

[REDACTED]

Date: 15<sup>th</sup> November 2021

Planning Policy and Programmes,  
Warrington Borough Council,  
East annexe,  
Town Hall,  
Sankey Street,  
Warrington  
WA1 1HU

Sent by email to localplan@warrington.gov.uk

Dear Sir/Madam,

**RE: TOWN AND COUNRTY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012:  
REGULATION 19 CONSULTATION ON THE PROPOSED SUBMISSION VERSION LOCAL PLAN FOR  
WARRINGTON**

Introduction

This letter of representation has been prepared in response to the publication of Warrington Borough Council's Proposed Submission Version Local Plan under Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012). Heatons have been instructed by our clients, Tarmac Trading Limited ('Tarmac'), to prepare and submit a formal representation to the above consultation in relation to their mineral operations within the borough.

Our client operates a coated roadstone plant within the borough. The purpose of this letter is to highlight the importance of safeguarding industrial and mineral operations within the emerging Local Plan in accordance with the National Planning Policy Framework (NPPF).

Background

Tarmac operate a coated roadstone plant with associated facilities for the production of bitumen bound materials on land west of [REDACTED] The site is bordered by existing industrial development to the north, east and south. Alban Retail Park is situated east of the site, separated by Antrim Road. The adopted Local Plan Core Strategy (2014) allocates the site, and the wider corridor between the A49 and the West Coast Mainline, as an existing employment area (Policy PV1). Operation of the plant is anticipated to continue throughout the emerging plan period to 2038.

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The Proposed Submission Version Local Plan sets out the proposed strategic and non-strategic policies to guide development over the emerging plan period and seeks comments on the 'soundness' of these policies, in accordance with the tests of soundness set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are 'sound' if they are:

- a) Positively prepared;
- b) Justified;
- c) Effective; and
- d) Consistent with national policy.

#### National Planning Policy on Minerals Safeguarding

Upon review of the Proposed Submission Version Local Plan (emerging Local Plan), we would like to make the following comments on the potential for the emerging Local Plan to impact upon our client's operations.

The NPPF (as amended, 2021), within its Minerals chapter, requires the safeguarding of ancillary infrastructure at paragraph 210 (e) by stating that planning policies should:

*"safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material"*

The NPPF has introduced the 'agent of change' principle. The 'agent of change' principle gives authority to the view that a person or business (i.e. the agent) introducing a new land use is responsible for managing the impact of that change. This is delivered through paragraph 187 (contained in chapter 15: conserving and enhancing the natural environment), which states that 'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'. The paragraph goes on to confirm that 'where an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or agent of change) should be required to secure suitable mitigation before the development has been completed'.

Therefore, national planning policy dictates that any proposed development should first consider, and be able to demonstrate, that the proposals would not result in an adverse impact on the existing operations.

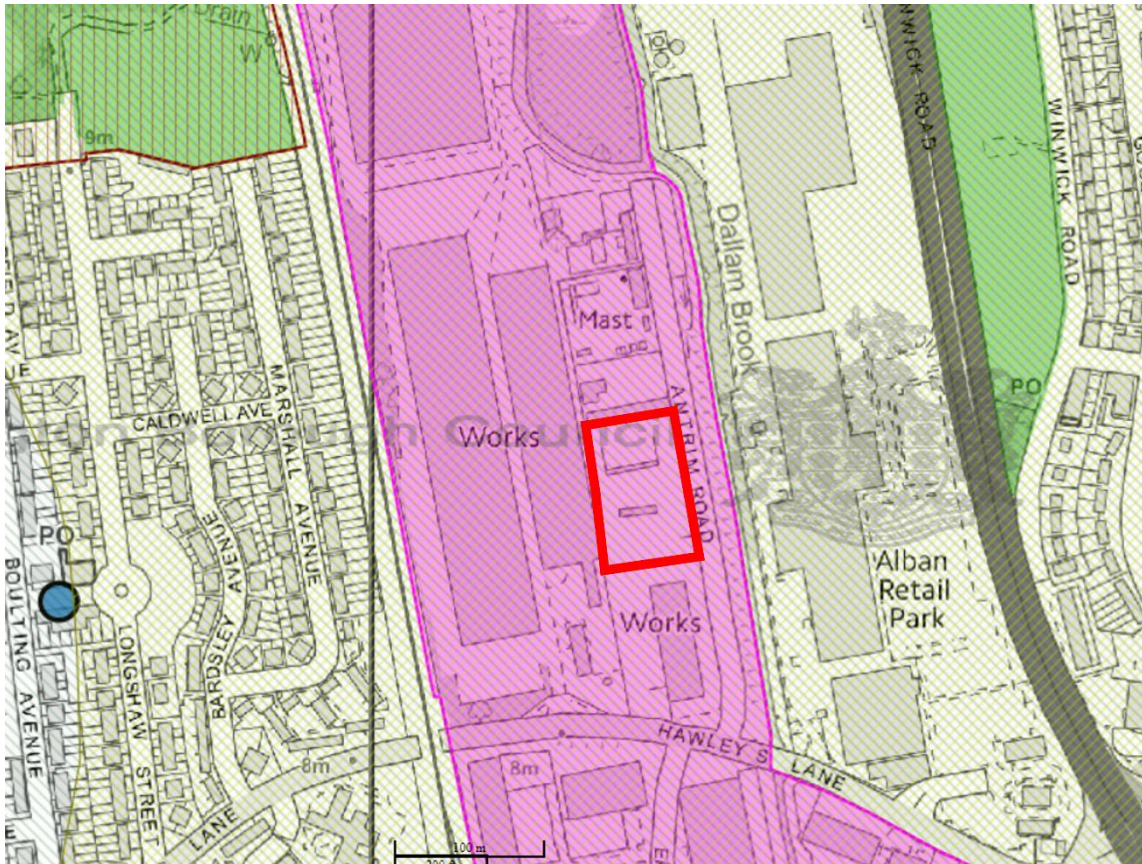
#### Emerging Local Plan Policies

In light of this principle, we would like to take this opportunity to comment on the potential allocations in close proximity to Tarmac's coated roadstone plant illustrated in **Figure 1**.

A 'key message' within the latest Joint Local Aggregate Assessment (LAA 2019) (including Greater Manchester and Merseyside and Halton) for Warrington specifically is to 'safeguard critical transport infrastructure and processing facilities'. Indigenous sources of mineral within the

authority areas covered by the joint LAA is limited, whereby they are heavily reliant on imports from surrounding regions. Furthermore, the emerging Local Plan identified a need for significant growth within the borough up to 2038.

The emerging Local Plan contains proposed housing, employment and mixed use allocations to meet identified need within the borough. An extract of the emerging Local Plan Proposals Map covering the asphalt plant site is shown in **Figure 1**. The plant site is highlighted in red.



**Figure 1 – Warrington Draft Local Plan 2019 Proposals Map**

The site is located within the following policy allocations/designations:

- DEV4 Existing Employment Areas – Winwick Road Corridor (purple)
- DC1 Suburban Areas - North Warrington
- DC3 Nature Improvement Area - Greater Manchester Nature Improvement Area (grey slanted line)
- ENV3 Safeguarding of Mineral Resources - Sand & Gravel MSA (yellow slanted line)

We note that the site is within a sand and gravel Mineral Safeguarding Areas (MSA). We support the inclusion of proposed policy ENV3 (Safeguarding of Minerals Resources) which, in Part 1, seeks to ensure that mineral resources are protected from permanent sterilisation. Part 2 of proposed policy ENV3 seeks to ensure that minerals infrastructure, including transportation, handling and processing facilities, are safeguarded from 'incompatible' development. Given that the policy covers both mineral resources and infrastructure, we suggest that the policy title is amended to read 'Safeguarding of Minerals Resources **and Infrastructure**'.

Proposed policy ENV3 sets out several exemptions whereby planning permission could be granted for 'incompatible' development. Exemption (e) includes development 'where material considerations indicate that the need for development overrides the presumption for safeguarding'.

As previously set out, paragraph 210 (e) of the NPPF requires planning policies to safeguard facilities for transporting, handling and processing minerals. We seek to ensure that the operation of the roadstone coating plant, and all other minerals infrastructure sites within the borough, are appropriately safeguarded thorough the emerging Local Plan period. Therefore, we would request that exemption (e) is removed from proposed policy ENV3. This is to ensure that the proposed strategic policy meets the 'soundness' tests as set out in paragraph 35 (d) of the NPPF.

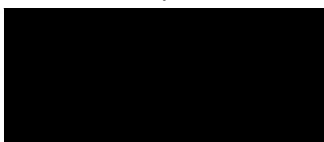
The site is also located within an existing employment area (Winwick Road Corridor) whereby development parameters are set out in proposed policy DEV4 (Economic Growth and Development). Policy DEV4 allows development, redevelopment and changes of use proposals under Use Classes E (offices, research and development and light industrial) B2, or B8, or sui-generis employment uses. Part 9 (c) of the policy states that other uses will only be permitted if ' the proposal will not undermine the viability of existing employment uses in close proximity to the site..'.'

The proposed policy does not exclude Use Class E(g) employment uses on sites within Winick Road Corridor employment area. Routine operation of the plant has the potential to generate a degree of dust, and noise emissions, as well as traffic movements. Use Class E(g) employment uses are considered to be more sensitive employment uses which could be affected by the existing operations at the plant. This letter seeks to ensure that the existing operations are safeguarded and will not be affected by any incompatible future development which may be sensitive to the plant's current operations. Therefore, we recommend that proposed policy DEV4 part 7 makes reference to the 'agent of change' principle. This is to ensure that the proposed strategic policy meets the 'soundness' tests as set out in paragraph 35 (d) of the NPPF.

I trust that these comments are helpful. We would welcome the opportunity to discuss the contents of this letter in more detail should this be required.

Should you have any queries, please do not hesitate to get in touch.

Yours faithfully,



Georgina Illsley

Heatons