones with the need to produce additional evidence base and additional policies.
- 3.15 There have been further issues which have resulted in a longer timescale to complete the review of the Local Plan than was set out in the 2016 LDS.

- The General Election of 2017 delayed the publication of the Preferred Development Option
- The number of representations to the Preferred Development Option has taken longer than envisaged to review.
- The Government has updated its National Planning Policy Framework and produced new Planning Practice Guidance, including introducing a standard housing methodology to calculate a Local Plan's minimum housing requirement. This has resulted in additional work to ensure the Local Plan meets new policy requirements and is informed by the appropriate technical evidence base.

*Next stage of Local Plan Review*

- 3.16 **Proposed Submission Draft Plan** – The Council will publish the draft Plan for consultation in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, enabling residents, community groups, land owners, developers and other stakeholders to make formal representations. Consultation is anticipated to commence in April 2019 until June 2019 for a period of 8 weeks.
- 3.17 **Submission to Secretary of State** - The Council will need to review all of the representations made during the consultation. Subject to there being no fundamental changes to the Plan, the Council will submit the Plan to the Secretary of State for independent Examination in Public. It is anticipated that the Local Plan will be submitted to the Secretary of State in autumn 2019.
- 3.18 **Main Modifications** - When submitting the Local Plan to the Secretary of State, the Council will request that the appointed Inspector, should they consider them necessary, suggest Main Modifications to the Local Plan to allow the Council to adopt the Local Plan.
- 3.19 **Examination** – An Examination in Public (EIP) will be undertaken into the draft Plan by an independent Inspector appointed by the Secretary of State. It is anticipated that the EIP will be held in early 2020.
- 3.20 If the Inspector does suggest **Main Modifications** then the Council will be required to consult on them for a minimum of a 6 week period. It is anticipated that this consultation will take place in June to July 2020.
- 3.21 **Inspector's Report** – The Inspector will consider the response to the Main Modifications prior to issuing the final Inspector's Report. The Council will then publish the report.
- 3.22 **Adoption** – Following receipt of the Inspector's Report, it is anticipated that the Plan will be adopted in late 2020.

### Community Infrastructure Levy

- 3.23 The Council considers the introduction of a CIL may play a critical role in meeting its long term growth aspirations, subject to confirmation that CIL is viable and provides a better long term solution than relying on S106 planning obligations.
- 3.24 In July 2016 Executive Board agreed to push back the initial timetable to introduce Community Infrastructure Levy (CIL) to run in parallel with the review of the Local Plan. Given the resource implications of the wider scope of the Local Plan review and the Governments proposals to amend the CIL regulations, the Council will consider the introduction of CIL following the adoption of the Local Plan.

### **Resources**

- 3.25 Funding for the work programme set out in the LDS has been identified within the Economic Regeneration, Growth & Environment Directorate Budget and the Council's Medium Term Financial Plan (MTFP) Reserves. The main resource requirements will be for staff, production of technical evidence base documents requiring specialist consultancy support, community engagement and the costs of the Examination in Public (EIP). These resources will be managed effectively to achieve best value at all times.
- 3.26 If it introduces CIL, the Council can use funds from the levy to recover the costs of administering the levy. This can include costs associated with introducing the levy as well as its ongoing administration.

### **Programme Management and Responsibilities**

- 3.27 The tables in Section 4 set out the schedules and timetables for the production of Local Development Documents (LDDs).
- 3.28 Progress against the LDS is reported to the Executive Member for Environment and Public Protection (Including Climate Change). This is a part of a wider governance structure which oversees the preparation of documents under the Warrington Local Planning Framework.

### **Council Procedures and Reporting Protocols**

- 3.29 Based on the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004 and recognising the Council Constitution and Schemes of Delegation for the Council, the levels of political responsibility are as follows:

For each Local Plan document:

- The approval for the purposes of consultation will be undertaken by The Executive Director Environment & Regeneration in consultation with the Executive Board and the Overview and Scrutiny Committee.

- Full Council Resolution is required for submission and adoption stages following consideration by the Executive Board in consultation with the Overview & Scrutiny Committee.

For each Supplementary Planning Document, The Annual Monitoring Report and Local Development Scheme:

- The approval for the purposes of consultation on Supplementary Planning Documents will be undertaken by The Executive Director Environment & Regeneration in consultation with the Executive Member for Environment and Public Protection.
- A decision of the Executive Board is required for adoption of Supplementary Planning Documents and the approval of the Annual Monitoring Report and the Local Development Scheme.

3.30 Such decisions are likely to be “Key Decisions” as they affect communities in more than two wards and would be subject to the Council’s Scrutiny Procedure Rules.

### **Duty to Cooperate**

3.31 The 'duty to co-operate', introduced by the 2011 Localism Act, places a formal requirement on the Council when preparing a Local Plan document to engage constructively, actively and on an ongoing basis with neighbouring local planning authorities and a range of key national and regional agencies. This list includes the relevant Local Enterprise Partnership (LEP), in Warrington's case the Cheshire and Warrington LEP.

3.32 The Council has proactively engaged with such parties to address any potential cross boundary issues of concern emanating from the Local Planning Framework and will continue to do so.

3.33 In accordance with the requirements of the revised National Planning Policy Framework the Council has prepared a draft Statement of Common Ground which provides a written record of the progress made by the Council in dealing with strategic cross-boundary planning matters.

3.34 It is not the intention of the Council to set up a joint planning board with neighbouring authorities. However, the Council has a proven track record of working with neighbouring authorities. The Council is pleased to have been involved in ongoing discussions throughout the evolution of neighbouring authorities’ Local Plans and has acted upon opportunities to align approaches to, and on occasion jointly commission, components of the evidence base. Such joint working will continue as each authority’s respective Local Plans are added to or reviewed.

### **Risks**

3.35 In preparing the LDS, the following areas of risk have been identified:

### Soundness

- 3.36 If the Plan is not considered by the Inspector to fulfil the requirements of the NPPF and associated guidance then there is a risk that the Plan will not be found 'sound'. This may require additional work, result in delay and increase the risk of legal challenge.
- 3.37 This risk will be minimised by ensuring that Local Plans are founded on a robust evidence base and well-audited stakeholder & community engagement processes supported by clear legal advice.

### Resources

- 3.38 Limited staff and financial resources in the context of the wider budgetary challenges faced by local authorities may limit the capacity of the team responsible for preparing documents under the Warrington Local Planning Framework. This could result in delays to the work programme.
- 3.39 This will be managed by ensuring the work of the team is focussed on the priorities set out in the LDS, targeted use of consultancy support on key areas of specialist evidence base and identifying opportunities for joint working with other Council departments and local authorities on preparation of evidence base documents.

### Changes to the Planning System

- 3.40 Planning reforms are continuing to evolve and new and revised procedures, policy and practice guidance continue to emerge. This can result in the need for additional work and subsequent delay to the LDS programme. It can also increase the risk of legal challenge and this was a major factor in the High Court ruling to quash parts of the housing elements of the Local Plan Core Strategy.
- 3.41 The introduction of the revised NPPF and associated update to Planning Practice Guidance are a key factor in the delay of the Local Plan to date.
- 3.42 This risk will continue to be managed by ensuring regular review of such changes, seeking the support of the Planning Advisory Service and obtaining legal advice where necessary.

### Unforeseen circumstances.

- 3.43 Unforeseen issues and problems can arise through stakeholder and community involvement and the preparation of evidence base documents. This may necessitate a review of timetables and / or the need to commission further technical studies.
- 3.44 This risk will be managed by ongoing programme management and the Governance arrangements that are in place to oversee the preparation and review of documents under the Warrington Local Planning Framework. It should be noted that the

evidence being prepared in support of the Plan alterations may result in the need to consider wider changes to the Plan than originally envisaged in the LDS.

### **Strategic Environmental Assessment and Sustainability Appraisal**

3.45 The requirements of the Strategic Environmental Assessment (SEA) Directive have been linked with Regulations covering Sustainability Appraisals. The Habitats Directive now also requires Appropriate Assessment of LDDs.

3.46 All new plans will be subject to the requirements of these Directives. From this flows the need for the process of Local Plan preparation to:

- Identify alternatives;
- Collect base-line monitoring information;
- Predict significant environmental effects more thoroughly;
- Secure greater consultation with the public and environmental authorities;
- Address and monitor the significant environmental effects of the Local Plan document;

3.47 As part of the process, the Council will:

- Prepare an environmental report on the significant effects of the draft Plan document;
- Carry out consultation on the draft Plan and accompanying environmental report;
- Take into account the environmental report and the results of consultation in decision making;
- Provide information when the Plan is adopted and show how the results of the SEA have been taken into account.

### **Monitoring and Review**

3.48 Arising from the Annual Monitoring Report, the Council will consider what changes, if any, need to be made to the Local Development Scheme and will bring forward such changes in March of each year, or at other times in the year if significant new issues or changes in circumstances arise. Other reviews may arise as a result of consultation on Development Plan Documents. This will be noted in the Annual Monitoring Report and form part of any review.

## 4 LDS Programme 2016-2020

4.1 The table and figure below set out the LDS programme for 2016-2020. This includes a profile of the Local Plan and the timetable for the key stages of production.

### Local Plan Review

Overview	
Role and Subject	<ul style="list-style-type: none"> <li>Preparation of a new Local Plan in order that it can facilitate the level of new homes and jobs required to meet Warrington's development needs over the next 20 years</li> </ul>
Coverage	<ul style="list-style-type: none"> <li>Borough wide</li> </ul>
Status	<ul style="list-style-type: none"> <li>Development Plan Document</li> </ul>
Conformity	<ul style="list-style-type: none"> <li>National Planning Policy Framework</li> </ul>

Timetable	
Pre-production	Mar 2015 - Sep 2016
SA Scoping	Oct 2016 - Dec 2016
Regulation 18 consultation part 1 – Scope of Review and Call for Sites	Oct 2016 - Dec 2016
Regulation 18 consultation part 2 – Preferred Development Option	Jun 2017 – Sep 2017
Publication	Apr 2019
Regulation 19 consultation	Apr 2019 – Jun 2019
Submission to SoS	Oct 2019
EIP	Jan 2020 – Feb 2020
Consultation on Main Modifications	Jun 2020 - July 2020
Publication of Inspectors Report	Oct 2020
Estimated Date of adoption*	Dec 2020

