

Warrington Borough Council
Proposed Local Plan 2017 – 2037
Response
by
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1. Purpose

This document provides a response to the Warrington Borough Council (WBC) public consultation on the Warrington Borough Council Proposed Local Plan 2017 – 2037

2. Introduction

2.1 Respondent

I, Richard Ward, of Hermitage Green Lodge, Hermitage Green Lane, Winwick, Warrington, WA2 8SJ, email address: richard_h_ward@compuserve.com, as a member of the Local People, submit the following document in response to the above Proposed Local Plan 2017 – 2037.

2.2 Planning Inspectorate Examination

The Warrington Borough Council Proposed Local Plan 2017 – 2037 will be placed before the Planning Inspectorate, where an inspector will be appointed to examine whether or not the plan is sound. Therefore, I, Richard Ward request to be heard before the Inspector to raise points of clarification as directed by the Examination procedural documents.

2.3. Companion Documents

In order to explain certain issues in the following response there are several documents that are submitted as part of the response. The documents form as appendices as well as companion documents as follows:

1. PAG (R Ward) Response to Parkside Link Road SHC P_2018_0249_FUL May 2019 inc text corrected.pdf
2. EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert.pdf
3. Open Green Spaces - Legal Guide.pdf

The Response to the Warrington Borough Council Proposed Local Plan 2017 – 2037 follows:

3. Local People

The Localism Act 2011, brought in being to the planning system for Neighbourhood Forums to be created, where a plan can be developed and approved through a referendum so that the community can control their Neighbourhood forum area. Though the Neighbourhood Forum guidelines in the Localism Act 2011 where a Parish Council exists a Neighbourhood Forum can not be created, Any new development plans can be created by the Parish Council (under a referendum as per a Neighbourhood Forum). BUT, it must be noted, that most Parish Councils have been in existence for many decades most of which pre-dated the Localism Act 2011 and the NPPF2012. Where these Parish Councils have planned and developed their area for the benefit of people who live in the Parish. So Each and every Parish Council have their own distinctive pre-Localism Act 2011 development plan already. Though a Parish Council (and a newly created Neighbourhood forum) can create a new and/or revised development plan for the said area(s). But just by not creating a new and/or revised development plan for the said area(s), a Parish Council are not said not to have a development plan.

In 2014 Warrington Borough Council (WBC) published the adopted Local Plan for the future period to 2027 for the Borough of Warrington that was developed under the National Planning Policy Framework (NPPF) March 2012 that accorded with the:

Ministerial Forward

..... In part, **people** have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than **people** in communities.

This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing **people** and communities back into planning.

Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.¹ It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which **local people** and **their** accountable councils can produce **their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.**

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, **empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.**

Neighbourhood plans

184. Neighbourhood planning provides **a powerful set of tools for local people to ensure that they get the right types of development for their community.**

The Yellow highlighting is to emphasise the importance that Local Plans are in the hands of the Local People and not the local authorities. It is the local authorities that are empowered by the electoral system to use the Local People (Parish Councils and Neighbourhood Forums) approved Core Strategy Local Plan as approved by the Local People. Though

The WBC Local Plan 2014, though purporting to have been approved by the Local People as per the NPPF 2012 policy paragraphs shown above. The Local People were then, so called, empowered to shape their surroundings, with succinct local and neighbourhood (including Parish Council) plans setting out a positive vision for the future of the area until 2027.

In 2017 WBC, after less than 4 years decided, without any permission from the Local People, to submitted an updated development plan proposal for public comment, 10 years before the WBC (and indirectly by the Local People apparently) approved Local Plan 2014 period had elapsed. Even despite the NPPF2012 quoted time-scales of at least 5 to 10 years had elapsed. After the 2017 consultation, WBC erred in their next step due to the Local People discontent consultation comments.

Now, in 2019 two years later, WBC have published a local plan that bears no relation to the 2017 proposal. With the only change that had occurred in the intervening period, that is to say, after a UK public consultation in March 2018, a revised NPPF July 2018 to the NPPF 2012 was publish, which was then immediately revised in February 2019. Due to being a revision to the NPPF 2012 the importance of the “Local People” still exists but the NPPF 2019 has made the Local People approval with regards to Plan-making (and the consequential effects of decision-taking) even stronger being the first controlling paragraph that subsequent paragraphs are a consequence of.

Whereas, in the NPPF 2012 Local People only were referenced, as shown above. Now, in the NPPF 2019 the Local People are only mentioned once and only once in Paragraph 15, consequently being the first paragraph under the NPPF heading Plan-Making. This consequence of only stating “Local People” once, was written by and therefore the preserve of the NPPF authors and can not be questioned or interpreted in any other way than that the author have written: just and only “Local People”, without the author giving an interpretation under/in any other paragraph, than that of paragraph 15 only of the NPPF 2019.

The fact of only stating in the NPPF 2019 as an item only once has been a concern of interpretation in a UK Court judgment [**Forest of Dean**] [2016] EWHC 421 (Admin) Case No: CO/4852/2015. Though the judgment interpreted the NPPF 2012 the decision of the judgment still applies to the NPPF2019:

4. NPPF February 2019

The National Planning Policy Framework was introduced in March 2012 (NPPF 2012) where changes were created to simplify the previous Unitary Development Plan (UDP). The NPPF 2012 allowed the Local People to become more involved in their surroundings under the new vision for their area under a Local Plan as detailed in paragraph 1, In July 2018, a revision of the NPPF 2012 was published, revised February 2019 (NPPF), which addresses several issues, but only referenced the involvement of Local People once and only as a part of the Plan-making procedure. But in doing so, it raises the importance of the Local People over and above the Local Planning Authority. Paragraph 15 of the NPPF states under

“3. Plan-making

15 “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

This crucial change at the start of the Plan-making process, that an up-to-date plan is purely and correctly placed upon the shoulders of the Local People and not the Local Planning Authority (or *“their accountable councils”* NPPF 2012). This clearly is a change for the better for the local people.

The header from NPPF paragraph 11 states:

“The presumption in favour of sustainable development”

Paragraph 11 it selves makes a distinction between plan-making and decision-taking.

“For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

⁵ As established through statements of common ground (see paragraph 27).

⁶The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as

Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."

Paragraph 11 of the NPPF is now the heart of the NPPF: plan making is now in the hands of the local people.

This paragraph gives the local people a strong reason for restricting the overall scale, type or distribution of development in the plan area.

This is a very important legal clause to protect the policies referred to, are those in this Framework under footnote 6. This means the development plan and any application can not destroy those areas of importance to the character, essence and shape of the local peoples surroundings once the local people approve the restriction in the Local Plan.

One thing must be pointed out in the Judgment [**Forest of Dean**] [2016] EWHC 421 (Admin) Case No: CO/4852/2015, where THE HON MR JUSTICE COULSON stated in paragraphs 21 and 22:

21. However, before coming to that, I think it is worth giving one example of a policy which is expressly referred to in footnote 9, and which may therefore be regarded as a policy restricting development within the definition of Limb 2. That concerns the Heritage Coast. Although this is a policy referred to in footnote 9, the only express reference to the Heritage Coast in the body of the NPPF comes in the second bullet point of paragraph 114. This provides that:

"Local planning authority should...maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to an enjoyment of the coast."

22. I accept Mr Wadsley's submission that this is a very general statement of policy. But its inclusion in footnote 9 indicates that the policy is considered to be, even in those general terms, restrictive. In my view, it can be regarded as a policy indicating that "development should be restricted" only because the general presumption in favour of development may not apply in areas defined as Heritage Coast, in consequence of the operation of paragraph 114. I note, as Mr Wadsley did, that Mr Elvin did not address this point, although it was expressly raised in Mr Wadsley's opening submissions.

This judgment states that any reference that is only stated once (in the NPPF) with no other qualification, that reference becomes a policy in its own right.

Therefore, paragraph 15 above stands as a separate statement in plan-making; and being the first paragraph for plan-making, due to the grammar separation of “;” and “and”, all three parts of paragraph 15 must be satisfied for a Plan to be signed-off as a current and adopted local plan; this includes “; and a platform for local people to shape their surroundings”. As phrase “Local People” are only stated in the body of the NPPF 2019 only once that is in Paragraph 15, means under the judgment [Forest of Dean] Paragraph

15 becomes a Policy Local People in its own right. Where the Policy Local People is and only is:

15 “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

Therefore, paragraph 15 referencing “Local People”, can not be separated or discarded through the Plan-making process that the Local People are in integral part from start (including creation of a development plan) to the final adoption (solely approved by the Local People) This is the power of Paragraph 15 being the first paragraph that enacts Plan-making in the NPPF 2019, as written by the authors that can not be challenged.

This means that when a plan has been found sound it is then up to the “Local People” who must approve after the inspector’s report and not the local planning authorities as paragraph 15 does not mention local planning authorities.

It also means that not only the local planning authority can propose a local plan but the Local People can also propose a local plan as well. This also by consequence, indicates the Local People as decision-takers by default and it is to the Local People who must also adjudicate decisions and not just the local planning authority at the decision stage. Else how can the local people control: “to shape their surroundings”?

5. Proposed Local Plan and Local People

The current WARRINGTON PROPOSED SUBMISSION VERSION LOCAL PLAN 2017 – 2037, fails to follow the NPPF 2019 “policy paragraph 15” **[Forest of Dean]** justification as stated above by:

“3. Plan-making

15 “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

paragraph 15 above stands as a separate statement in plan-making; and being the first paragraph for plan-making, due to the grammar separation of “;” and “and”, all three must be satisfied for a Plan to be signed-off as a current and adopted local plan.

BUT, the proposed Local Plan paragraph 1.1.6:

“1.1.6 The NPPF (Paragraph 15) emphasises the importance of plan-making within the planning system. It is stated that succinct and up-to-date plans should provide a positive vision for the future of their areas and should provide a framework for addressing housing needs and other economic, social and environmental priorities.”

Comments

The WBC Proposed Local Plan paragraph 1.1.6, interpretation of the NPPF paragraph 15, states:

“It is stated that succinct and up-to-date plans should provide a positive vision for the future of their areas and should provide a framework for addressing housing needs and other economic, social and environmental priorities.”

Buy stating “it is stated” means the NPPF paragraph 15 MUST be quoted correctly as the NPPF has been written and not to interpret the NPPF to suit the needs of WBC.

WBC have decided to quote paragraph 15 incorrectly, in doing so, those who read this take this interpretation as to be the true wording of the NPPF. The Local People who have not read the NPPF believe the wording is solely the preserve of the Local Authority. Which reading the NPPF paragraph 15 the Local Authority are not mentioned but it is the “Local People” themselves that are stated. By failing to correctly quote the NPPF paragraph 15 in the Proposed Local Plan fails to emphasise the true interpretation (as shown above) the punctuation and wording of the paragraph 15.

15 *“The planning system should be genuinely plan-led.
Succinct and up-to-date plans should provide
a positive vision for the future of each area;
a framework for addressing housing needs and other economic, social and
environmental priorities; and
a platform for local people to shape their surroundings.*

The use of “;” and “and” means as shown above that all three parts must be satisfied to formulate an up-to-date plan as paragraph 15 clearly states.

This means what WBC has written in paragraph 1.1.6, firstly, misquotes the first two parts and secondly, leaves out the last most important part which is the essence of the Localism Act 2011, with respect to “Local People” as quoted in the NPPF March 2012 Ministerial forward and paragraphs 1, 17 and 184; and the revised NPPF July 2018, subsequent revision February 2019 paragraph 15. By leaving this out of the Proposed Local Plan means WBC are attempting to circumvent in writing are excluding the Local People Right in Plan-making by not allowing:

a platform for local people to shape their surroundings.

To allow the Local People to have a succinct and up-to-date plan the Local People must approve the plan at its final stage else how can the local people have a platform to shape their surroundings. This WBC in paragraph 1.1.6 deny the Right of the Local People. The consequence of the actions of WBC in paragraph 1.1.6 by altering the NPPF paragraph 15 the WBC Proposed Local Plan 2017 - 2037 is flawed and therefore the Local Plan can never be sound as the Local People have not been involved in conception/creation/making as the updated Local Plan in 2017 was purely the creation of WBC and by not empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area (under the NPPF 2012) and now, succinct and up-to-date plans should provide a platform for local

people to shape their surroundings (under the NPPF 2019), without final approval of the Local People.

This is the consequence of WBC altering the NPPF 2019 paragraph 15.

Further, according to the NPPF 2019 paragraph 22:

22. Strategic policies should look ahead over a minimum 15 year period from adoption¹⁴, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.

¹⁴ Except in relation to town centre development, as set out in chapter 7.

Once approved by the Local People, then the plan will last a minimum of 15 years and not less than 4 years as did the current WBC adopted local plan 2014.

Where the Non-Strategic Policies are under the development plans of communities with either a Parish Council or a Neighbourhood Forum that are an ongoing update under the area referendums as and when required, by the respective Forum or Parish Council, a concern where the Local People decide, not the local authority.

Conclusion

When WBC Proposed Local Plan 2017 – 2037 place this plan as it stands before the Planning Inspectorate, the Local People will have the final say (not the WBC local authority), whether the plan is adopted or not, due to the NPPF 2019 paragraph 15.

6. The plan-making framework

Strategic and Non-Strategic Policies

The NPPF states:

“17. The development plan must include strategic policies to address each local planning authority’s priorities for the development and use of land in its area. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area.....”

and

“18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.

19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.”

The Local People must finally approve of first due to NPPF 2019 paragraph 15 and not the preserve of WBC local authority; the Local People approved and adopted development plan allows the WBC local authority to enact the development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time, as approved by the Local People.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

(The Yellow highlighting is to emphasise the area of concern.)

The main changes in the response concerns those shown in Strategic policies paragraph 20.

7. Duty to Cooperate

The NPPF states that Local Authorities must co-operate, under the Duty to Co-operate (DtC), this co-operation is where cross border issues are present. As detailed in the NPPF:

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

The DtC between St Helens Council (SHC) and WBC is non-existent in relation to the Parish of Winwick. The effects that SHC are proposing does not fit in with the NPPF WBC policies.

Designated Heritage Asset the Battle of Winwick Pass registered battlefield

In one policy, with regards to Designated Heritage Asset the Battle of Winwick Pass registered battlefield, where half the main battle was fought as at 1648 was located in the Township of Newton and the other half as at 1648 was located in the Township of Winwick. After 3 to 4 hours fierce fighting, the Parliamentary forces eventually overpowered the Royalist Scottish Forces stand. A subsequent 1 to 2 hours a later part of the battle was solely in the township of Winwick where the Scottish forces were slain or wounded or ran to Winwick Church, the remaining Scots fled to Warrington where that evening surrendered.

The DtC concerns the main battle area of the registered battlefield where: SHC is the authority that has Newton-le-Willows as part of the borough; and WBC is the authority that has Winwick as part of the borough. Where SHC wants to destroy the last remaining part main battle within Newton and WBC is prepared to allow that part to be destroyed, despite the WBC proposed Local Plan 2017 – 2037 indicating otherwise.

If SHC is allowed to destroy the Newton Parliamentary stand that according to those present at the time, the last remaining part of the main battle in “Newton Park” was the area that initiated the parliamentary attack that overpowered the Scottish force stand (Sanderson).

A battle can not be only one half, a battle is an area at a unique location, not a listed building; so the same assessments between a man-made designated Heritage asset can not have the same criteria to assess a unique location due to the event, battlefield, being designated.

A listed building can if required can be dismantled and rebuilt in another location to preserve the listed buildings unique characteristics; whereas a registered battlefield due to being a place where the battle was fought due to the topography of the landscape that consist of valleys, hills, open fields brooks, rivers steams; whether the landscape is preferable to cavalry, infantry or cannon or a combination thereof. The landscape or location characteristics were solely the preserve of the Commander of the army that decided to make a stand at the location. The general assessed that the location is where his army will be victorious.

The opposing army finding they had to make the best of the landscape opposing the army stand.

Essentially, on a time-event, where the archaeology is not buildings (though a building may have been used during the time-event); nor artefacts that the battle used. Oliver Cromwell the victor, wrote in his letter, dated 20 August 1648 at Warrington:

“.....We could not engage the Enemy until we came within three miles of Warrington; and there the Enemy made a stand, at a place near Winwick. We held them in some dispute till our Army came up; they maintaining the Pass with resolution for many hours; ours and theirs coming to push of pike and very close charges, -which forced us to give ground; but our men, by the blessing of God, quickly recovered it, and charging very home upon them, beat them from their standing; where we killed about a thousand of them, and took, as we believe, about two thousand prisoners; and prosecuted them home to Warrington Town; where they possessed the Bridge, which had a strong barricado and a work upon it, formerly made very defensive. As soon as we came thither, I received a message from General Baillie, desiring some capitulation. To which I yielded. Considering the strength of the Pass, and that I could not go over the River 'Mersey' within ten miles of Warrington with the Army, I gave him these terms: That he should surrender himself and all his officers and soldiers prisoners of war, with all his arms and ammunition and horses, to me; I giving quarter for life, and promising civil usage. Which accordingly is done: and the Commissioners deputed by me have received, and are receiving, all the arms and ammunition; which will be, as they tell me, about Four thousand complete arms; and as many prisoners: and thus you have their Infantry totally ruined. What Colonels and Officers are with General Baillie, I have not yet received the list....”

(The Yellow highlighting is to emphasise the importance that ALL the Battle weapons were cleared from the Battlefield under the orders of Oliver Cromwell.)

So, as Cromwell wrote at the time, after the battle he ordered all arms and ammunition to be handed over to the appointed commissioners of the town of Warrington and the town of Winwick the likelihood that the battlefield was cleared at the time that were obviously easy to find or laid close to the slain soldiers when taken to be buried. Only arms and ammunition that were dropped in ditches or in Newton or Hermitage Brook may have been left. Therefore, only musket balls either dropped by the Scots whilst fleeing or musket balls (and maybe cannon balls) fired across in the Valley and brooks at close range, maybe a metal buckle or spur, would have been left. So the archaeology will be limited in the main battle area and archaeology in the subsequent area towards Winwick will be dispersed due to the Scots running whilst being charged down by the Parliamentary Cavalry. The Archaeology will be the souls that were killed who gave their life and spilt their blood where they fell; where they are buried, but no-one knows where they are buried, maybe in burial pits of location unknown or arranged at the base of a banking and the above topsoil used to cover the bodies). Those poor souls who fought for their King, their blood and their remains is the archaeology and their blood is the historical significance that has no level of harm that others who were not there can quantify, just to satisfy their economic greed.

Conclusion

It is unbelievable why SHC and WBC fail to honour the duty to co-operate with regards to the history of the Kingdom, as the importance of this last battle of the Second Civil War the consequence of the events that followed after the defeat of the Scots army at the battle of Winwick Pass 19 August 1648 changed the role of the monarchy and the role of the English Parliament, in the 17th Century would/did cause the creation of the United Kingdom, County Councils that lead to the creation of WBC and SHC. Therefore, a historical event that both WBC and SHC under a duty to co-operate must be proud of but have failed.

The failure of SHC and WBC to co-operate with regards to conservation of the Registered Battlefield is not a platform for Local People to shape their surroundings on an important historical assets, being an irreplaceable resource, that must and shall be conserved in a manner appropriate for a battlefield having a local historic value of the highest significance, so that the Battle of Winwick Pass can be enjoyed for the historical contribution to the quality of life of existing and future generations.

Air Pollution, Noise Pollution and Traffic Congestion

Also, the Air Quality levels that SHC is proposing in the redevelopment of the former Parkside Colliery to the point the WBC Proposed Local Plan and Draft LTP4 does not consider. No mention in the Local Plan what WBC is considering to alleviate the dramatic increase in Commercial vehicles transport expected to pass through Winwick, via the A49, A573, Winwick Link Road and A579 from the following SHC as developer of the current live application(s) for Parkside Link Road and SHC as a joint developer of the Phase 1; together with the pre-announced and submitted details of the Phase 2 and Phase 3 and Phase (SRFI) in the current live applications for Phase 1 and the Parkside Link Road as follows:

- Phase 1 SHC P/2018/0048/OUP (Two EIA Public Consultations 2018 and 2019 currently a live application);
- Phase 1 WBC 2018/32247 WBC Development Management Committee vote in public to object to SHC Phase 1 development on 6th June 2018;
- Parkside Link Road SHC P/2018/0249/FUL (Two EIA Public Consultations 2018 and 2019 currently a live application); and
- Parkside Link Road WBC 2018/32514 (Two EIA Public Consultations 2018 and 2019 currently a live application).

WBC desk based assumption from the current applications fail to show the effects the SHC Phase1, Phase2, Phase 3, Phase (SRFI) and the Parkside Link Road will have in the Borough of Warrington, in particular to the Parish of Winwick and Hume, Croft, Culcheth and Glazebrook. The effects that the Parishes the SHC proposal will have are the increase in Commercial Vehicle Transport and the associated increase in pollution, air quality and noise pollution. These associated transport pollution is an increasing concern of Local People not just in Warrington but the World the UK government have published various pollution strategies in 2018 and in 2010 with funding to create a Northern Forest corridor that straddles the M62 area from Liverpool to Hull as a first step to reverse the effects of climate change to which SHC and WBC are failing to act. Recently the Government are seriously considering acoustic cameras as a step to reduce vehicle noise pollution.

SHC proposal at Parkside transport plan for Phase 1 as a sole development definitively will only use the A49 that SHC intend for the majority of the commercial vehicles to enter/exit Phase 1 on the A49 from Winwick to link to the M62 and M6 motorway network. This is a point in the two public inquiries for British Coal/Morrisons plc/ SHC Unitary Development Plan 1994-1998 the Inquiry inspector refused the development at Parkside as an inappropriate development in Green Belt, one aspect he used as one of his reasons to refuse the development was in preference to a dedicated motorway access. The dedicated motorway access was requested by Warrington Borough Council, in order to stop the traffic passing through the historic towns of Winwick and that of Newton.

In the WBC Proposed Local Plan and Draft LTP4 submissions the Duty to Co-operate with SHC and WBC on Air Quality to the satisfaction of the Local People has not been shown. Despite SHC advertising that Parkside will be a Nationally significant SRFI since 1994 in numerous publications, since SHC together with Langtree plc purchased Parkside in 2013 SHC has stated that Parkside will be developed as a SRFI. So for 6 to 7 years no Duty to co-operate with WBC in measuring the background Air pollution on the A49 from Newton through to Winwick the M62 Junction 9; A573; Winwick Link Road; and A579. This would have linked the existing known air quality management test monitors in Newton, SHC and in Orford, WBC.

The traffic simulations being used to justify the development of Parkside are currently concerns of Highways England that on the impact that Parkside will impose on the local roads in WBC in order to get to the motorway network.

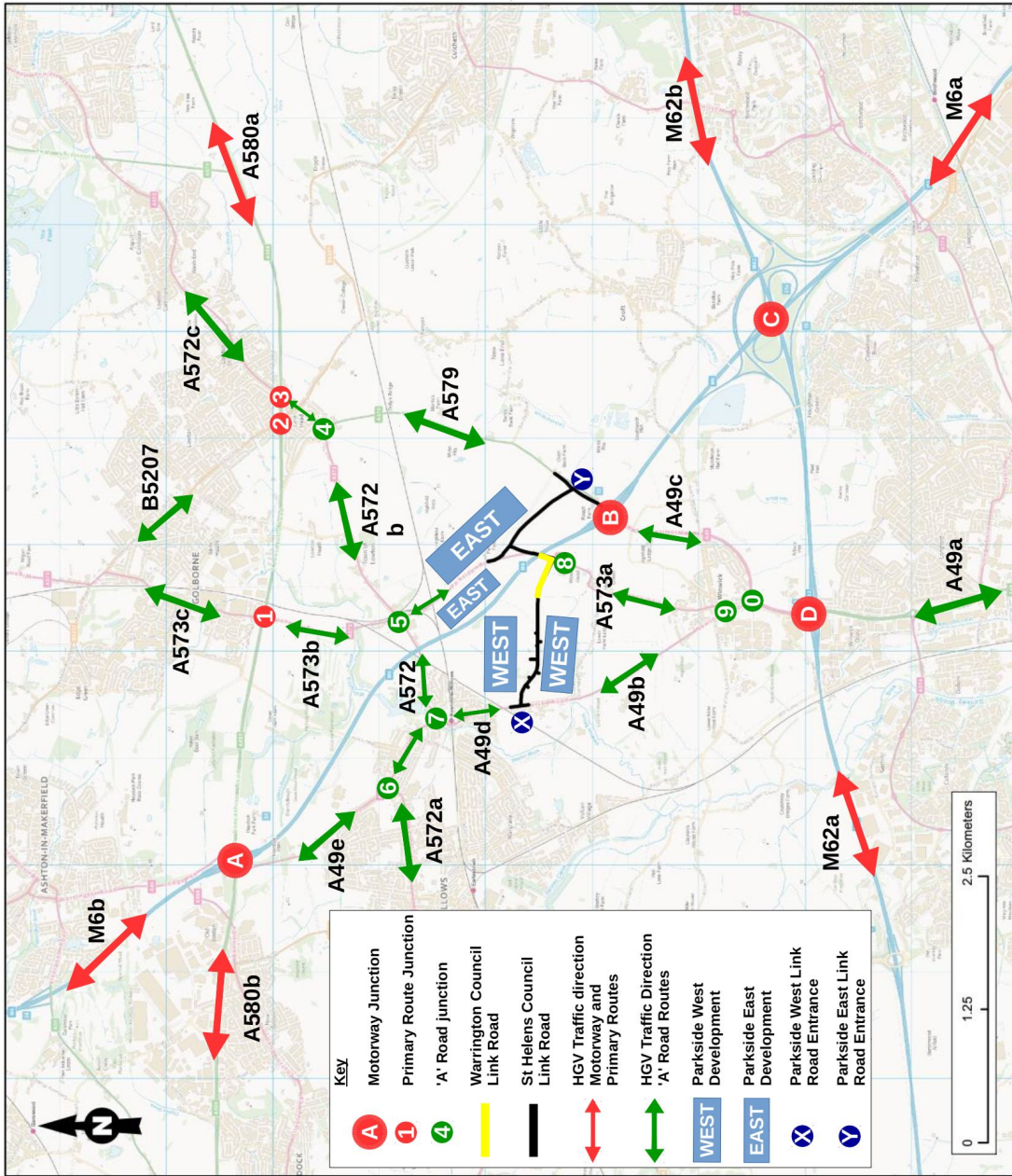
The Traffic assessment are not clear whether the Highways England concerns are just for:

- the impact the PLR application as a stand-alone development; or
- the impact the Phase 1 application as a stand-alone development; or
- the impact the Phase 1 and PLR applications as an interlinked development; or
- the impact the Phase 1 and PLR applications together with the proposals for Phase 2, Phase 3 and Phase SRFI as a whole interlinked development project?

The expected traffic flows through the Local Roads where increased levels of Air Pollution, Noise Pollution and Traffic Congestion due to SHC Parkside development will impose on the north of Warrington and to the Borough of Wigan. To which it is clear that there is no Duty to Co-operate has been undertaken by WBC in the Proposed Local Plan and Draft LTP4.

The impact of SHC Parkside development can be summarised in the following map:

HGV Entry/Exit Routes for Parkside utilising the shortest distance using Satellite Navigation in order to save fuel



HGV Parkside Entry/Exit Options (depending on the satellite navigation)

HGV traffic: Any Commercial Vehicle used for transporting goods or materials.

HGV traffic to/from Liverpool via M62a direction, will not use **D** to **E** to **F** to **G** to **H** due to extra driving distance; instead will use **D** to **I** then either: via **A49c** to **X** to **Y** or at **G** via **A573a** to **U**; or at **H** via **A49b** to **X** to **Y** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Manchester via M62b direction will use **E** to **F** to **G** to **H** to either Parkside East or West.

HGV traffic to/from Crewe, Birmingham via M6a direction will use **E** to **F** to **G** to **H** to either Parkside East or West.

HGV traffic to/from Preston, Wigan via M6b, will not use **M6** junction **B** due to extra driving distance; instead will use **A** via **A49e** to **U** to **V** then either via **A49d** to **X** or via **A572** to **U** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Liverpool via A580b will not use **M6** **A** to **B** due to extra driving distance; instead will use either: via **A** to **A49e** via **U** and **V** then use **A49d** to **X** or use **A572** to **U** or on **A580b** continue pass **A** to **X** via **A573b** to **U** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Manchester via A580a will use **E** to **F** then either: via **A572b** to **U** or at **F** via **A579** to **Y**; alternatively use the **A580a** to **F** then via **A573b** to either Parkside East or West the shortest driving distance.

HGV traffic to/from St Helens via A572a to **E** then to **F** then either via **A49d** to **X** or via **A572** to **U** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Leigh, Bolton via A572c to **E** to **F** then either: via **A572b** to **U** or at **F** via **A579** to **Y**; alternatively use the **A580a** then via **A573b** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Wigan via A573c to **F** then via **A573b** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Wigan (alternate route) via **B5207** to **Z** to **AA** then either: via **A572b** to **U** or at **F** via **A579** to **Y**; alternatively use the **A580a** then via **A573b** to either Parkside East or West the shortest driving distance.

HGV traffic to/from Warrington A49a to **D** to **E** then either: via **A49c** to **X** to **Y** or at **G** via **A573a** to **U**; or at **H** via **A49b** to **X** to **Y** to either Parkside East or West the shortest driving distance.

The expected traffic from SHC Parkside development should be shown in the WBC in the Proposed Local Plan and Draft LTP4: not just the traffic that will impact on the north of Warrington but the Air pollution as well as the noise pollution. But noise pollution is now a concern that the government has now seen as a true pollutant that needs to have nationwide monitoring. In the planning process noise has been a pollution that has been ignored by the planning authorities as not a contribution that affects development. But now noise pollution has been raised as important as Air pollution as the two are interlinked with respect to transportation and hence climate change which now is a MAJOR CONCERN, with the UK policy to become Carbon zero by 2050. This WBC in the Proposed Local Plan and Draft LTP4 fails to comply too. The recorded levels of Air Quality in the north of Warrington is as follows:

In the WBC AIR QUALITY DETAILED ASSESSMENT REPORT 2016

https://www.warrington.gov.uk/download/downloads/id/10836/detailed_assessment_2016.pdf shows

Figure 15: Map of Winwick Road monitoring locations

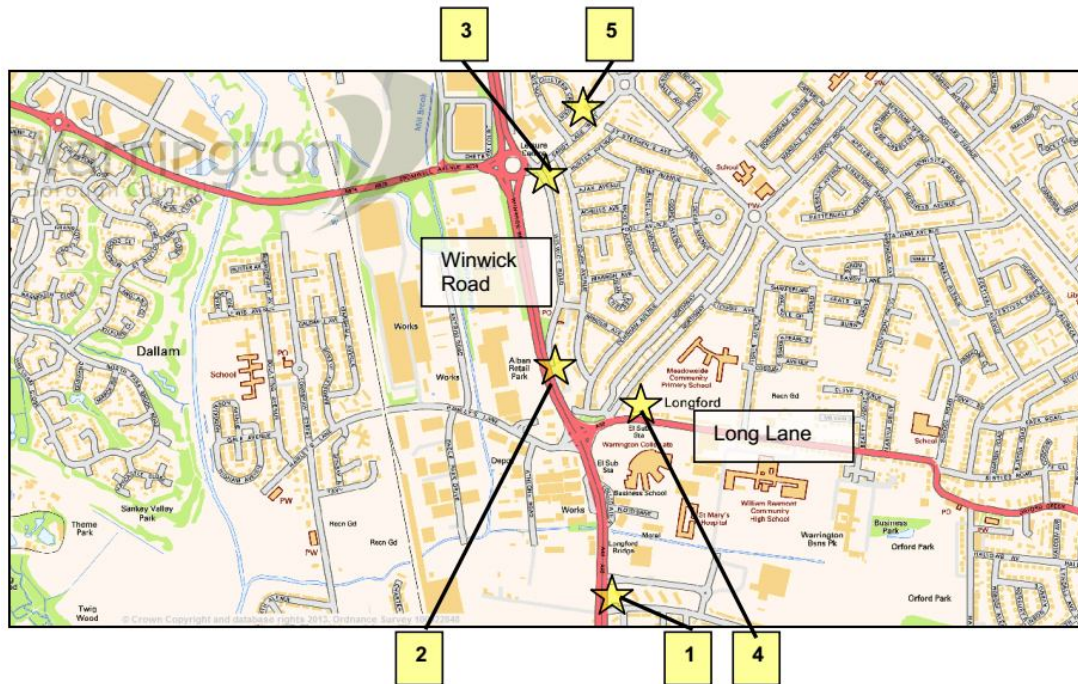


Table 25: Winwick Road monitoring results and trend

	Location	Annual Mean Concentration ($\mu\text{g}/\text{m}^3$)		
		2013	2014	2015
	Selby Street urban background	26	21	25
1	Winwick Road 1	46 (42)	32 (30)	40 (37)
2	Winwick Road 2	59 (55)	45 (42)	47 (44)
3	Winwick Road 3	-	40	52
4	Long Lane	42 (40)	32 (30)	43 (40)
5	Harvey Court Sandy Lane West	-	27	38

Winwick Road 1 continues to show levels that are close to and can exceed the objective limit at the façade of the flats closest to the main road.

Winwick Road 2 shows exceedances in the objective limit due to the close proximity of the residential to roadside. These exceedances would be expected due to queuing traffic approaching the junction with Long Lane.

Winwick Road 3 and Harvey Court on Sandy Lane West show exceedances and support the findings of the modelling report received for this area. These properties will be affected by queueing traffic for the main Winwick Road junction and accessing the Fordton retail park.

Long Lane location had a number of missing tubes over the 12 month period in 2015 resulting in a poor data capture of 50%, so care should be taken in assessing the 2015 figure. This location is likely to be affected by queuing traffic at the junction with Winwick Road but previous results show this location to be likely to be slightly at or below the objective level.

Despite the levels at locations in 2014 being generally below the objectives across Warrington, there were still exceedances observed at Winwick Road 2 and 3.

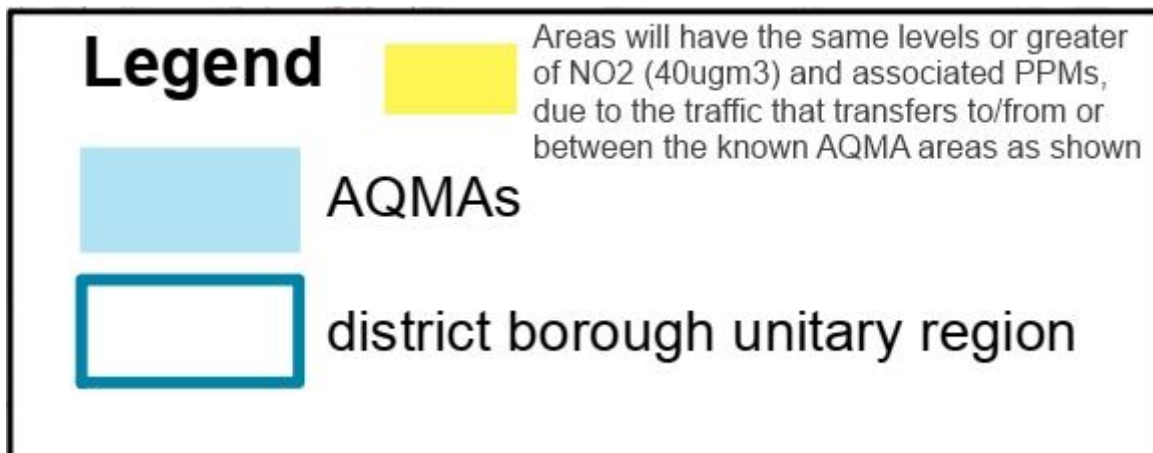
Where levels of nitrogen dioxide have been found to exceed the national objective of 40 microgrammes per cubic metre (ugm³). These figures were recorded before Omega was developed fully, so can only get worse. But SHC in the update Local Plan has reserved areas next to Warrington Omega to utilise J8 M62 (services junction) for yet more warehousing so increasing the HGV NO₂ levels further. Therefore the likelihood as the traffic travel from Newton High Street along the A49 to M62J9 will have the same levels as well now without Parkside.

But as there are no AQMA stations between Newton A49 to M62 J9 or Winwick Link Road or the A573 or A579.

To show the roads where no AQMA stations are shown on the map from SHC Parkside Link Road application documentation. Where the yellow routes has been added to the map to identify the roads where there are no AQMA stations.

But these yellow roads will accommodate the Commercial vehicles intended to use these roads to access SHC Parkside SRFI. Where these yellow roads will have the same levels or greater of NO₂ (40ugm³) and associated PPMs due to the traffic that transfers to/from or between the known AQMA area as shown on the SHC map.

To help the Legend has been shown in a larger format:



With Parkside and the extra 10,000 HGV (estimate?) as that is what the Parkside Link Road is for, to accommodate these extra HGVs through the Parish of Winwick via the A49 and the A573.

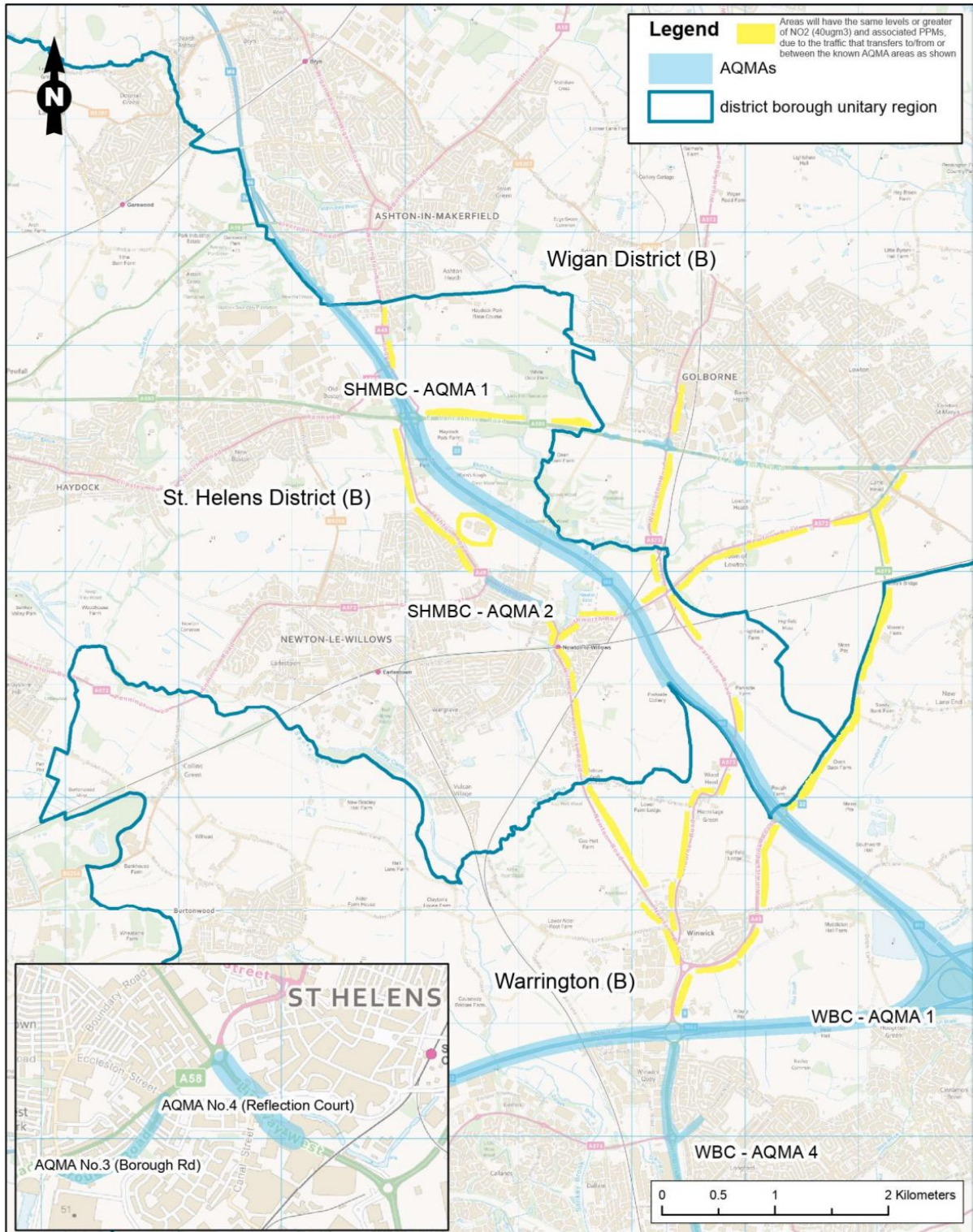


Figure Title Air Quality Management Areas Within the Study Area	Project Number 1620003486	Figure No. 5.1	Client St Helens MBC
	Date 08 February 2018	Prepared By VG	
Project Name Parkside Link Road	Scale 1:45,000 @A4	Issue 1	

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So the yellow roads as indicated that will be affected by SHC Parkside Development, show there is a failure of the duty to co-operate.

Neither the WBC Proposed Local Plan 2017 – 2037 or the Draft LTP4 show the expected impact that SHC Parkside will impose on Air Pollution Noise Pollution and Traffic Congestion or any solution on how to migrate with the co-operation with SHC (and incidently Wigan Council) as well due to the A579.

Therefore, the impact of the traffic that SHC Parkside will impose on the north of Warrington particularly the Parishes in particular Winwick through increase in traffic congestion, Air Pollution and noise pollution. WBC and SHC in the Proposed Local Plan and Draft LTP4 have fail to show a Duty to Co-operate (and Wigan Council).

Duty to Co-operate Overall Conclusions

The failure for SHC and WBC to follow the Duty to Co-operate is a point that makes the WBC proposed Local Plan 2017 – 2037 unsound, the Local People conclude that the Local Plan can not be adopted by the local people, as it fails to be “*a platform for local people to shape their surroundings*”.

8. Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities **to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.**

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. **Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies**¹⁶.

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

(The Yellow highlighting is to emphasise the importance of Neighbourhood forums)

Localism Act 2011 Neighbourhood Forum policy enactment includes Parish Councils by default as well).

Conversely, Strategic Policies and Non-Strategic Policies must conform to Parish Council having had many decades of planning control of their respective area; and Neighbourhood forums in non-parish council area plans having recently been enacted after the Localism Act 2011.

Several aspects of Strategic and Non-Strategic Policies overlap which are not just the preserve of the WBC Local Plan but the preserve of Neighbourhood and Parish Council Plans. Where this is the case, Neighbourhood and Parish Council plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

9. New Policy DC7 Common Lands; Town and Village Greens

Background

Common Land and Village Greens are areas of land that have legislation that protect these lands for the people as a place for their enjoyment, exercise and recreation. Where a secondary aspect of such places promotes wildlife and promotes places of climate change breathable areas. The legislation for Common Land, and Town and Village Greens date back to the Inclosure Act 1845 and have been amended, revised to the most recent Act, the Commons Act 2006 that protect these area.

In the 1960's the government recognised a need to ratify lands referred to waste land or have been used as common land or a village green but had no legislation to register these places. The Queen and her government created the Commons Registrations Act 1965 that allowed the County Council to register lands that had no identified owner or purpose as either Common Lands or Town and Village Greens. From circa 1966 the Commons registration Act 1965 was used by the County Councils where public notices as to owners and persons who had an interest was published in the London Gazette. For the Warrington Area, the Lancashire County Council in 1967 submitted applications for registration numerous lands and published a notice in the London Gazette on 26 September 1968 pages 10395 to 10397 (see Appendix 6 Common Lands and Town or Village Greens). Though the list shows all for Lancashire County Council the entries for Borough of Warrington for both Common Land and Village Greens are listed. After the stated public consultation period had elapsed the authorised Commons Commissioner(s) under the Commons Registration Act 1965 sat to make the decision on each entry.

To which:

- the commissioner(s) directed Lancashire County Council, as registration authority to register the respective person or persons or council as owner of the common land in question under the Commons Registration Act 1965 section 9; and
- the commissioner(s) directed Lancashire County Council, as registration authority to register the respective person or persons or council as owner of the village green in question under the Commons Registration Act 1965 section 8 under respective subsection.

Commons Registration Act 1965 sections stated above must follow:

“Section 1 Registration of commons and town or village greens and ownership of and rights over them.

1) There shall be registered, in accordance with the provisions of this Act and subject to the exceptions mentioned therein,-

(a) land in England or Wales which is common land or a town or village green ;
(b) rights of common over such land; and
(c) persons claiming to be or found to be owners of such land or becoming the owners thereof by virtue of this Act;
and no rights of common over land which is capable of being registered under this Act shall be registered under the Land Registration Acts 1925 and 1936.

(2) After the end of such period, not being less than three years from the commencement of this Act, as the Minister may by order determine-
(a) no land capable of being registered under this Act shall be deemed to be common land or a town or village green unless it is so registered; and
(b) no rights of common shall be exercisable over any such land unless they are registered either under this Act or under the Land Registration Acts 1925 and 1936.

(3) Where any land is registered under this Act but no person is registered as the owner thereof under this Act or under the Land Registration Acts 1925 and 1936, it shall-
(a) if it is a town or village green, be vested in accordance with the following provisions of this Act; and
(b) if it is common land, be vested as Parliament may hereafter determine.....”

“Section 8 Vesting of unclaimed land

1) Where the registration under section 4 of this Act of any land as common land or as a town or village green has become final but no person is registered under that section as the owner of the land, then, unless the land is registered under the Land Registration Acts 1925 and 1936, the registration authority shall refer the question of the ownership of the land to a Commons Commissioner.

(2) After the registration authority has given such notices as may be prescribed, the Commons Commissioner shall inquire into the matter and shall, if satisfied that any person is the owner of the land, direct the registration authority to register that person accordingly; and the registration authority shall comply with the direction.

(3) If the Commons Commissioner is not so satisfied and the land is a town or village green he shall direct the registration authority to register as the owner of the land the local authority specified in subsection (5) of this section; and the registration authority shall comply with the direction.

(4) On the registration under this section of a local authority as the owner of any land the land shall vest in that local authority and, if the land is not

regulated by a scheme under the Commons Act 1899, sections 10 and 15 of the Open Spaces Act 1906 (power to manage and make byelaws) shall apply in relation to it as if that local authority had acquired the ownership under the said Act of 1906.

- (5) The local authority in which any land is to be vested under this section is-*
- (a) if the land is in a borough or urban district, the council of the borough or urban district;*
 - (b) if the land is in a rural district, the council of the district, except in a case falling within paragraph (c) of this subsection;*
 - (c) if the land is in a rural parish which has a parish council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act have been delegated to the parish council....”*

“Section 9 Protection of unclaimed common land.

Where the registration under section 4 of this Act of any land as common land has become final but no person is registered under this Act or the Land Registration Acts 1925 and 1936 as the owner of the land, then, until the land is vested under any provision hereafter made by Parliament, any local authority in whose area the land or part of the land is situated may take such steps for the protection of the land against unlawful interference as could be taken by an owner in possession of the land, and may (without prejudice to any power exercisable apart from this section) institute proceedings for any offence committed in respect of the land.”

Once these lands have been registered as either Common Land or Village Green the Acts in the statute books that protect the particular lands in conjunction with the Acts mentioned in the Commons registration Act 1965

In 2006 the Commons Act 2006 became legislation where controls on how new and existing Common Lands and Town or Village Greens, are enforced, where Local Authorities and/or the Planning Inspectorate for planning issues for Common Lands and Town or Village Greens (depending on how a Town or village green is managed).

Legislative Acts that control the management for a village green

Most Village Greens are registered under the Commons Registration Act 1965 under Section 8(3) as a parish council as vested owners and depending on:

- a) If the Parish Council under Section 8(5) applied for a scheme of management and approved, the wording of those schemes, allowed the Commons Act 2006 Section 38 to be applied.
- b) If the Parish Council under Section 8(5), decided not to apply for a scheme of management the section 8(4) applies as to the management of the village green and the Commons Act 2006 Section 38 does not apply.

The majority of Parish Councils as vested owner for a village greens have followed the route b) where Commons Registration Act 1965 under Section 8(4) applies. This means the Legislative Acts that control the management for a village green are as follows:

1. Inclosure and Improvement of Commons and Lands 8th August 1845 Section XV

“XV Village Greens not to be inclosed; but Provision may be made for preserving the Surface and fixing Boundaries

And be it enacted, That no Town Green or Village Green shall be subject to be inclosed under this Act; provided that in every Case in which an Inclosure of Lands in the Parish in which such Town Green or Village Green may be situate shall be made under the Authority of this Act it shall be lawful for the Commissioners, if they shall think fit, to direct that such Town Green or Village Green, provided such Green be of equal or greater Extent, be allotted to the Churchwardens and Overseers of the Poor of such Parish, in trust to allow the same to be used for the Purposes of Exercise and Recreation, and the same shall be allotted and awarded accordingly, in like Manner, and with the like Provisions for making or maintaining the Fences thereof, and preserving the Surface thereof, and draining and levelling the same where Occasion shall require, as herein-after directed concerning the Allotments to be made for the Purposes of Exercise and Recreation; and such Green may be so allotted in addition to other Land which may be allotted for the Purposes of Exercise and Recreation, or, if the Commissioners shall think it sufficient, may be allotted in substitution for other Land which might have been required to be allotted for such Purposes; and in every Case in which such Town Green or Village Green shall adjoin Land subject to be inclosed under this Act, and shall not be separated from such Land by Fences or known Bounds, the Commissioners shall, in the Provisional Order concerning such Inclosure, set out a Boundary Line between such Green and the adjoining Land, and shall in their annual General Report mention and describe such Boundary.”

2. Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land 30th June 1852 section XIV

“XIV Village Greens and Allotments for Exercise and Recreation shall not be fenced in certain Cases.

Notwithstanding the Provisions in the said firstly-recited Act with reference to the fencing of Allotments for Exercise and Recreation, and of Town Greens and Village Greens allotted for such Purposes, it shall be lawful for the Commissioners, by an Order under their Seal, in such Cases as they shall see fit, to direct that such Allotments, Town Greens, and Village Greens respectively shall be distinguished by Metes and Bounds, but not fenced.”

3. Inclosure Act 10th August 1857 section XII

“XII. Protecting from Nuisances Town and Village Greens and Allotments for Exercise and Recreation.

And whereas it is expedient to provide summary Means of preventing Nuisances in Town Greens and Village Greens, and on Land allotted and awarded upon any Inclosure under the said Acts as a Place for Exercise and Recreation : If any Person wilfully cause any Injury or Damage to any hence of any such Town or Village Green or Land, or wilfully and without lawful Authority lead or drive any Cattle or Animal thereon, or wilfully lay any Manure, Soil, Ashes, or Rubbish, or other Matter or Thing thereon, or do any other Act whatsoever to the Injury of such Town or Village Green or Land, or to the Interruption of the Use or Enjoyment thereof as a Place for Exercise and Recreation, such Person shall for every such Offence, upon a summary Conviction thereof before Two Justices, upon the Information of any Churchwarden or Overseer of the Parish in which such Town or Village Green or Land is situate, or of the Person in whom 'the Soil of such Town or Village Green or Land may be vested, forfeit and pay, in any of the Cases aforesaid, and for each and every such. Offence, over and above the Damages occasioned thereby, any Sum not exceeding Forty, Shillings; and it shall be lawful for any such, Churchwarden or Overseer or other Person as aforesaid to sell and dispose of any such Manure, Soil, Ashes, and Rubbish, or other Matter or Thing as aforesaid; and the Proceeds arising from the Sale thereof, and every such Penalty as aforesaid, shall, as regards any such Town or Village Green not awarded under the said Acts or any of them to be used as a Place for Exercise and Recreation, be applied in aid of the Rates for the Repair of the public Highways in the Parish, and shall, as regards the Land so awarded, be applied by the Persons or Person in whom the Soil thereof may be vested in the due Maintenance of such Land as a Place for Exercise and Recreation; and if any Manure, Soil, Ashes, or Rubbish be not of sufficient Value to defray the Expense of removing the same, the Person who laid or deposited such Manure, Soil, Ashes, or Rubbish shall repay to such Churchwarden or Overseer or other Person as aforesaid the Money necessarily expended in the Removal thereof ; and every such Penalty as aforesaid shall be recovered in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three; and the Amount of Damage occasioned by any such Offence as aforesaid shall, in case of Dispute, be determined by the Justices by whom the Offender is convicted; and the Payment of the Amount of such Damage, and the Repayments of the Money necessarily expended in the Removal of any Manure, Soil, Ashes, or Rubbish, shall be enforced in like Manner as any such Penalty.”

4. Commons Act 1876 section 29

“29. Amendment of law as to town and village greens

Whereas by the Inclosure Act, 1857, provision is made for the protection of town and village greens, and recreation grounds, and it is expedient to amend such provision: Be it enacted as follows, that is to say, an encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public

nuisance, and if any person does any act in respect of which he is liable to pay damages. or a penalty under section twelve of the said Inclosure Act, 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned.

This section shall apply only in cases where a town or village green or recreation ground has a known and defined boundary.”

5. Open Spaces Act 1906 Section 10 and Section 15

“Section 10. Maintenance of open spaces and burial grounds by local authority.

A local authority who have acquired any estate or interest in or control over any open space or burial ground under this Act shall, subject to any conditions under which the estate, interest, or control was so acquired -

(a) hold and administer the open space or burial ground in trust to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose; and

(b) maintain and keep the open space or burial ground in a good and decent state, and may inclose it or keep it inclosed with proper railings and gates, and may drain, level, lay out, turf, plant, ornament, light, provide with seats, and otherwise improve it, and do all such works and things and employ such officers and servants as may be requisite for the purposes aforesaid or any of them.

Section 15. Byelaws

(1) A local authority may, with reference to any open space or burial ground in or over which they have acquired any estate, interest, or control under this Act, make byelaws for the regulation thereof, and of the days and times of admission thereto, and for the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties recoverable summarily for the infringement thereof, and provide for the removal of any person infringing any byelaw by any officer of the local authority or police constable.

(2) All byelaws made under this Act by any local authority shall be made-

(e) in the case of a municipal borough or district or parish council, subject and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and those sections shall apply to a parish council in like manner as if they were a local authority within the meaning of that Act, except that byelaws made by a parish council need not be under common seal.

(3) The trustees or other persons having the care and management of any open space, who in pursuance of this Act admit to the enjoyment of the open

space any persons not owning, occupying, or residing in any house fronting thereon, shall have the same powers of making byelaws as are conferred on a committee of the inhabitants of a square by section four of the Town Gardens Protection Act, 1863, and that section shall apply accordingly.

6. Public Health Act 1875 Sections 182 to 186 Byelaws

182. Authentication and alteration of byelaws.

All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

183. Power to impose penalties on breach of byelaws.

Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five-pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

184. Confirmation of byelaws.

Byelaws made by a local authority under this Act shall not take effect unless and until they have, been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours there at to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward. The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy. A byelaw required to be confirmed by the Local Government Board shall not require confirmation allowance or approval by any other authority.

185. Byelaws to be printed, &c.

All byelaws made by a local authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be

delivered to any ratepayer of the district to which such byelaws relate, on his application for the same; a copy of any byelaws made by a rural authority shall also be transmitted to the overseers of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours.

186. Evidence of byelaws.

A copy of any byelaws made under this Act by a local byelaws authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

7. Town Gardens Protection Act, 1863 Section 4

Where any such Garden or Ground is managed by any Committee of the Inhabitants of any Square, Crescent, Circus, Street, or Place, such Committee may make, and from Time to Time revoke and alter, Byelaws for the Management of the same, and for the Preservation of the Trees, Shrubs, Plants, Flowers, Rails, Fences, Seats, Summer-houses, and other Things therein, which Byelaws shall be entered in a Book kept for that Purpose by the Committee, signed by the Chairman of the Meeting at which the same shall be passed, and which Book shall and may be produced and read, and taken as Evidence of such Byelaws, in all Courts whatever, and any Inhabitant or Servant, or other Person admitted to such Garden by any Inhabitant, offending against the same, after they shall have been duly allowed, as herein-after provided, upon Proof thereof before a Magistrate acting for the District in which such Garden is situate, shall be liable for each Offence to a Penalty not exceeding Five Pounds: Provided always, that such Byelaws shall not come into operation until the same shall have been allowed by some Judge of One of the Superior Courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Judge or Justices, on the Request of such Committee, to inquire into any Byelaws tendered to them for that Purpose, and to allow or disallow the same as they think meet.

Reproduction of Acts are as a guide only to ensure correct interpretation consult the official Original and/or Revised version of said Acts.

Guidance Document with regards to Town or Village Greens

The publication entitled “Open Green Spaces: An introduction to their legal status and protection 2nd edition July 2010” (**See Appendix Open Green Spaces - Legal Guide**). This guide was produced by the our green space project; a project supported by the heritage lottery Fund, Friends of the lake district and Action with communities in Cumbria (based on a guide originally produced by the rural greens project). This guide gives clear advice on the laws relating to the protection and use of public open green spaces are complex. it is easy to miss them, not easy to find specific answers about them, they can be complicated, cumbersome and contradictory to apply!

With the above legislation that applies to Village Green that have been registered under section 8(3) of the Commons Registrations Act 1965 and the Commons Act 2006 the guide clarifies these legal words. As to what can and can not be placed on a village green and what activity is permissible on the village green.

Some aspects that this guide confirms are as follows:

- **What are lawful sports and pastimes?** This can include any lawful recreational activity on the land. So cock-fighting (an illegal activity) would not be allowed, but many other things you could describe as exercise or recreation would. Examples include organised sports and games like football and rounders, kite flying, fishing, archery and shooting (!), riding or racing horses and ponies, children playing, sketching, painting etc, bird watching, snow balling, sledging, blackberrying, dancing round maypoles, having picnics and just wandering about in the open air. Walking dogs is a recreational activity (if it is for the benefit of the people not the dogs) if you can distinguish between use of a path or short cut across the green and recreational use of the land. Where an activity is so inappropriate for an area that it is either a public nuisance at common law or causes significant damage to the green it is unlikely to be treated as lawful, but ultimately that is for the courts to decide.

Lawful recreation does not include commercial activities. So you can pick fruit on a green as long as it is not for sale, but you can't run commercial fairs or use it as a sales pitch.

- **Can village greens have festivals and events?** Yes as long as they are not for commercial gain and, critically, they do not damage the green itself. if damage occurs then you would fall foul of s 12 of the 1857 Act and s29 of the 1876 Act.
- **Can trees be planted on village green?** The owner of the green can if it enhances the enjoyment of recreation i.e. There aren't too many and they do not get in the way of whatever recreational activities people enjoy and / or they enhance the look and feel of the green (visual amenity). Fencing off areas for new trees would not be allowable as it would interrupt recreational activities. What constitutes 'too many' and 'in the way' would be for your local community to decide.

Commercial tree planting or large tracts of planting would cause a public nuisance and interfere with recreational enjoyment so would be unlawful.

- **Can buildings (enclosures) be placed on the green?** Generally no. Again the 1876 Act makes this unlawful. However, if the buildings are put up 'with a view to the better enjoyment of the green' i.e. for the purpose of recreation or enjoying recreation, then they are allowed. This means small building work like football nets, rugby posts, tennis-courts, play equipment, seats, benches, shelters and even sports pavilions are all OK. Village halls and community centres, even if they are for the purpose of hosting recreational activities, are deemed as not directly for recreation themselves and therefore not allowed.

So a shelter designed so that people can sit or stand and watch what is going on on the green is OK, but a shelter to wait for the bus (and facing the road) is not.

Remember that you may also need planning or other permissions as well.

- **What rights and powers will a management group have?** If the parish council is the management group they will have powers under the open spaces Act 1906 to maintain, to make byelaws for and to prosecute for interference with village greens and to manage and control land for recreational use or simply as an open space.
- **What do we need permission from the owner for?** Mostly the same things as you would need permission for from any landowner: management, maintenance, ground works, special events, anything involving any special features, putting things on the land like goalposts etc.

What the community does not need permission for is any of the lawful recreational activities mentioned above (and most other lawful recreational activities you might think of).

What is clear from the few pointers shown above from the Open Green Spaces publication is:

A Village Green is for lawful exercise and enjoyment for the locality to enjoy as long as it does not damage the green. Any commercial activity or any commercial building or enclosure, whether permanent or temporary can not occur or be placed on the Village Green, as this would cause a public nuisance and interfere with recreational enjoyment of the village green so would be unlawful under s 29 of the 1876 Act states that any 'enclosure....or erection thereon', e.g. a tent or caravan, is deemed to be 'a public nuisance' i.e. it is an offence under the Act.

Proposed Local Plan policy DC 7 Common Lands and Village Greens

Justification

Registered Common Land and Village Green being areas of land are a part of the planning system that a Local Plan must also have a policy for protection from development. In the proposed WBC Local Plan a policy and listing for Common Land and Town or Village Greens is absent. To have a list and a policy for Heritage Assets also applies to Common Land and Town or Village Greens. As most of the registered Common Land and Town or Village Greens registered under the Commons Registration Act 21965 with Parish Councils (maybe also registered in non-parished areas), then the respective Neighbourhood Forum or Parish Council can or have a development plan that control a registered Common Land and/or a registered Town or Village Green. Therefore the Local Plan must cater for the protection of these Common Land and Town or Village Greens in the borough of Warrington with an appropriate policy.

In the Proposed Local Plan 2017 – 2037 mentions village greens only once, in Policy DC3 – Green Infrastructure in paragraph 8.3.4

*“8.3.4 In respect of Warrington green infrastructure is considered to constitute the Borough’s collective network of green spaces and environmental features including for example parks and formal gardens; **village greens**; wetlands, woodlands and meadows; all watercourses, including small brooks, canals and the corridors through which they flow; playing fields, amenity space in housing estates; transport corridors and rights of way. Through recognition of the many benefits it can provide for people and for wildlife, green infrastructure is widely recognised as a critical ingredient in creating successful places where people want to live and work.”*

But with respect to green infrastructure, village greens are only mentioned as an example, though village greens have legislation Acts to protect with no mention of Common Lands

Therefore, so that any proposal are aware in the local plan of areas that are restricted from development to Commons Lands and Town or Village Greens a policy is require that shall preserve these from any developer.

The following the Local People require in order to preserve the registered Commons Lands and Town or Village Greens in the Borough of Warrington, so that the Local People can enjoy for exercise and recreation.

Recommendation of additional Policy and Appendix to be included to the Proposed Local Plan 2017 – 2037 for the consideration of the Examination before the Planning Inspectorate.

Policy DC7 Common Lands; Town and Village Greens

The Borough of Warrington have areas of the Green Space that have a status under legislative Acts, known as 'Common Lands' and 'Town or Village Greens'. The majority of these Green Space areas are situated in the Parishes of the Borough.

1. The Council will work with the Parish Council the vested owners of Common Lands and Town or Village Greens under the Common Registration Act 1965 and the revision Commons Act 2006.
2. The Council will support and help maintain with the Parish Council in the management of Common Lands and Town or Village Greens.
3. The Council will support with the Parish Council, the Common Lands and Town or Village Greens accords with Policy DC3 – Green Infrastructure and paragraph 8.3.4.
4. The Council will work with the Parish Council where matters on Health and Safety are at issues for planning control of Common Lands and Town or Village Greens.

Legal

5. The Council recognise the following legislation apply to the Common Lands and Town or Village Greens that applies the said Acts stated in 1. above.

Most Village Greens are registered under the Commons Registration Act 1965 under Section 8(3) as a parish council as vested owners and depending on:

- a) If the Parish Council under Section 8(5) applied for a scheme of management and approved, the wording of those schemes, allowed the Commons Act 2006 Section 38 to be applied.
- b) If the Parish Council under Section 8(5), decided not to apply for a scheme of management the section 8(4) applies as to the management of the village green and the Commons Act 2006 Section 38 does not apply.

The majority of Parish Council as vested owner for a village greens have followed the route b) where Commons Registration Act 1965 under Section 8(4) applies. This means the Legislative Acts that control the management for a village green, that apply to the respective Town or Village Green in the Borough of Warrington, are as follows:

- i. Inclosure and Improvement of Commons and Lands 8th August 1845 Section XV.
- ii. Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land 30th June 1852 section XIV.
- iii. Inclosure Act 10th August 1857 section XII.
- iv. Commons Act 1876 section 29.
- v. Open Spaces Act 1906 Section 10 and Section 15.

- vi. Public Health Act 1875 Sections 182 to 186 Byelaws.
- vii. Town Gardens Protection Act, 1863 Section 4.
- viii. Commons Act 2006.

6. The Council will preserve, together with the Parish Councils, through the application of the legislative Acts that apply to each the Commons Lands and Town or Village Greens from development.

7. The Council will maintain together with the Parish Councils that the respective Commons Lands and Town or Village Greens are solely for the pleasure, enjoyment, exercise, recreation. Health and well being of the Local People.

8. The Council together with the Parish Councils will promote that the use of a Town or Village Green is only for lawful exercise and enjoyment for the locality to enjoy as long as it does not damage the green.

9. The Council together with the Parish Councils will ensure that any commercial activity or any commercial building or enclosure, whether permanent or temporary can **not** occur or be placed on a Town or Village Green, as this would cause a public nuisance and interfere with recreational enjoyment of the town or village green so would be unlawful under section 29 of the 1876 Act states that any 'enclosure....or erection thereon', is deemed to be 'a public nuisance' i.e. it is an offence under the Act.

10. This policy to accord with Policy WPC 2 Winwick Parish Common Land and Village Green

Appendix 6 Common Lands and Town or Village Greens

The Official Commons Registration Act 1965 documentation for the registration of the Common Lands and Town or Village Greens located in the Borough of Warrington are held in archive with Warrington Borough Council and can be viewed upon request.

The following list, published by Lancashire County Council in the London Gazette, pages 10395 to 10397, showing those Common Land and Town or Village Greens provisionally registered as at 26 September 1968 of first and second registration of Commons Lands and Town or Village Greens containing those located in the Borough of Warrington.

Warrington Borough Council can first edit the list and secondly add later known registered Commons Lands and Town or Village Greens located in the Borough of Warrington, the list is as follows:

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below. In addition, each local authority other than the Council has available for inspection copies of registrations affecting land in its own area.

The second registration period began on 1st July 1968 and will end on 2nd January 1970. During this second period, applications may be made for the registration of land as common land or as a town or village green, of rights of common over such land, and of claims to ownership thereof, but a fee of £5 will normally be payable.

Objections

The period for objecting to registrations made before 1st July 1968 begins on 1st October 1968 and ends on 30th September 1970. Every objection must be made in writing on the special form of objection (C.R. Form No. 26) available from 15th August onwards free and post free from the Council at the County Hall, Newport, I.W. and must reach the Council as registration authority at the above address, not earlier than 1st October 1968 nor later than 30th September 1970. After the latter date there will be no further opportunity for objecting to registrations made before 1st July 1968; those which are not effectively objected to will become final and definitive. Every objection which is not rejected is noted on the register as soon as possible after receipt, and particulars are sent by the registration authority to the person (if any) on whose application the registration was made, and to certain other persons directly interested in the registration. In addition, copies of register entries of objections are sent to local authorities holding copies of the registration to which they relate.

The noting of an objection on the register does not mean that it is officially admitted to be correct, and it has no immediate effect on the registration. The effect is that, unless the registration is cancelled, or the objector withdraws his objection, the matter will be referred to a Commons Commissioner for decision.

Objections to registrations made after 30th June 1968 may not be made yet; information about this will be published shortly before 1st May 1970, the earliest date for lodging objections. Registrations are independent of each other so that, for example, a registration of land as common land made before 1st July 1968 and not objected to before 1st October 1970 will become final and definitive on the latter date, but if registrations of rights over that land, or claims to ownership thereof, are made after 30th June 1968 objections to such registrations can be made in the second objection period.

Dated this 18th day of September 1968.

L. H. Baines, Clerk of the County Council.

ANNEX A

The Administrative County of the Isle of Wight.

ANNEX B

<i>Common Land</i>	<i>Town or Village Greens</i>
Land at the top of Brighstone Shute.	The Green, Chilleton.
The Old Pound, New Road, Brighstone.	The Green, Calbourne.
Colwell Common, Totland.	The Green, St. Helens.
St. Helens Green.	Castle Haven, Niton.
Nettlestone Green, Nettlestone.	Fishbourne Green, Fishbourne.
Jubilee Pump, Middleton, Totland.	Gassiot Green, Ryde.
Sheepwash, Totland.	The Common, Yarmouth.
Part of Tennyson Down, Freshwater.	The Green, Shorwell.
The Turf Walk, Totland.	Luccombe Common, Shanklin.
The War Memorial, Totland.	Part of Lake Common, Sandown.
Blackpan Common, and Lake Common (Golf Links), Sandown.	Princes Green, Cowes.
Brading Down, Brading.	The Village Green, Brook.
Manorial Waste, Freshwater.	Locks Green, Porchfield.
	The Green, Gurnard.
	Norton Green, Freshwater.

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LANCASHIRE COUNTY COUNCIL

COMMON LAND AND TOWN OR VILLAGE GREENS

*Provisional registrations and how to object to them***Registrations**

The first period for applications for the registration under the above Act of—

- (a) land which is common land or a town or village green;
- (b) rights of common over such land, and
- (c) persons claiming to be owners of such land

ended on 30th June 1968.

The Council is the registration authority for the registration area of which particulars are given at Annex "A" below. The Register of Common Land and the Register of Town or Village Greens for this registration area, containing all registrations so far made, are available for inspection free of charge at the Council's office at County Hall, Preston, between the hours of 9 a.m. and 5.30 p.m. on working days. A table giving brief information about these registrations is at Annex "B" below. In addition, each local authority other than the Council has available for inspection copies of registrations affecting land in its own area.

The second registration period began on 1st July 1968, and will end on 2nd January 1970. During this second period, applications may be made for the registration of land as common land or as a town or village green, of rights of common over such land, and of claims to ownership thereof, but a fee of £5 will normally be payable.

Objections

The period for objecting to registrations made before 1st July 1968, begins on 1st October 1968, and ends on 30th September 1970. Every objection must be made in writing on the special form of objection (C.R. Form No. 26) available from 15th August onwards free and post free from the Council at County Hall, Preston, and must reach the Council as registration authority at the above address not earlier than 1st October 1968, nor later than 30th September 1970. After the latter date there will be no further opportunity for objecting to registrations made before 1st July 1968; those which are not effectively objected to will become final and definitive. Every objection which is not rejected is noted on the register as soon as possible after receipt, and particulars are sent by the registration authority to the person (if any) on whose application the registration was made, and to certain other persons directly interested in the registration. In addition, copies of register entries of objections are sent to local authorities holding copies of the registrations to which they relate.

The noting of an objection on the register does not mean that it is officially admitted to be correct, and it has no immediate effect on the registration. The effect is that, unless the registration is cancelled, or the objector withdraws his objection, the matter will be referred to a Commons Commissioner for decision.

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Objections to registrations made after 30th June 1968, may not be made yet; information about this will be published shortly before 1st May 1970, the earliest date for lodging objections. Registrations are independent of each other so that, for example, a registration of land as common land made before 1st July 1968, and not objected to before 1st October 1970, will become final and definitive on the later date, but if registrations of rights over that land, or claims to ownership thereof, are made after 30th June 1968, objections to such registrations can be made in the second objection period.

C. P. H. McCall, Clerk of the County Council.

Dated 20th September 1968.

ANNEX "A"

Particulars of Registration Area

1. Land in the Administrative County excepting an area on or near Counting Hill and the eastern boundary of the Borough of Bacup for which the County Council of the West Riding of Yorkshire is the commons registration authority.

2. Land in the West Riding of Yorkshire comprising an area situate on or forming part of Saddle Fell in the Rural District of Bowland; land comprising the Ramsden Hill area of the Borough of Todmorden; Walsden Moor and the Long Hill, Great Hill, Ferny Hill and the Moorhey Flat areas of Shore Moor, all in the Borough of Todmorden; land on or forming part of White Holme Moss in the Borough of Todmorden and the Urban District of Ripponden and the Farther Hill, Middle Hill and Nigher Hill areas of Soyland Moor in the Urban District of Ripponden.

3. Land in the County Borough of Rochdale known as the Bottom of Rooley Moor.

ANNEX "B"

Information about Registrations

COMMON LAND

Register Unit No.	Short Description of Land
	Land known as/at:—
CL. 1	Highfield Moss, Lowton, Golborne U.D.
CL. 2	Stanley, Bowland-with-Leagram, Clitheroe R.D. Rights of common are registered in respect of this land or part of it.
CL. 3	Edge Green Common, Ashton-in-Makerfield and Golborne U.D.s.
CL. 4	Salesbury and Copster Green Commons, Salesbury, Blackburn R.D. Claims to ownership are registered in respect of this land or part of it.
CL. 5	The Green, Wrea Green, Ribby-with-Wrea, Fylde R.D. Rights of common are registered in respect of this land or part of it.
CL. 6	Poors Land Allotments, Allotment Road, Cadishead, Irlam U.D.
CL. 7	Wennington Waste, Wennington, Lunesdale R.D.
CL. 8	Cronshaw Chair, Billington, Blackburn R.D.
CL. 9	Pickup Bank Height and land adjacent to Windy Bank, Yate and Pickup Bank, Blackburn R.D. Rights of common are registered in respect of this land or part of it.
CL. 10	Pinfold, Higham-with-West Close Booth, Burnley R.D.
CL. 11	The east side of Sabden Road, Higham-with-West Close Booth, Burnley R.D.
CL. 12	Parlick Fell, Chipping, Clitheroe R.D. Rights of common are registered in respect of this land or part of it.
CL. 13	Darwen Moor, Darwen M.B. Rights of common are registered in respect of this land or part of it.
CL. 14	Hapton Common, Hapton, Burnley R.D. and Padiham U.D.
CL. 15	Seed Green, Ribchester, Preston R.D.
CL. 16	Grimshaw Pit or Quarry, Ribchester, Preston R.D.
CL. 17	Cancelled.
CL. 18	Goodber Common, Rosburndale, Lunesdale R.D. Rights of common are registered in respect of this land or part of it.
CL. 19	High Peak, Littleborough U.D.
CL. 20	Town Delph, Ribchester, Preston R.D.
CL. 21	Carr House Green Common, Inskip-with-Sowerby, Garstang R.D. (a) Rights of common are registered in respect of this land or part of it. (b) Claims to ownership are registered in respect of this land or part of it.
CL. 22	Radley Common, Winwick, Warrington R.D.
CL. 23	Ireby Fell, Ireby, Lunesdale R.D. Rights of common are registered in respect of this land or part of it.
CL. 24	Elmers Green, Dalton, Wigan R.D.
CL. 25	Birkrigg Common, Aldingham and Urswick, North Lonsdale R.D.
CL. 26	Bean Well, Aldingham, North Lonsdale R.D.
CL. 27	The Bracken Beds, Aldingham, North Lonsdale R.D.
CL. 28	Leece Tarn, Aldingham, North Lonsdale R.D.
CL. 29	Coniston Fell, Dunnerdale Fell, Seathwaite Fell and Torver High Common, Coniston/Dunnerdale-with-Seathwaite/Torver, North Lonsdale R.D.
CL. 30	Clitheroe Road, Sabden, Burnley R.D.
CL. 31	Stubbins Lane, Sabden, Burnley R.D. Claims to ownership are registered in respect of this land or part of it.
CL. 32	Stubbins Lane, near Sabden Bridge, Sabden, Burnley R.D. Claims to ownership are registered in respect of this land or part of it.
CL. 33	Watt Street, near Red Gate, Sabden, Burnley R.D.
CL. 34	Whalley Road, Sabden, Burnley R.D.
CL. 35	The Salt Marshes, Bolton-le-Sands, Lancaster R.D. Rights of common are registered in respect of this land or part of it.
CL. 36	The north side of the River Wenning and around the Post Office, Wennington, Lunesdale R.D.
CL. 37	Stanley, Bowland-with-Leagram, Clitheroe R.D. Rights of common are registered in respect of this land or part of it.
CL. 38	The Tam and verges, Great Urswick, Urswick, North Lonsdale R.D.
CL. 39	Lowick Common, Lowick, North Lonsdale R.D.
CL. 40	Lowick High Common, Lowick, North Lonsdale R.D.
CL. 41	Accrington Moor, Accrington M.B. Rights of common are registered in respect of this land or part of it.
CL. 42	Holcombe Moor, Haslingden M.B. and Ramsbottom and Turton U.D.s. Rights of common are registered in respect of this land or part of it.

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Register Unit No.	Short Description of Land
	Land known as/at:
CL. 43	The Salt Marshes, Bolton-le-Sands/Slyne-with-Hest, Lancaster R.D.
CL. 44	Worston Moor, Worston, Clitheroe R.D.
CL. 45	The Salt Marshes, Wanton, Lancaster R.D.
CL. 46	Town Well, Nether Kellet, Lunesdale R.D.
CL. 47	The Willow Bed, Nether Kellet, Lunesdale R.D.
CL. 48	Laithbutts Lane, Nether Kellet, Lunesdale R.D.
CL. 49	Ashton Heath, Ashton-in-Makerfield U.D.
CL. 50	Whitledge Green, Ashton-in-Makerfield U.D.
CL. 51	Downall Green, Ashton-in-Makerfield U.D.
CL. 52	Kirkby Moor, including Bank House Moor, Kirkby Ireleth, North Lonsdale R.D.
CL. 53	Heathwaite Moss, Kirkby Ireleth, North Lonsdale R.D.
CL. 54	Nether Mire, Kirkby Ireleth, North Lonsdale R.D.
CL. 55	Woodland Fell including Kirkby Moor, Heathwaite Fell and Great Burney, Kirkby Ireleth/Blawith/Subberthwaite/Torver, North Lonsdale R.D.
CL. 56	Torver High Common, Torver, North Lonsdale R.D.
CL. 57	Torver Low Common, Torver, North Lonsdale R.D.
CL. 58	Torver Back Common, Torver, North Lonsdale R.D.

TOWN OR VILLAGE GREENS	
Register Unit No.	Short Description of Land
	Land known as/at:
VG. 1	The Green, Wrea Green, Ribby-with-Wrea, Fylde R.D.
VG. 2	The Green, Common Lane, Culcheth, Golborne U.D.
VG. 3	Lingley Green, Great Sankey, Warrington R.D.
VG. 4	The Memorial Gardens, Freckleton, Fylde R.D.
VG. 5	The Green, Halton-with-Aughton, Lunesdale R.D.
VG. 6	Wennington Green, Wennington, Lunesdale R.D.
VG. 7	Haughton Green, Denton U.D.
VG. 8	The Green, Lowgill Village, Tatham, Lunesdale R.D.
VG. 9	Inglewhite Green, Goosnargh, Preston R.D.
VG. 10	Church Green, Urswick, North Lonsdale R.D.
VG. 11	Town Gate, Foulbridge, Burnley R.D.
VG. 12	The Village Green, Southport Road, Lydiate, West Lancashire R.D.
VG. 13	Knowsley Village Green, Knowsley, Whiston R.D.
VG. 14	Borwick Green, Borwick, Lunesdale R.D.
VG. 15	Winwick or Swan Green, Winwick, Warrington R.D.
VG. 16	Hermitage Green, Winwick, Warrington R.D.
VG. 17	The Village Green, Scales Green, Aldingham, North Lonsdale R.D.
VG. 18	Gleaston Green, Aldingham, North Lonsdale R.D.
VG. 19	The Village Green, Baycliff, Aldingham, North Lonsdale R.D.
VG. 20	Cancelled.
VG. 21	Worsthorne Village Green, Worsthorne-with-Hurstwood, Burnley R.D.
VG. 22	Hurstwood Village Green, Worsthorne-with-Hurstwood, Burnley R.D.
VG. 23	The Hagg, Urswick, North Lonsdale R.D.
VG. 24	Bardsea Green, Urswick, North Lonsdale R.D.
VG. 25	Little Birkrigg, Urswick, North Lonsdale R.D.
VG. 26	Little Urswick Green, Urswick, North Lonsdale R.D.
VG. 27	Stainton-with-Adgarley Green, Urswick, North Lonsdale R.D.
VG. 28	Weeton Green, Weeton-with-Preese, Fylde R.D.
VG. 29	Roe Green, Worsley U.D.
VG. 30	Beesley Green, Worsley U.D.
VG. 31	Worsley Green, Worsley U.D.

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MONMOUTHSHIRE COUNTY COUNCIL

COMMON LAND AND TOWN OR VILLAGE GREENS:

*Provisional Registrations and how to object to them***Registrations**

The first period for applications for the registration under the above Act of:

- (a) Land which is common land or a town or village green;
- (b) rights of common over such land, and
- (c) persons claiming to be owners of such land

ended on 30th June 1968.

The Council is the registration authority for the registration area of which particulars are given at Annex "A" below. The Register of Common Land and the Register of Town or Village Greens for this registration area, containing all registrations so far made, are available for inspection free of charge at the office of the Clerk of the Council, County Hall, Newport, Mon., between the hours of 10 a.m. and 12 noon and 2 p.m. to 4 p.m. on Mondays to Fridays except on bank holidays. A table giving brief information about these registrations is at Annex "B" and Annex "C" below. In addition, each local authority has available for inspection copies of registrations affecting land in its own area.

The Second Registration period began on 1st July 1968, and will end on 2nd January 1970. During this second period, applications may be made for the registration of land as common land or as a town or village green, of rights of common over such land, and of claims to ownership thereof, but a fee of £5 will normally be payable.

Objections

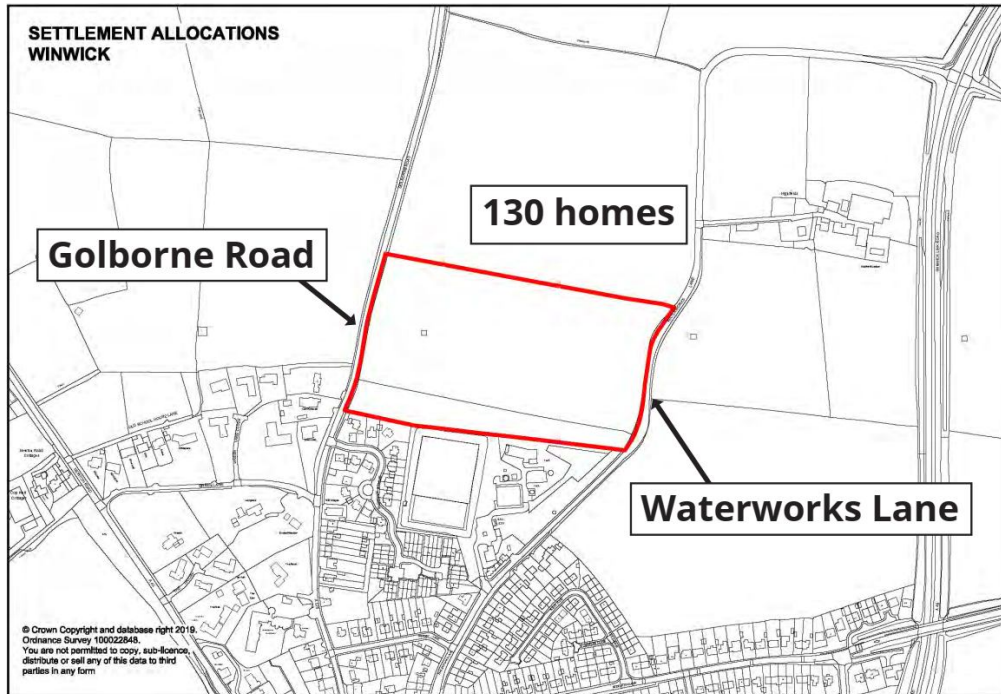
The Period for Objecting to Registrations made before 1st July 1968, begins on 1st October 1968, and ends on 30th September, 1970. Every objection must be made in writing on the special form of objection (C. R. Form No. 26) available from 15th August onwards free and post free from the Clerk of the Council, County Hall, Newport, Mon., and must reach the Council as Registration Authority at the above address, not earlier than 1st October 1968, nor later than 30th September 1970. After the latter date there will be no further opportunity for objecting to registrations made before 1st July 1968; those which are not effectively objected to will become final and definitive. Every objection which is not rejected is noted on the register as soon as possible after receipt, and particulars are sent by the registration authority to the person (if any) on whose application the registration was made, and to certain

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10. Policy OS9 – Land to the north of Winwick

Overhead High Voltage Electric Power Lines

The Local Plan Shows that the housing requirement in the Winwick Parish Council area is 130 Homes. As shown on the following map:



In the Local Plan **Policy OS9 – Land to the north of Winwick** states under point 15 of the policy:
“Development within the site should not impact on the operation of the existing power line that crosses the site.”

From Bing Maps, the Land as indicated above shows the extent of the power line pylons as shadows traversing the land allocated for the 130 homes as follows:



This is also shown from a photograph taken on 02 June 2019 the power line in reality as follows:







The Overhead High Voltage Electric Power Lines are aspects that are included in the NPPF

“8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

.....

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

Yellow Highlight to emphasis importance.

It is clear from the first paragraph of Promoting healthy and safe communities that healthy lifestyles, local health and well-being of the people would be affected by a development intended for people to live beneath an Overhead High Voltage Electric pylon route. Where known high EMF levels can cause cancer that seriously affects the health and well-being, with the EMF pollution that has the probability to affect the lives of those living in close proximity.

Ground conditions and pollution

.....

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Yellow Highlight to emphasis importance.

Noise is a sound wave, EMF is also an electrical magnetic radiated waves, both are pollutants. At present the EMF from the Overhead High Voltage Electric pylon route exists and high levels of EMF radiation are known. But, due to currently location are situated as being in a near development free zone. The development stated in Policy OS9 intends to allocate the land near and beneath to be develop for homes where from the onset and on a continuing 24/7/365 basis will have the known high EMF levels permanently radiating upon the minimum of 130 homes as a pollutant.

So according to the NPPF paragraph 180, Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. The fact that EMF radiation exists from the Overhead High Voltage Electric pylon route which is

current not at any fault as it has been working satisfactory for many decades and will continue to operate satisfactory unimpeded. It is the allocation for development of the minimum of 130 homes that will cause the pollution upon the health and living conditions to those people who unaware of the pollution from EMF radiation will be affected.

The WBC planning policy seriously needs to be re-thought as to the probable health and living conditions, WBC are willing to allocate as policy OS9:

Is the new development appropriate for its location taking in to account the pollution of EMF radiation from the existing Overhead High Voltage Electric pylon route already exists that could affect the health of those people that WBC intend to live beneath?

WBC are playing “Russian Roulette” with those people that Policy OS9 is intend for to live.

EMF Radiation from the Overhead High Voltage Electric pylon route

Safety precautions should be taken against electric appliances in places including medical institutions, schools and residential districts, where people usually stay for a long time, to prevent patients, babies and senior citizens from exposure to high electromagnetic waves.

An electromagnetic wave simply means the wave motion of the electromagnetic field (**EMF**).

The change in electric fields produces magnetic fields, and the change in magnetic fields can also generate electric fields. The fluctuation of correlation between each other is known as “electromagnetic waves”, which is a form of energy similar to light and heat that can be transmitted either by radiation in the air or by an electric conductor.

It is capable of measuring the electromagnetic field radiation intensity that is produced from electric transmission equipment, power line, microwave oven, air conditioner, refrigerator, computer monitor, video/audio device and so forth.

The magnetic field unit is Tesla (T), Gauss (G), milli-Gauss (mG) or micro-Tesla (μ T).
(1 T = 10,000 G; 1 G = 1,000 mG; 1μ T = 10 mG)

But the use of electric equipment microwave oven, air conditioner, refrigerator, computer monitor, video/audio device and so forth, in the home are not on all the time, or that people do not stand directly next to them on a 25/7/365 basis the correlation with household electric appliances are a person uses them on an “as and when” basis. Whereas, Power lines are on 24/7/365 and can not be switched off by the householder. So the concern is what is the safe level of EMF a human body can cope with without becoming seriously ill? Several eminent scientists have looked into this phenomena and reports on EMF levels and distances have been report. The Reports can be reviewed at <http://www.emfinfo.org/> to which several reports are in Appendix EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert.pdf

From the Reports: The Local Plan though recognises the Power line exists over/through the proposal no levels of measurement and distances have been justified to the point the **Policy OS9 – Land to the north of Winwick** goes on to justify the following:

“New Homes

2. A range of housing tenures, types and sizes will be required in order to ensure development contributes to meeting the Borough’s general and specialist housing needs, including family homes with gardens, specific provision for older people and for younger people looking to purchase their first home.

Community Facilities

6. *The development will be required to make a contribution towards the provision of additional primary and secondary school places to meet the need for school places that will be generated from the development.*

7. *Development will be expected to make a contribution towards the provision of additional primary care capacity.*

Open Space and Recreation

8. *In accordance with the Council's open space standards the overall provision of open space for the new residential development should include as a minimum:*

- a. Public open space – Delivery of a minimum of 0.77ha of open space, comprising 0.17ha of informal play space and 0.60ha of natural/semi-natural green space on the application site together with details of the management and maintenance arrangements.*
- b. Equipped play – Delivery of provision equating to 0.075ha (aligned to LEAP) on the application site together with details of the management and maintenance arrangements.”*

These will all be in the very close vicinity of the National Grid Overhead High Voltage Electric Pylon route that due to the physics of conductors passing an electric current have an associated radiated Electro Magnetic Field EMF. The EMF from the sources of electrical systems like Overhead High Voltage Electric Pylon routes can be recorded on readily available meters that can measure the associated EMF radiation as detailed in the reports at <http://www.emfinfo.org/> to which several reports have been attached in Appendix EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert.pdf.

In these reports the levels of EMF radiation show there are associated health concerns which show can affect the human being in the form of cancers. With a concern especially children that live under/near to high levels of EMF from numerous electrical sources on a permanent basis suffer from forms of cancer as detailed in at <http://www.emfinfo.org/> website. Though the effects of EMF radiation do or do not affect all human beings. The human being being an organism where variations in DNA makes certain human being are more susceptible and certain human beings are less susceptible to affects from their surroundings. The human being is not a fixed design.

So with levels of EMF one must follow measured EMF levels that Scientists have shown to cause associated health concerns in the form of cancer, to be on the safe side for one's health. Though governments are unwilling to create legislation due to the retrospective compensation claims that would ensue. Therefore, as the reports state it is up to the individual(s) who want to live in an area where Overhead High Voltage Electric Pylon route exists, to purchase an EMF meter and record the area concerned. The results obtained for the individual(s) to consider for themselves. Especially if a young couple is wanting to start a family what will they inflict on their children health-wise due to the cancer associated levels that trigger forms of cancer.

Therefore, the Policy OS9 – Land to the north of Winwick is of a prime concern as the proposed site for 150 homes is directly under an Overhead High Voltage Electric Pylon route which currently passes over open Green Belt fields.

The serious question is from Policy OS9 is stated to be for young starter homes of affordable and self build basis as qualified by the NPPF in the section "Identifying land for homes" paragraph 71 as the NPPF paragraph 72 fails to comply with Policy OS9 especially on paragraph 71:

“...; and

e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.”

Due to Policy OS9 stating:

1. Land to the north of Winwick (inset settlement) will be removed from the Green Belt and allocated for development for a minimum of 130 homes.

This conflicts with Paragraph 72 as all the subsections of 72a) to 72e) must be satisfied. Therefore OS9 must satisfy Paragraph 71 footnote 33 and footnote 34.

So in order to first check the effect the Overhead High Voltage Electric Pylon route level of EMF radiation as being a healthy place for 130 new homes to be built under the NPPF paragraph 71, EMF measurements have been recorded. The test period was taken from 02 June 2019 to 08 June 2019. The test meter used was the Tenmars Triaxial Magnetic Field Meter EMF/ELF Meter Model TM-192 as shown:

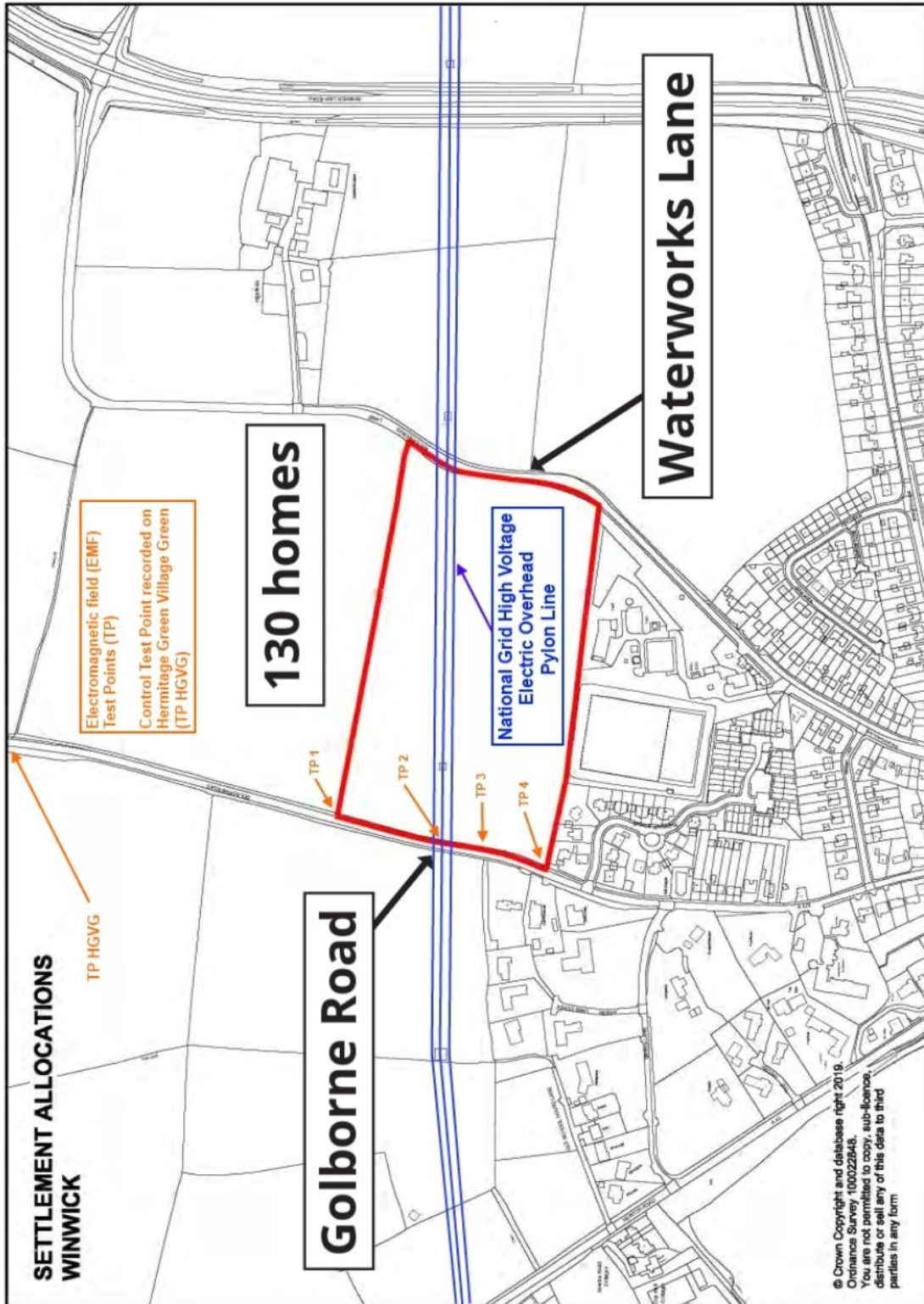
TENMARS

TRIAXIAL ELF Magnetic Field Meter

TM-192 / TM-192D



The location of the National Grid Overhead High Voltage Electric Pylon route with respect to Policy OS9 – Land to the north of Winwick. As well as the EMF test measurement points TP 1, TP 2, TP3 and TP 4; It was decided to have a control EMF test measurement point where no overhead Pylon. This was control test point TP HGVG was located on Hermitage Green Village Green. (VG16).



Bing maps web view of Policy OS9 – Land to the north of Winwick, showing the respective distances of the National Grid Overhead High Voltage Electric Pylon route location and EMF test measurement points TP 1, TP 2, TP3 and TP 4.



The results for the test period was taken from 02 June 2019 to 08 June 2019 are as follows:

Electromagnetic field (EMF) Field Test Readings (milli-Gauss, mG) Recorded at Policy OS9 – Land to the north of Winwick EMF Meter used: Tenmars EMF/ELF Magnetic Field Meter; Model TM-192							
Test Point	XYZ mG	X mG	Y mG	Z mG	Date	Time	Comments
TP HGVG	0.64	0.06	0.53	0.06	02/06/2019	11.19	Control no Pylon
TP 1 _{RA}	0.63	0.02	0.07	0.05	02/06/2019	11.27	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	2.51	2.14	1.55	0.27	02/06/2019	11.32	
TP 3 _{RA}	0.65	0.02	0.41	0.24	02/06/2019	11.34	
TP 4 _{RA}	0.52	0.11	0.47	0.19	02/06/2019	11.36	
TP 1 _{Para}	0.43	0.12	0.42	0.00	02/06/2019	11.44	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	1.57	0.76	1.11	0.63	02/06/2019	11.42	
TP 3 _{Para}	0.50	0.28	0.45	0.00	02/06/2019	11.40	
TP 4 _{Para}	0.57	0.28	0.53	0.00	02/06/2019	11.38	
TP HGVG	0.40	0.05	0.40	0.03	03/06/2019	14.47	Control no Pylon
TP 1 _{RA}	1.23	0.06	0.94	0.02	03/06/2019	14.54	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	3.15	3.00	0.59	0.48	03/06/2019	14.56	
TP 3 _{RA}	0.80	0.12	0.68	0.75	03/06/2019	14.59	
TP 4 _{RA}	0.64	0.19	0.94	0.70	03/06/2019	15.01	
TP 1 _{Para}	0.62	0.18	0.57	0.03	03/06/2019	15.09	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	2.72	0.83	0.65	2.47	03/06/2019	15.07	
TP 3 _{Para}	0.94	0.82	0.49	0.14	03/06/2019	15.05	
TP 4 _{Para}	0.86	0.70	0.40	0.00	03/06/2019	15.02	
TP HGVG	0.55	0.12	0.53	0.07	04/06/2019	11.56	Control no Pylon
TP 1 _{RA}	1.61	0.03	1.25	0.74	04/06/2019	12.03	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	1.62	0.32	0.80	0.91	04/06/2019	12.06	
TP 3 _{RA}	1.36	0.10	1.07	0.54	04/06/2019	12.08	
TP 4 _{RA}	1.39	0.20	0.66	1.18	04/06/2019	12.10	
TP 1 _{Para}	0.86	0.40	0.70	0.02	04/06/2019	12.17	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	1.04	0.33	0.91	0.13	04/06/2019	12.15	
TP 3 _{Para}	1.42	1.02	0.81	0.10	04/06/2019	12.13	
TP 4 _{Para}	1.15	1.12	0.45	0.12	04/06/2019	12.11	

Electromagnetic field (EMF) Field Test Readings (milli-Gauss, mG)							
Recorded at Policy OS9 – Land to the north of Winwick							
EMF Meter used: Tenmars EMF/ELF Magnetic Field Meter; Model TM-192							
Test Point	XYZ mG	X mG	Y mG	Z mG	Date	Time	Comments
TP HGVG	0.43	0.04	0.49	0.00	05/06/2019	15.24	Control no Pylon
TP 1 _{RA}	0.94	0.03	0.87	0.36	05/06/2019	15.31	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	1.71	1.25	0.70	0.74	05/06/2019	15.34	
TP 3 _{RA}	0.68	0.02	0.53	0.25	05/06/2019	15.36	
TP 4 _{RA}	0.85	0.09	0.44	0.34	05/06/2019	15.38	
TP 1 _{Para}	0.68	0.34	0.63	0.03	05/06/2019	15.45	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	1.10	0.31	0.81	0.79	05/06/2019	15.42	
TP 3 _{Para}	0.52	0.69	0.50	0.02	05/06/2019	15.41	
TP 4 _{Para}	0.59	0.77	0.46	0.01	05/06/2019	15.39	
TP HGVG	0.68	0.20	0.70	0.00	06/06/2019	15.19	Control no Pylons
TP 1 _{RA}	0.50	0.01	0.60	0.25	06/06/2019	15.26	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	1.17	0.60	0.70	0.39	06/06/2019	15.28	
TP 3 _{RA}	0.70	0.01	0.47	0.23	06/06/2019	15.30	
TP 4 _{RA}	0.72	0.01	0.39	0.25	06/06/2019	15.32	
TP 1 _{Para}	0.94	0.33	0.70	0.01	06/06/2019	15.39	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	1.11	0.19	0.87	0.39	06/06/2019	15.37	
TP 3 _{Para}	0.94	0.44	0.55	0.00	06/06/2019	15.35	
TP 4 _{Para}	0.41	0.19	0.33	0.00	06/06/2019	15.33	
TP HGVG	0.55	0.01	0.51	0.04	07/06/2019	10.21	Control no Pylons
TP 1 _{RA}	0.60	0.01	0.55	0.25	07/06/2019	10.28	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	1.75	1.29	0.91	0.52	07/06/2019	10.31	
TP 3 _{RA}	0.70	0.00	0.42	0.12	07/06/2019	10.33	
TP 4 _{RA}	0.57	0.07	0.33	0.25	07/06/2019	10.35	
TP 1 _{Para}	0.60	0.32	0.57	0.00	07/06/2019	10.45	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	1.52	1.28	0.70	0.72	07/06/2019	10.41	
TP 3 _{Para}	0.50	0.58	0.43	0.00	07/06/2019	10.39	
TP 4 _{Para}	0.90	0.77	0.39	0.00	07/06/2019	10.37	

Electromagnetic field (EMF) Field Test Readings (milli-Gauss, mG) Recorded at Policy OS9 – Land to the north of Winwick EMF Meter used: Tenmars EMF/ELF Magnetic Field Meter; Model TM-192							
Test Point	XYZ mG	X mG	Y mG	Z mG	Date	Time	Comments
TP HGVG	0.55	0.16	0.54	0.00	08/06/2019	13.59	Control no Pylon
TP 1 _{RA}	0.71	0.01	0.72	0.50	08/06/2019	13.35	Meter Display at Right angle (RA) to the High Voltage Pylon/Cable
TP 2 _{RA}	1.66	1.27	0.72	0.61	08/06/2019	13.40	
TP 3 _{RA}	0.55	0.02	0.41	0.49	08/06/2019	13.49	
TP 4 _{RA}	0.70	0.00	0.40	0.45	08/06/2019	13.43	
TP 1 _{Para}	0.39	0.13	0.47	0.00	08/06/2019	13.53	Meter Display Parallel (Para) to the High Voltage Pylon/Cable
TP 2 _{Para}	1.13	0.26	0.79	0.78	08/06/2019	13.51	
TP 3 _{Para}	0.55	0.44	0.42	0.00	08/06/2019	13.45	
TP 4 _{Para}	1.13	0.54	0.39	0.00	08/06/2019	13.44	

The above results taken over a 7 day period of the High Voltage electric pylon that runs east- west to the north of Winwick across the proposed housing land land allocated in WBC Proposed Local Plan 2017 – 2037 Policy OS9. Although these test readings were taken during daylight hours, the results give a the fluctuations during the working time period.

The survey during the evening when families at home using more electrical items the likelihood having 100,000 to 1,000,000 homes consuming higher levels of electricity, the National Grid will increase accordingly. Therefore the likelihood the levels emitted from the Pylons will fluctuate at higher EMF levels.

Maximum/Minimum and Average EMF readings for the Field Survey Results.

Average Electromagnetic field (EMF) Field Test Readings (milli-Gauss, mG) Recorded at Policy OS9 – Land to the north of Winwick EMF Meter used: Tenmars EMF/ELF Magnetic Field Meter; Model TM-192												
Test Point	XYZ mG			X mG			Y mG			Z mG		
	Max	Min	Ave	Max	Min	Ave	Max	Min	Ave	Max	Min	Ave
TP HGVG	0.68	0.40	0.54	0.2	0.01	0.11	0.70	0.40	0.55	0.07	0.00	0.04
TP 1 _{RA}	1.61	0.50	1.06	0.06	0.01	0.04	1.25	0.07	0.66	0.74	0.02	0.38
TP 2 _{RA}	3.15	1.04	2.10	3.00	0.32	1.66	1.55	0.70	1.13	0.91	0.27	0.59
TP 3 _{RA}	1.36	0.55	0.96	0.12	0.00	0.06	1.07	0.41	0.74	0.75	0.12	0.44
TP 4 _{RA}	1.39	0.52	0.96	0.02	0.00	0.10	0.94	0.33	0.64	1.18	0.19	0.69
TP 1 _{Para}	0.94	0.39	0.67	0.40	0.12	0.26	0.70	0.42	0.56	0.03	0.00	0.02
TP 2 _{Para}	2.74	1.04	1.89	1.28	0.19	0.74	1.11	0.65	0.88	2.47	0.13	1.30
TP 3 _{Para}	1.42	0.50	0.96	1.02	0.28	0.65	0.81	0.42	0.62	0.14	0.00	0.07
TP 4 _{Para}	1.15	0.41	0.78	1.12	0.19	0.66	0.53	0.33	0.43	0.12	0.00	0.06

The XYZ readings show the EMF levels though do vary due to Electric end-users electric consumption of a minute by minute daily basis off the pylon line located at Policy OS9 – Land to the north of Winwick. But the EMF levels recorded indicate levels that have been recorded by scientist to be linked to cancer. From Appendix EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert.pdf show concerns for the WBC proposed Local Plan 2017 – 2037 for Policy OS9.

“Possible Safety Levels To Consider” 3 Types of EMF → (See attached page for more information)	ELF Magnetic Fields
Unit of Measurement in USA (Abbreviation)	Milligauss (mG)
Lowest Level Linked to Cancer ^{See Notes 5 & 6}	1.0 (2.0) ⁵
Average Level in Homes ^{See Note 7}	0.5 to 1.0
Building Biology Severe Concern ^{See Note 8}	1.0
BiolInitiative 2012 Report ^{See Note 9}	1.0
General Public Precautionary Level ^{See Note 10}	0.5
EMF Hypersensitivity Advice ^{See Note 11}	0.1
Official FCC Safety Limit ^{See Note 12}	n/a
ICNIRP Guidelines for General Public ^{See Note 12}	833

5

The Lowest Level Linked to Cancer for Magnetic Fields: The strongest evidence comes from the Swedish epidemiological study which reported increased leukaemia for children at levels of 2.0 mG or more (Feychting & Ahlbom, 1993). And a German study has linked exposures as low as 1.0 mG to reduced survival rates for children trying to recover from leukaemia (Svendsen, Weikopf, Kaatsch & Schuz, 2007).

6

The Lowest Level Linked to Cancer for RF is from two Australian studies of radio/TV broadcast towers that found increased childhood leukemia at levels as low as 0.2 microwatts/cm². The first (Hocking, 1996) found that leukemia death rates were more than double for the exposed children. The second (Hocking, 2000) found that children trying to recover from leukemia were twice as likely to survive in a lower exposure home.

7

The Average Level in Homes for *magnetic fields* is derived from nationwide research studies and confirmed in my own testing experience. The average levels for *electric fields* and *RF fields* are estimates from my own 22 years of professional testing in the San Francisco Bay area.

8

The Building Biology Severe Concern level is from the "Standard of Building Biology Testing Methods" published by the Institute for Baubiology. (Go to www.hbelc.org/pdf/standards/sbm2008.pdf.)

9

The BiolInitiative Report Recommendations are from the 2012 "BiolInitiative Report: A Rationale for a Biologically-Based Public Exposure Standard for Electromagnetic Fields". (Go to www.bioinitiative.org. For a detailed list of the RF studies reporting adverse health effects and the related RF exposure levels, go to www.bioinitiative.org/report/wp-content/uploads/pdfs/BiolInitiativeReport-RF-Color-Charts.pdf.)

10

The General Public Precautionary Level is my own offering to healthy concerned clients based on my own understanding of the EMF research, and leaning towards caution. For example for *magnetic fields*, to offer some margin of safety below the 1.0 mG linked to cancer, I might suggest a safety level of 0.5 mG.

11

The EMF Hypersensitivity Advisory is based upon anecdotal experience by EMF professionals like myself who often find it necessary to reduce exposures to these levels for sensitive individuals to report relief of symptoms. However, there is no guarantee that these levels will be low enough for any particular person.

12

The FCC Safety Limit is the US "Maximum Permissible Exposure for the General Public" in FCC/OET Bulletin #56 (www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf). The ICNIRP Guidelines are from the commonly cited 1998 publication by the International Commission on Non Ionizing Radiation Protection (www.icnirp.de/documents/emfgdl.pdf).

¹³ The official safety level depends on frequency. Value shown is for frequencies of 1500 MHz and higher.

Policy OS9 that states:

"15. Improvements to the water supply and sewerage network will be required, ensuring that surface water drainage is not combined with foul discharge. Development within the site should not impact on the operation of the existing power line that crosses the site.

16. The development should be designed 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 in accordance with Policy ENV7."

This means by stating that Development within the site should not impact on the operation of the existing power line that crosses the site, then WBC accept all aspects of that statement in the Policy down to the EMF that the power line emits across the site on health terms. As pylons distribute electricity across the United Kingdom from not just from Coal, Gas, Nuclear Power stations but from Wind turbine, Solar Panel, Hydro-electric reservoirs. Especially as vehicles are being promoted to be electric powered and dependence more and more on the internet infrastructure, these and others not mentioned will rely electric production all transmitted across the United Kingdom by the National Grid High Voltage electric infrastructure and conversely will only increase as demand requires. So as climate change is not only associated air quality, pollution not just for the planet but the health of the human race. Therefore EMF from electrical equipment will be a health issue to the human-being as more and more future dependence dictates resulting in higher electrical "flows" along the National Grid High Voltage electric infrastructure, this will indirectly increase raised levels of the unseen EMF radiation as dictated by demand. This will mean having National Grid High Voltage electric infrastructure corridors where no development can be affected by raised levels of EMF cancer promoting radiation.

Therefore, if WBC continue to propose Policy OS9 in order to satisfy the housing needs for the plan period then a development free where not human being lives in a zone of raised levels from EMF radiation. The reports in the Appendix EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert.pdf details a safe distance from overhead electric pylons:

Safe Distance from Power Lines...

It is difficult to predict a safe distance from power lines, because the EMFs can vary greatly depending upon the situation. The best advice is to measure with a gaussmeter to determine the actual levels of magnetic fields and the distance required in your particular case. (Special note: magnetic fields are particular EMF component most often linked to health effects in the studies. They are measured with special instruments called [gaussmeters](#).) The strongest magnetic fields are usually emitted from high voltage transmission lines — the power lines on the big, tall metal towers. To be sure that you are reducing the exposure levels to 0.5 milli-Gauss (mG) or less, a safety distance of 700 feet may be needed. It could be much less, but sometimes more. You must test with a gaussmeter to be sure.

Table of Safety Distances from Various EMF Sources...

The safety distances below are based on Michael Neuert's actual EMF measurements in

the San Francisco Bay Area over a 20 year period. The distances shown here are usually far enough away for the majority of cases, but may not be for all. Please always measure with a test meter to be sure. (See notes 1 - 4 at bottom of this page.)

Safety Distances from Various EMF Sources:			
Possible EMF Safety Distances To Consider for Common EMF Sources	ELF Magnetic Fields	ELF Electric Fields	Radio Frequency (RF) & Microwaves
"General Public Precautionary Levels" → <small>(See Note 1)</small>	Distance to 0.5 Milligauss (mG) or less <small>(See Notes 2, 3, 4)</small>	Distance to 0.5 AC Volts on skin (VAC) <small>(See Notes 2, 3, 4)</small>	Distance to 0.010 Microwatts/cm² (μW/cm²) <small>(See Notes 2, 3, 4)</small>
Power Lines			
High voltage power lines (on metal towers)	700 feet	1000 feet	
Neighborhood distribution power lines (on wooden poles)	10 to 200 feet	10 to 60 feet	
Electric utility transformer (on pole or ground)	10 to 20 feet		

Note 1 The [General Public Precautionary Level](#) is a precautionary guideline that I sometimes offer to my concerned clients who wish to be proactive with EMFs and protect their health. This guide is only a suggestion based on my own understanding of the EMF research literature and professional experience with clients for over 20 years. For example with magnetic fields, I suggest a safety level of 0.5 mG to provide a margin of safety below the 1.0 milligauss (mG) linked to childhood cancer in the studies. However, for sensitive individuals and those with serious health issues, even lower safety levels and thus greater distances may be appropriate. Please consult with your own health professional to help determine adequate safety levels for your own particular situation. For more information, please refer to our [EMF Safety Guide](#) page.

Note 2 The safety distance from an EMF source is simply the measured distance needed to reduce human exposures down to some desired safety level for most cases. But safety distances are difficult to predict because many factors can cause variations in the actual level of EMFs emitted, and thus variations in the actual safety distances needed. The distances shown here are likely to reduce the EMF exposures to the safety level shown at the top of the chart, for the majority of situations. In many cases, the actual distances needed will be less than shown in this chart — but in some cases an even greater distance may be needed. It is advisable to measure on-site with an EMF test meter to determine the actual safety distance.

Note 3 Individuals with heightened sensitivity to electromagnetic fields — or other serious health issue such as cancer, chronic fatigue or Lyme Disease — may wish to reduce their EMF exposures even further, perhaps down to the stricter [EMF Hypersensitivity Advisory](#) levels. For these kinds of health concerns, you might consider doubling the safety distances shown here. And most important, please listen to your own body, intuition and experience regarding safety levels and distances.

Note 4 The suggestions for safety distances in this chart are generally based on Michael

Neuert's professional on-site testing of the various EMF sources in the San Francisco Bay Area since 1992. Actual EMF emissions, and thus the corresponding safety distance, can vary greatly and are difficult to predict. To better determine actual safety distances, it is always advisable to measure the actual EMF levels with an [appropriate EMF test meter](#) whenever possible.

Safe Distance from a Pylon is stated as 700ft, which is 213m this would take nearly all the properties from the Pylon route to Green Lane. But the practical safe zone would be up to the properties already built up to Old Schoolhouse Lane the current Green Belt boundary to the inset Town of Winwick.

Conclusion

The EMF test results taken on 02 to 08 June 2019 in respect to Policy OS2 being at levels that are within known scientific levels of concerns to promote cancer to certain populations of the human race. By WBC promoting the land as being acceptable take on the responsibility if the 130 homes are built. As the reports state the only way for a prospective buyer to decide to live under the Policy OS9 pylon power line should take their own readings and if higher than the levels as shown in the report make their own decision. But a safe level from a continual level of EMF radiation is 0.50mG, to which Policy OS9 has a very large question mark can attain with the 130 homes allocated. To attain the 0.5mG the number of homes will need to be reduced leaving a wide Home free corridor either side of the Pylon power line much wider than National Grid insist due to Pylon "cable sag" safe build zone as detailed in the National Grid safety documents. The final decision ultimately lays in the minds of prospective home-buyers but buyers beware due to the actual recorded test results.

Due to EMF levels from Overhead power lines is not government Policy, Act or Advice where homes and known health problems are situated under Pylons. Even though it is known cancer cases do exist where people live under overhead high voltage electric power lines. The research on EMF radiation to peoples health is still under review, but the more and more peoples lives become reliant on electricity, the power line capacity will increase with an increase in EMF radiation.

Therefore, WBC must re-think Policy OS9, if the EMF radiation that the Pylon power line emits being a the cancer promoting zone according to scientific surveys. But, by having these EMF result now known for Policy OS9, are people willing as either as a starter, self-build, or elderly want to take the chance on their health and their children and buy a house at Policy OS9. What does this mean for aspects of the PolicyOS9 with respect to play areas etc – this means, the written acceptance by WBC that Policy OS9 is for children, where it is known that it is children who are at the most risk to EMF radiation levels.

Points of clarification

To address the EMF radiation to satisfy the future homeowners and occupiers additional paragraphs are required to Policy OS9.

Identifying land for homes

The WBC Proposed Local Plan 2017 – 2037 Policy OS9 for 130 houses must comply with the NPPF Chapter on Identifying land for homes where paragraph 71 states:

“71. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
- b) be adjacent to existing settlements, proportionate in size to them³³, not compromise the protection given to areas or assets of particular importance in this Framework³⁴, and comply with any local design policies and standards.*

Footnote 33 and 34

³³ *Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.*

³⁴ *i.e. the areas referred to in footnote 6. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.*

Footnote 6

⁶ *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote ⁶³); and areas at risk of flooding or coastal change.*

Footnote 63

⁶³ *Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”*

Where Annex 2: Glossary states:

“Affordable housing: *housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

*a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*

*b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time*

of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement."

Policy OS2 mentions Entry-level homes that offer one or more types of affordable housing as defined in Annex 2:

"New Homes

2. A range of housing tenures, types and sizes will be required in order to ensure development contributes to meeting the Borough's general and specialist housing needs, including family homes with gardens, specific provision for older people and for younger people looking to purchase their first home.

3. A minimum of 30% of homes should be affordable in accordance with Policy DEV2.

4. Specific provision should be made for self- build/custom build plots, subject to local demand as demonstrated by the Council's self-build register.

5. To reflect the site's location adjacent to the open countryside the development will be constructed to an average minimum density of 30dph."

The definition of Housing tenures as stated in Policy OS9 is shown in policy DEV2 as being Affordable Housing and Housing Type and Tenures:

"7. Residential development should provide a mix of different housing sizes and types and should be informed by the Borough wide housing mix monitoring target in the table below and any local target set by a Neighbourhood Plan, taking into account site specific considerations.8. Where new development is providing flats as well as houses the Council will require a proportionate balance across private and affordable tenures."

Housing Mix

4.1.47 The LHNA has made an assessment of housing need by both tenure and type of housing. This is broken down by dwelling size and also market housing, low cost home ownership and affordable rent. In summary demand identified in the Borough is as follows:

Table 3 – Housing Demand

	1 bed	2 bed	3 bed	4+bed
Market	0-5%	20-25%	50-55%	20-25%
Low cost homeownership	15-20%	40-45%	30-35%	5-10%
Affordable housing (rented)	20-25%	40-45%	20-30%	5-10%

So this confirms that Policy OS9 complies with the NPPF Paragraph 71 and not paragraph 72 due to removal from Green Belt in Policy OS9:

“1. Land to the north of Winwick (inset settlement) will be removed from the Green Belt and allocated for development for a minimum of 130 homes.”

in direct conflict with the NPPF paragraph 72e:

e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.”

Therefore, the NPPF paragraph 71b) states:

b) be adjacent to existing settlements, proportionate in size to them³³, not compromise the protection given to areas or assets of particular importance in this Framework³⁴

Where footnote 33 states:

³³ Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

So what is the size of Policy OS9 - Land to the north of Winwick that justifies the identification of land in paragraph 71b) footnote ³³?

The existing settlement is Winwick Town itself including Winwick Park. The area of Policy OS9 has been laid over a map of the Winwick settlement in order to confirm whether the entry-level exception does not exceed 5% of the Winwick settlement as follows:



The number of policy OS9 areas that fit in side the Winwick Settlement is 16 times which is greater than 5% the NPPF fixed limit as stated in Footnote 33.

It is clear that Policy OS9 exceeds 5% of the Winwick Settlement. Therefore, can not be classed under NPPF Paragraph 71 development of entry-level exception site and compromises the protection given to areas or assets of particular importance in this Framework³⁴. Footnote 34 identifies Green Belt. Therefore the Policy OS9 as it stands compromises Green Belt.

In Policy OS9 it states:

1. Land to the north of Winwick (inset settlement) will be removed from the Green Belt and allocated for development for a minimum of 130 homes.

And paragraph 10.13.4 states:

“... The site only makes a moderate contribution to the objectives of the Green Belt....”

Using the term “moderate” as the reason to remove the land in Policy OS9 out of existing Green Belt is not a term used to define Green Belt when the land was originally granted Green Belt status as stated in the NPPF:

*“134. Green Belt serves five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

The current check of unrestricted sprawl of large built up area between Winwick town and the Proposed development on Parkside (currently in Green Belt) is approximate 850 metres with the Policy OS9 this check for urban sprawl is reduced to 700 metres. Therefore, the effect is that neighbouring towns or hamlet are under threat of merging into one another that is Winwick with Newton And Winwick with Hermitage Green.

Due to the proposed development at Parkside, Newton-Le-Willows, the hamlet of Hermitage Green is under threat of effectively merging with the town of Newton-le-Willows. Now, with Policy OS9, the hamlet of Hermitage Green is under threat of merging with the town of Winwick. The Policy OS9 fails to show this as an exception circumstance for changing the purpose of Green Belt by altering the boundary.

The term “moderate” does not comply with the NPPF:

136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

In Policy OS9, how can “moderate” be the conclusion to the Green Belt “Exceptional Circumstances Test”, to justify altering the current Green Belt boundary to the north of the inset town of Winwick?

Altering, the Green Belt boundary to the north of the Town of Winwick fails to stop the spread of urban sprawl and the towns and hamlet merging with one another. The countryside is not safeguarded from encroachment; the setting of the special character of Hermitage Green and the historic role Winwick played in the area since the 7th Century.

Ownership from the Ecclesiastical Commission

Together as quoted in the Domesday book 1086 Winwick Church had two caracules of land assigned by King Edward. To which, up until the Winwick Act in the 19th century the lands in and around Winwick with Hume was owned by the respective incumbent(s) of the church of Winwick. During the 20th Century these lands were sold by the Ecclesiastical Commission with conditions. The land allocated in Policy OS9 what are the original Ecclesiastical commission conditions written in the deeds with respect to the land?

Is it solely for Farm Land, or are there conditions that restrict development?

In fact the Exceptional Circumstances tests fails all five purposes of Green Belt.

Reasoning Policy OS9 - Land to the north of Winwick

Designated Heritage asset – Registered Battlefield

The site of the battle of Winwick Pass as shown on the Historic England Registration map. Protected by the NPPF 2019, 16.Conserving and enhancing the historic environment:

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as [Registered Battlefield] World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should shall be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁶².

⁶¹ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁶² The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the **Planning (Listed Buildings and Conservation Areas) Act 1990**, as well as to plan-making and decision-making.

185. Plans ~~should~~ shall set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy ~~should~~ shall take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight ~~should~~ shall be given to the asset's conservation (and the more important the asset, the greater the weight ~~should~~ shall be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), ~~should~~ shall require clear and convincing justification. Substantial harm to or loss of:

- a) **grade II listed buildings**, or grade II registered parks or gardens, ~~should~~ **shall be exceptional**;
- b) **assets of the highest significance**, notably scheduled monuments, protected wreck sites, **registered battlefields**, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, ~~should~~ **shall be wholly exceptional**⁶³.

Paragraph 193 states:

“This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

This means any harm is not a decision factor as the NPPF states irrespective as these important sites are to be totally untouched and preserved, so that the Local People can shape their surroundings not just for this but for future generations to understand and enjoy as learn (education) about the history that surrounds them. Due to the NPPF paragraph 184 stating:

“These assets are an irreplaceable resource, and ~~should~~ shall be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”

To have in this paragraph “future generations” means this is beyond any plan-making or decision-taking period. So makes it clear that a designated Heritage Asset is irreplaceable so must be treated as such. The removal or destruction of a heritage asset does not shape the Local People's surroundings.

The document:
Proposed Submission Version Local Plan: Heritage Impact Assessment for the Outlying Settlements Allocations 2019
shows on page 31 regarding:

Historic Setting

BATTLE OF WINWICK (ALSO KNOWN AS BATTLE OF RED BANK) 1648 (List Entry Number: 1412878)	
Heritage Asset	SJ5991193705, BATTLEFIELD, WINWICK, WARRINGTON

This is the NPPF Plan-making aspect that is a background document for Policy OS9 – Land to the north of Winwick under Chapter 16. Conserving and enhancing the historic environment, where Paragraphs 184, 185, 193, 194 apply to justify as being a policy for the Proposed Local Plan 2017 – 2037.

Points of clarification

It must be pointed out that though the author has detailed the Registered Battlefield the Battle of Winwick Pass 19 August 1648 there are errors that need to be clarified in order for the true events that occurred on that fateful day for those who paid the ultimate sacrifice and those that were made prisoners whose fate was slavery.

This analyse for the NPPF 2019 under Plan-making is to justify Policy OS9, where the Land allocation has not been included in the Registration area for the battlefield but happens to be adjacent to the boundary of the registration area. Due to the Historic England area boundary parameters this area that could have been an area where the Scots ran but the Parliamentarians fought in the latter part of the battle. The area has not been included, but there could be musket shot that fail to make its mark and impacted in to the earth that still remains. Therefore the only aspect that the Land in Policy OS9 could under decision-taking where the NPPF: paragraphs 184, 189, 190, 192, 193, 194, and 195 apply; paragraph 196 does not apply as levels of harm can not be assigned to an event where a location occurred. Harm can be assessed to a development outside the heritage asset that affects the setting of the registered battlefield. A development that situated directly on the registered battlefield will destroy the actions of the events topography.

Though the details from sources written at the time are shown to be correct in the section: DESCRIPTION OF THE MILITARY ACTION

There are a few errors that need to be addressed:

1. The sentence, *“The Scots chose for their stand a place called Red Bank, where the road from Wigan to Warrington crossed the marshy valley of a tributary of the Newton brook, and passed through a high sandstone bank along part of the southern edge of the valley.”*

If the sentence starts with “The Scots chose for their stand” the goes on to state “and passed through a high sandstone bank along part of the southern edge of the valley”. So where was the stand the Scots chose, as it is not clear?

Knowing the area this sentence follows the route as follows: The Scots travelling on the road from Wigan to Warrington Crossed the Newton Brook tributary (Hermitage Brook) and marshy valley then with the high sandstone bank on the southern edge of the valley passed along, this can only be Hermitage Green Lane, as to passed through a high sand stone on the south clearly means the Scots marched down Hermitage Green Lane. So to Where?

To make it clear this sentence needs to state the tributary Hermitage Brook as:-

The Scots chose for their stand a place called Red Bank, where the road from Wigan to Warrington crossed the marshy valley of Hermitage Brook a tributary of the Newton brook, and passed through a high sandstone bank, and passed through a high sandstone bank along part of the southern edge of the valley.”

2. *“The spot lies approximately half a mile to the north-west of the centre of Winwick.”*

Where is this spot after marching down Hermitage Green Lane? The spot looks to be not at the Post road Wigan to Warrington but somewhere along Hermitage Green Lane towards Hermitage Green.

3. *“No doubt musket shots were also exchanged across the valley, where each army spread out, probably mainly on the higher ground to the east of the road, while close-quarter fighting took place along the road itself, close to the narrow pass.”*

If the author had checked with the ‘Artefacts Finds Register’ and the other Finds at Warrington museum that accompany the cannon ball on display there are recorded musket shot of various calibre. To use No doubt musket shot were exchanged across the valley. Makes it very confusing when the next sentence the Author quotes Heath:

“Heath records that, 'in a narrow lane, they made a stand with a Body of Pikes, and lined the hedges with muskets, who so rudely entertained the pursuing enemy, that they were compelled to stop (having lost abundance of men, and Col Thornhill himself) until the coming up of Col Pride's regiment of foot, who after a sharp dispute put those brave fellows to the run: they were commanded by a little spark in a blew bonnet, that performed the part of an excellent commander, and was killed on the place. After this, they never turned head, but ran, crying, mercy, mercy, (so that the noise thereof was heard at 5 miles distance) until they came to Warrington-Bridge, where Baily made conditions for quarter, and rendred himself and 4,000 of them prisoners.' (Heath, 1676)”

To line the hedges with musket some how indicates what is going on.

One thing is clear though the Author references as a source Major John Sanderson (a parliamentary officer), the author fails to state Sanderson’s location as he explained ‘out most on the left flank’. This can only be Newton Park.

The Author fails to understand the Hermitage Brook Valley that on the *high sandstone*

bank along part of the southern edge of the valley directly beneath and runs parallel to the high sandstone bank is Hermitage Green Lane. To walk along Hermitage Green Lane from the Wigan to Warrington post road, one notices that the lane rises to “the spot” (the author’s phrase where “The Scots chose for their stand”.

By leaving out this area where the lane rises, when it can be seen today, only one can conclude how did the Scots defend this rise of the lane when Newton Park (the area where Sanderson and others was positioned) was only 50 yards or less away with a short charge that would cross the valley up the Lane and attack the Scots at the Post Road. So Lt-Gen Baillie a seasoned commander with the battle of Kilsythe and Alford where he had a similar stand against the Montrose in 1645. So Baillie would have assessed the Scots stand most vulnerable areas where a greater defence was needed. It is recorded the Scots defended the pass with resolution for several hours by Cromwell, Sanderson, Hodgson, Robinson and Heath. So to defend for several hours the Scots had to have defended to Red Bank area that repulsed the Parliament frontal attack for so many hours. That put them to the retreat.

So, one must look at the stand as if it were today as the topography is close as it was in 1648. Look to how one would make a stand with the same numbers of infantry under one command (Baillie says in his attestation letter 22 August 1648: 26 - 2700 infantry), How to arrange these numbers of infantry; where are the weak points; what is your ammunitions status? That fits in with the relations of the known documents from the time. One would see not just the post road had to be defended but Hermitage Green Lane where the lane rises, (i.e. there is no longer a high sandstone bank to impede the Parliament forces), to the same level on the south side of the valley to where the Scots stand is located. With this area being at the narrowest point along the Hermitage Brook Valley to Newton Park, Where musket Shot would find the mark and Pike could have a deep defence in numbers to withstand about 3 hours of continual Parliament charges of Cavalry and Pike.

To explain further the companion document:

“PAG (R Ward) Response to Parkside Link Road SHC P_2018_0249_FUL May 2019 inc text corrected.pdf”

shows in section 8.5 from page 58/96 to 73/96:

The following that is in the companion document is shown here that explains the Author’s errors that requires to be altered before the Local People can approve the Local Plan 2017 – 2037:

In 2018 after further research, I updated the actions of the battle of Winwick Pass in particular to Newton Park. An article was published and placed on the History Section of the Winwick Parish Council website in May 2018:

<https://winwickparishcouncil.org.uk/history/history-the-english-civil-war>

and was also an article in the Winwick Carnival programme, July 2018.

This article details the importance of the Parliamentary position in Newton Park, the same land that the Phase 1 and the PLR application proposals intend to destroy, therefore the loss of significance will be of the highest.

On 20 February 2019 in the YouTube Historical Video Book at:

<https://www.youtube.com/watch?v=pYSmrRifoqE>

This video shows the significance of the stand located in Newton Park of the Parliament Army to the north of the valley against the stand of the Scots Army located to the south of the valley. This is the significance of the battle. What the PLR and Phase 1 application intend to do is destroy, first by raising the land level by a minimum of 3 metres then to build 22m high warehouses on the Parliament army location in Newton Park. This will lead to total loss of significance of the designated heritage asset

Points of clarification

The Policy OS9 with respect to the Registered Battlefield requires additional paragraphs for the proposal to follow in order to be a sustainable development as required by the NPPF.

Recommendations for Policy OS9

Additional clauses and changes to Policy OS9

Remove:

1. Land to the north of Winwick (inset settlement) will be removed from the Green Belt and allocated for development for a minimum of 130 homes.

Green Belt

11. The western, northern and eastern boundaries of the site define the Green Belt boundary. A landscape scheme will be required that reinforces these Green Belt boundaries, particularly the hedgerow along the northern boundary.

Replace with:

1. Land to the north of Winwick to be allocated for development for a minimum of 130 homes.

Green Belt

11. Development exceeds 5% of the size of the existing Winwick Town settlement. Development will be required at the Decision-taking process, the Exceptional Circumstances in Green Belt are satisfied, where the following will then be applied:

a) Land to the north of Winwick (inset settlement) will be removed from the Green Belt and allocated for development for a minimum of 130 homes.

Additional clauses:

Historic Environment

18.b) Development will be required to be in accordance with Policy DC2 - Historic Environment and Policy WPC1 Winwick Parish Historic Environment

18.c) The close proximity of the Registered Battlefield area, Historic England registered the land area up to a known boundary (next to the site the land directly opposite on the Golborne Road A573), the battle could have occurred on land wider than that registered. Development will be required prior to decision-taking application submission the owner of the land to undergo a full detailed archaeological survey, under the guidance of/from the Battlefields Trust, results reported to Historic England for consideration to registration changes (if any).

Ownership

19. Development will be required to show at the Decision-taking process, the original deeds detailing the transfer of land ownership from the incumbent of Winwick Church, establish, at least, as at 1086 in the Domesday Book. To confirm and show the conditions to and for the use to the land (if any), mandated by the Ecclesiastical Commission

Changes:

Utilities and Environmental Protection

15. Improvements to the water supply and sewerage network will be required, ensuring that surface water drainage is not combined with foul discharge. Development within the site should not impact on the operation of the existing power line that crosses the site.

Where paragraph 15 states, Development within the site should not impact on the operation of the existing power line that crosses the site, this shows that WBC are fully aware of the National Grid overhead high voltage electric power line. Therefore, the WBC having admitted the power line in the policy are fully aware of the EMF radiation levels that has been fully documented by all parties that are in Policy OS9. The Power line being the property of National Grid are not at fault the power line is currently in a safe and healthy location not hindered by development near or beneath. The concern of National Grid and rightly so, is to impediment by the development from maintenance and safe working of the pylon structure. The EMF is not a concern as it currently stand, of the National Grid as the Pylon was there first. The known high levels of EMF radiation that could affect any proposed homes that Policy OS9 intends to allocate is at fault as to the future effects from EMF radiation can/could cause on those intended to occupy the minimum of 130 homes.

Policy OS9 Utilities and Environmental Protection paragraph 15 needs to have additional clauses:

15. Improvements to the water supply and sewerage network will be required, ensuring that surface water drainage is not combined with foul discharge. Development within the site should not impact on the operation of the existing power line that crosses the site:

- a) The development will be required to undertake, prior to the decision-taking application, a detailed EMF survey over a minimum of a 30 day continual basis in order to attain a background reading over the whole site;
- b) Record the EMF levels and map the results over the whole site; and
- c) Design the development, so that the homes are situated at recommended health and safe EMF levels in order to reduce causes of cancer in children.

11. Policy DC2 - Historic Environment

Reasoning Policy DC2 - Historic Environment

Policy DC2 fails to identify to level a proposal must achieve to be a sustainable development as the designated heritage asset - registered battlefield. The battlefield is a unique heritage asset that is only in one location that can not be transposed to another area.

Therefore, The registered battlefield can not be grouped in with the other designated heritage assets but must have a separate paragraph, to clarify the unique significance.

Conversely, as the NPPF states designated Heritage Assets - Listed buildings are controlled by legislation. Therefore, Listed Buildings must have a separate paragraph to clarify a proposal.

Recommendations for Policy DC2 - Historic Environment

The Policy DC2 needs to be amended under the section “Assessing Development Proposals” as follows:

Assessing Development Proposals

9. Proposals affecting the Designated Heritage Asset Registered Battlefield – Battle of Winwick Pass must be in accordance with Policy WPC 1 Winwick Parish Historic Environment.

10. Proposals affecting the Designated Heritage Assets - Listed Buildings and Non-Designated Heritage Assets – Locally Listed Buildings, as well as, Conservation Areas will be required to enact the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Non-Strategic Policies: New Policies

New Policies for Winwick Parish Council

Background

The River Mersey was the border between Northumbria and Mercia, with Winwick being a short distance to the north from the Roman bridge that crossed the River at Warrington where a Roman Station is shown on old maps to be at Wilderspool.

Winwick has had a Church since circa 633 to 642 AD in the reign of King Oswald where it is written in books by Baines and Beamont that King Oswald had a winter palace at the head of the wood (the area know as Woodhead farm) being the highest point of the surrounding the land. To which, may have been called at that time Saxon times as Maserfelde (written by the Bede, 673 – 735). Where King Penda of Mercia crossed the River Mersey in to the land of Northumbria whereupon near to King Oswald's palace at Woodhead, the Armies of King Penda and King Oswald engaged in battle at the place called Maserfelde. Where king Oswald was slain on 05 August 642AD, and at the place where Oswald fell of his piety his martyrdom was assured. This is today is known as St Oswald's Well 150m south of Woodhead.

In the Domesday Book 1086 Winwick had two caracules of tax free lands. Documentation state that the Parish of Winwick that was an extensive area under the incumbent of Winwick Church from the north of Warrington to Wigan. Where the township of Winwick was stated to be the richest in the county of Lancashire. The lands being owned by the incumbent of Winwick Church. During the English Civil War 1642 to 1651, Winwick played a key part in the civil war where on 19 August 1648 the Parliament forces defeated King Charles Scottish Engager Army at the Battle of Winwick Pass, that caused Parliament to set in motion the final negotiations for the King to agree to their terms that were successfully agreed too by Parliament. But the Parliament Army decided otherwise, revoked the agreement and placed the King on trial, sentenced and executed his majesty. The very reverend Charles Herle the rector of Winwick Church also played a pivotal part in the Westminster Assembly of Divines 1643 to 1649. But resigned from the Assembly due to the English Parliament army decision to place King Charles on trial for treason.

In the 19th Century, The land in 1836/1849 Tithe Plan and information still showed the Parish of Winwick with Hume to be in the ownership of the reverend Hornby of Winwick Church. There are many other historical events that occurred in the Township of Winwick that historians in the 19th Century have painstakingly recorded in numerous volume by Dr. Kendrick and William Beamont the first Mayor of Warrington. The Parish of Winwick with Hume was created after Acts of Parliament in 1844/1845, where nearly all the lands were owned by the Church of Winwick In 1889 These lands were given to the Ecclesiastical Commission. Parish Councils were formed in England under the Local Government Act 1894, updated by Local Government Act 1972, then the Localism Act 2011 were freed of the constraints of 'ultra vires' known as the 'General Power of Competence' available to 'eligible' parish councils.

Winwick Parish Council like many of the other Parish Councils in the Borough of Warrington have plans for the area that have been in place since before the Localism Act 2011. Now the NPPF 2019 has empowered the community where no parish council exists Neighbourhood Forums are allowed to be set-up and plans created via referendums of the forum area. As detailed in Annex 2 of the NPPF 2019:

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

This in effect now applies to existing Parish Councils to have referendums to create a Parish Council plan as appropriate. These plans must be more specific than a Local Plan Policy. Parish Councils existing Plans written or unwritten are by default the Parish Council development plan, of course, a Parish Council can decide to ratify their existing plan as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004. The NPPF 2019 clarifies that a Parish Council can grant planning permission for a specific development proposal or classes of development.

With this in mind what policies in the proposed Local Plan 2017 - 2035 affect the Winwick Parish Council locality. Are there policies that are not covered in the Local Plan that needs to be included; or policies in the Local Plan that need to be modified.

If so what are these policies?

- Policy WPC 1 Winwick Parish Historic Environment
- Policy WPC 2 Winwick Parish Common Land and Village Green
- Policy WPC 3 Winwick Parish Traffic Calming

13. Policy WPC 1 Winwick Parish Historic Environment

Reasoning for St Oswald's Well

The Parish of Winwick is a very old historical area dating back to the 7th Century, in the book 3 "Ecclesiastical History of the English Nation" by the Venerable Bede(673- 735) wrote:

Chapter IX

*"...OSWALD, the most Christian king of the Northumbrians, reigned nine years, including that year which is to be held accursed for the brutal impiety of the king of the Britons, and the apostasy of the English kings; for, as was said above, it is agreed by the unanimous consent of all, that the names of the apostates should be erased from the catalogue of the Christian kings, and no date ascribed to their reign. After which period, Oswald was killed in a great battle, by the same pagan nation and pagan king of the Mercians, who had slain his predecessor Edwin, at a place called in the English tongue **Maserfield**, in the thirty-eighth year of his age, on the fifth day of the month of August.*

*How great his faith was towards God, and how remarkable his devotion, has been made evident by miracles since his death; for, in the place where he was killed by the pagans, fighting for his country, infirm men and cattle are healed to this day. Whereupon **many took up the very dust of the place where his body fell, and putting it into water, did much good with it to their friends who were sick. This custom came so much into use, that the earth being carried away by degrees, there remained a hole as deep as the height of a man.** Nor is it to be wondered that the sick should be healed in the place where he died; for, whilst he lived, he never ceased to provide for the poor and infirm, and to bestow alms on them, and assist them. Many miracles are said to have been wrought in that place, or with the earth carried from thence;...."*

Chapter X

*".....understood that **the earth had been taken from the place where the blood of King Oswald had been shed.** These miracles being made known and reported abroad, many began daily to frequent that place, and received health to themselves and theirs...."*

(Yellow Highlight to emphasise importance)

Although many debates to the location of “Maserfield” the Bede’s description of where King Oswald was slain where the Bede describes the place where King Oswald was slain the earth was taken away so much so remains a hole as deep as the height of a man.

The Listing of the place where Oswald was slain in 642AD by the predecessor organisation to Historic England as St Oswald’s Well 150m south of Woodhead, on 12 March 1998 as a Scheduled Monument, Holy Well and Grade II Listed Building:



“Details

The monument includes a stone well chamber supposedly on the spot where St Oswald was killed at the battle of Maserfelth. The well chamber is square and measures 0.7m across and is about 1.9m deep with three steps on the south side leading down to the water. A large stone slab has been placed over the aperture, covering half of the opening and protecting the remains from cattle and human access....

Legal

This monument is scheduled under the Ancient Monuments and Archaeology Areas Act 1979 as amended as it appears to the Secretary of State to be of National Importance....”

From the description in the Bede (673- 735) *“the earth being carried away by degrees, there remained a hole as deep as the height of a man.”* and the description in the registration (1998) details *“The well chamber is square and measures 0.7m across and is about 1.9m deep with three steps on the south side leading down to the water.”*

After, approximately 1300 years between these two events the descriptions are virtually identical. With having Monk House in close proximity, it is written that Warrington and Winwick was under Nostell Priory where a particular sect of St Augustine monks, known as Hermits was said to have looked after St Oswald's Well and pilgrims that visited gave 'alms' to the monks for their devotion to St Oswald's place of martyrdom.

With Winwick Church being dedicated or named after St Oswald, and being a Holy Well as well as a Scheduled Monument, and being a Grade II listed building is a very special place for the Church, for the parishioners of the Church and for local people that at this place a historical event, recorded 70 years later, the description of being the same today as was then, brings history to ones fingertips. Here at St Oswald Well is the place where King Oswald of Northumbria whose palace was only yards away at Woodhead in 642 AD.

“In short, it is reported, that he often continued in prayer from the hour of morning thanksgiving till it was day; and that by reason of his constant custom of praying or giving thanks to God, he was wont always, wherever he sat, to hold his hands turned up on his knees. It is also given out, and become a proverb, "That he ended his life in prayer;" for when he was beset with weapons and enemies, he perceived he must immediately be killed, and prayed to God for the souls of his army. Whence it is proverbially said, "Lord, have mercy on their souls, said Oswald, as he fell to the ground.”

As King Oswald fell, his piety and martyrdom assured.

This is the reason for the road Golborne Road/Parkside Road circumvents this Holy Place with the Hermitage Green 'S' Bend that has been there since 642AD, never to be changed.

Reasoning for Registered Battlefield Battle of Winwick Pass

The Battle of Winwick Pass or Red Bank 19 August 1648 main action occurred in the location between the Parish of Winwick and Newton-le-Willows. Where 4 hours of fierce fighting between Lt-Gen William Baillie's Scots Infantry and Lt-Gen Oliver Cromwell's Parliamentary Cavalry and Infantry. The Scots defence resolute, the Parliamentarians retreated. After Cromwell learned of the information from Local People of a way round via Hermitage Green, the Parliamentary Cavalry on the left flank in Newton Park were ordered to attack the Scots Right Flank from the east, with a simultaneous renewed frontal attack ensued. Breaking the Scots stand at Hermitage Green Lane allowed the Parliamentary cavalry and infantry to charge across the valley from Newton Park up Hermitage Green Lane then round to charge along the south side of the valley towards the Wigan Warrington Post Road. Where the Scots threw down their arms and ran to Winwick Church, the Scots infantry became prey to the Parliament cavalry sword. A 1000 to 1600 Scots were killed. The remaining Scots ran to Winwick Church, where 1500 to 2000 Scot were held prisoners, the remaining Scots continued on to Warrington bridge followed

closely by Cromwell, where later that night, the Scots infantry broken surrendered.

The Surrender terms between Cromwell and Baillie: all arms and ammunitions handed over to appointed commissioners. Effectively clearing the lands between Winwick Pass to Warrington of any battle artefacts, save musket shot, or cannon ball impacted in to the earth, or accidental discarded personal items. It is recorded 2547 Scots prisoners were taken at Winwick and Warrington, their fate was transportation as slaves to Barbados, Virginia or Venice. Those who gave their lives for their respected beliefs, there resting place to this day is still unknown.

The registered battlefield is a commemoration to those who died on 19th August 1648 at the battle of Winwick Pass, who fought and gave their lives to restore their King, Charles Stuart to his rightful place as head of Scotland, England, Wales and Ireland.

The aftermath of the battle of Winwick Pass, King Charles saw his last attempt to his divine right of monarchy and on 28 August 1648 agreed to negotiate the terms for a treaty with the English Parliament, who finally agreed to the King's amended agreement on 5th December 1648. But the Parliament Army on the 6th December rejected the agreement and arrested those members of parliament who agreed his Majesty's terms. The King was tried for treason and executed at 2pm on 30 January 1649. England was then ruled as a Commonwealth, under the protectorate of Oliver Cromwell till his death in September 1658. In 1660, Parliament invited Prince Charles, the son and heir of the late King Charles, to be the King of England.

This is the importance and significance of the Battle of Winwick Pass.

To explain further the companion document

“PAG (R Ward) Response to Parkside Link Road SHC P_2018_0249_FUL May 2019 inc text corrected.pdf”

shows in section 8.5 from document page 58/96 to 73/96:

The following that is in the companion document is shown here that explains further the importance and significance of the Battle of Winwick Pass.

In 2018 after further research, I updated the actions of the battle of Winwick Pass in particular to

Newton Park. An article was published and placed on the History Section of the Winwick Parish

Council website in May 2018:

<https://winwickparishcouncil.org.uk/history/history-the-english-civil-war>

and was also an article in the Winwick Carnival programme, July 2018.

This article details the importance of the Parliamentary position in Newton Park, the same land that

the Phase 1 and the PLR application proposals intend to destroy, therefore the loss of significance

will be of the highest.

On 20 February 2019 in the YouTube Historical Video Book at:

<https://www.youtube.com/watch?v=pYSmrRifogE>

This video shows the significance of the stand located in Newton Park of the Parliament Army to the north of the valley against the stand of the Scots Army located to the south of the valley. This is the significance of the battle. What the PLR and Phase 1 application intend to do is destroy, first by raising the land level by a minimum of 3 metres then to build 22m high warehouses on the Parliament army location in Newton Park. This will lead to total loss of significance of the designated heritage asset

As well as Section 9. Drainage Strategy & Flood Assessment from document page 78/96 to 91/96.

Policy WPC 1 Winwick Parish Historic Environment

Historic environment

The Parish Council and the Council will ensure proposals affecting the Designated Heritage Assets in accordance with Policy WPC 1 Winwick Parish Historic Environment.

Green Belt

The Township and Parish of Winwick has a recorded history dating back to at least 642AD, and even earlier to the Roman occupation. To which in the Parish of Winwick there are several historical structures or events that have been registered as Designated Heritage Assets. The Parish of Winwick to the north of the borough of Warrington is located in Green Belt.

1. The Parish Council and the Council will ensure proposals affecting the Designated Heritage Assets are in accordance with Policy GB1.

Listed Buildings

The Parish of Winwick has several Designated Heritage Assets - Listed Buildings that afford protection

Heritage Assets

Heritage Assets as listed in Appendix 5: Historic Assets that pertain to Winwick Parish Council. Under the Town and Country Planning Act 1990) through which the parish council can grant planning permission for a specific development proposal or classes of development:

2. The Parish Council and the Council will ensure proposals affecting the Designated Heritage Assets - Listed Buildings and Non-Designated Heritage Assets – Locally Listed Buildings, as well as, Conservation Areas (as applicable) will be required to enact the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve the heritage asset and the setting of the heritage asset.

3. The Parish Council and the Council will ensure proposals affecting the Designated Heritage Assets is in accordance with Policy DC2.

4. The Parish Council and the Council to preserve the lands in and around Woodhead, Winwick against any proposal that affect the heritage assets: Woodhead Farmhouse and barn.

St Oswald's Well

The area Hermitage Green in the township of Winwick has a unique heritage asset that can be said to be the seed for the creation of Winwick, and the origin for the church of Winwick having tax-free lands as recorded in the Domesday Book 1086. This Heritage Asset is known as St Oswald's Well according to documentation written by the Venerable Bede 673 to 735 AD, where King Oswald of Northumbria was slain at the place known as St Oswald's Well in the Battle of Maserfelde on 05 August 642AD by King Penda of Mercia. This place is also recognised as King Oswald's martyrdom and has been recognised as a Registered Designated Heritage Asset: Scheduled Monument; Holy Well and Grade II Listed Building.

5. Though, as of yet, the recognition of the Battle of Maserfelde as being the lands in and around Woodhead, Winwick, must be added to the list of Schedule of Buildings and Structures of Locally Important Architectural and Historic Interest (Locally Listed Buildings).

6. The Parish Council and the Council to preserve the lands in and around Woodhead, Winwick against any proposal that will affect, destroy or disturb the heritage asset: St Oswald's Well, and the setting of the heritage asset remains undisturbed

Registered Battlefield Battle of Winwick Pass

The location of the Battle of Winwick Pass in the Parish of Winwick has protection not only being a Designated Heritage Asset – Registered Battlefield but is also the protection as being located in Designated Green Belt.

7. The Parish Council and the Council will also ensure proposals affecting the Designated Heritage Asset Registered Battlefield is in accordance with Policy GB1 - purpose of Green Belt:

- to preserve the setting and special character of historic towns;
 - to assist in safeguarding the countryside from encroachment;
 - to check the unrestricted sprawl of large built-up areas; and
- to prevent neighbouring towns merging into one another.

Heritage Asset

8. The designated heritage assets are covered in the NPPF chapter 16. Where the paragraphs 184, 189, 190, 192, 193, 194b and 195 (Note: 196 does not apply due to 193 and 194b), that protect the registered battlefield from proposals affecting the designated heritage asset.

9. The definition of a "battlefield" is:

- (a) an area of land over which a battle was fought; or

(b) an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area).”

10. Registered battlefields are of international importance of the highest significance.

11. The registered battlefield the battle of Winwick Pass is an irreplaceable unique resource, and shall be conserved in a manner appropriate to the battlefield’s significance, so that the battle of Winwick Pass can be enjoyed for the battlefields contribution to the quality of life of existing and future generations.

12. The Parish Council together with the Council will when considering the impact of a proposed development on the significance of a designated heritage asset, greater weight shall be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

13. Due to the battlefield being an area where two armies engaged, where one army decides the location and the topography of this particular place, is an excellent to make a stand to defeat the opposing army. This means that stand is to the advantage of that army and to the disadvantage of the opposing army. Therefore, the opposing army is at a disadvantage due to the location and topography being against them. Both commanders knowing their respective warfare tactics, the unique position each army has to accept: the army that decided to stand using the land to their advantage; the opposing army having to accept the land to their disadvantage. At Winwick Pass this was the case for the Scots commander Lt-Gen Baillie who’s stand was to his advantage; and the Parliament commander Lt-Gen Cromwell, who first engagement was to his disadvantage due to the location and topography, was unable to use his cavalry to effect. Discovering, that the unseen topography had a route that his cavalry had an advantage over the Scots stand, Cromwell won the day. The Historical significance of Cromwell’s victory had dramatic effects resulted in the execution of the King that changed the rule of England. All due to the location and topography of the area where the battle of Winwick Pass occurred is the primary significance that can never be repeated as on 19 August 1648 was unique to that and only that location and irreplaceable. Therefore the battle of Winwick Pass is of the highest significance. Where no part or segment of the registration area can have a degree of harm placed on upon that area.

14. Archaeology can not be a definitive reasoning as proof of a level of harm, as Cromwell had the Battlefield cleared after the battle. Therefore as Cromwell had ordered the battlefield to be cleared: the level of harm can only be at the highest level.

15. The Parish Council together with the Council support the discovery of Archaeological finds discovered in the registered battlefield area and beyond, to be officially recorded with the Museum of Liverpool, in order for the better interpretation of the Battle of Winwick Pass on how the events occurred on 19 August 1648.

16. The Parish Council together with the Council will preserve and maintain the Registered Battlefield main battle area in the Hermitage Brook Valley.

14. Policy WPC 2 Winwick Parish Common Land and Village Green

Reasoning for Policy WPC 2

The planning system approves or rejects proposed development on different types of lands. Where the Local Plan gives certain land an “achieving sustainable development” through the NPPF 2019 policies. The planning system also protects areas of land and produces a map that identifies these areas for protection and development. One area of protection that the Local Plan has failed to show lands that are protected is “Common Land and Town or Village Greens”. Though the Policy DC3 – Green Infrastructure and paragraph 8.3.4 mention village greens once this to the Local People who enjoy common land and town or village greens. This minor singular mention is insufficient. To this point a **New Policy DC 7 Common Lands; Town and Village Greens and Appendix 6 Common Lands and Town or Village Greens** has been created that is general to the Borough of Warrington. In the Parish of Winwick, there is one area of Common Land and two Village Greens that were granted under the Commons Registration Act 1965, that were approved under the said Act section 8(3) for the village greens: Hermitage Green and Winwick Green; and section 9 for the common land Radley Common. The Winwick Parish Council being vested owners of these afford their own policy to clarify the protected status and management of these lands, and need to be a part of the WBC Local Plan 2017 – 2037 as Policy WPC 2.

Note: Where the other Parish Councils in the Borough of Warrington also have Common Lands and Village Greens that should also be included to protect those lands from development. It must be said without first knowing when they were registered and which section of the Commons registration Act 1965 or Commons Act 2006, these lands were approved they may have different Acts of legislation that the Parish Councils manage these lands. The process of identifying the management each particular parish council use is a simple but logical process to undergo.

Therefore, Policy WPC2 follows:

Policy WPC 2 Winwick Parish Common Land and Village Green

In 1967 Winwick Parish Council applied to be vested owner to provisionally register three parcels of lands in the parish under the Commons Registrations Act 1965 as follows:

- Common Land – RADLEY COMMON, WINWICK, WARRINGTON R.D., LANCASHIRE NO.CL.22. Registered in 1972 under Section 9 of the Act
- Town or Village Green – LAND ON THE EAST SIDE OF GOLBOURNE ROAD, HERMITAGE GREEN, WINWICK, WARRINGTON R.D., LANCASHIRE NO.VG.16. Registered in 1972 under Section 8(3) of the Act;
- Town or Village Green - WINWICK GREEN OR SWAN GREEN, (AT THE JUNCTION OF NEWTON ROAD AND SWAN ROAD) WINWICK, WARRINGTON R.D., LANCASHIRE NO.VG.15. Registered in 1972 under Section 8(3) of the Act.

After certain legal checks, by the written hand and seal of the commons commissioner in 1972 the owner of three units CL 22; VG 15 and VG 16 is Winwick Parish Council as final registration under the Commons Registrations Act 1965.

1. The Parish Council with the accordence of New Policy DC7, the Parish Council to manage the 'Radley Common' as direct under section 9 of the Commons Registration Act 1965.
2. The Parish Council with the accordence of the New Policy DC7, the Parish Council to manage the 'Winwick Green' and 'Hermitage Green', as direct under section 8(3)¹ of the Commons Registration Act 1965 that apply.
3. The Parish Council and the Council shall protect and ensure the Radley Common is for the benefit, enjoyment, pleasure, relaxation and recreation of the local people.
4. Proposals that affect Radley Common, the Parish Council with the Council will ensure the Commons Act 2006 is followed to protect the common.
5. The Parish Council and the Council shall protect and ensure that the two village greens: 'Hermitage Green' and 'Winwick Green', are for the benefit, enjoyment, pleasure, relaxation and recreation of the local people as directed by legislation¹.
6. The Parish Council and the Council shall not allow proposals for any commercial building or enclosure to be placed on the village green(s) either on a permanent or temporary basis.
7. The Parish Council and the Council shall not allow any activity of commercial nature to be allowed or to be placed on the village green(s) either on a permanent or temporary basis, transgressors shall be prosecuted under section 12 of the Inclosure Act 1857.
8. Any person or person(s) who cause or do damage to the village green(s), shall be prosecuted under section 12 of the Inclosure Act 1857.
9. This policy accords with Policy DC3 – Green Infrastructure and paragraph 8.3.4.

1 Act of Parliament that protect Town or Village Greens are: Inclosure and Improvement of Commons and Lands 8th August 1845 Section XV; Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land 30th June 1852 section XIV; Inclosure Act 10th August 1857 section XII; Commons Act 1876 section 29; Open Spaces Act 1906 Section 10 and Section 15; Public Health Act 1875 Sections 182 to 186 Byelaws; Town Gardens Protection Act, 1863 Section 4; Commons Act 2006.

15. Policy WPC 3 Winwick Parish Traffic Calming

Reasoning for Policy WPC 3

Road calming measures at Winwick and at Hermitage Green due to the St Helens Council Parkside Colliery regeneration with the Phase 1, Phase 2, Phase 3(SRFI) and Parkside Link Road as a whole project. Whole project will impact directly by the use of the A49 Newton Road through Winwick and the A573 Parkside Road/Golborne Road and Hermitage Green Lane in order to access/exit the project site. In the attached document:

PAG (R Ward) Response to Parkside Link Road SHC P_2018_0249_FUL May 2019
inc text corrected.pdf

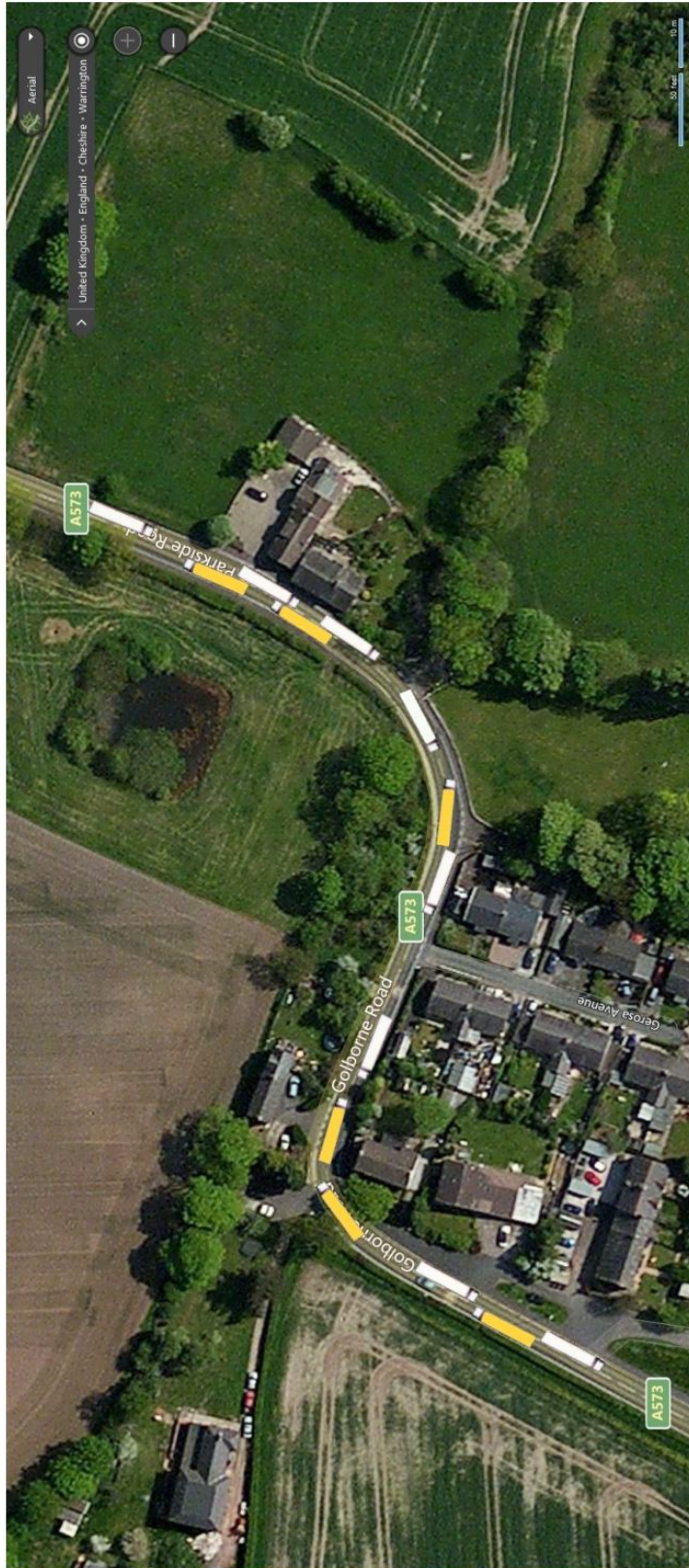
This document compliments this document with details shown in

“Section 6. Warrington roads A49 and A573 Traffic” (pages 21 to 35),

the concerns of the increase in traffic will impose upon the road network of the town of Winwick and that of the road network of Hermitage Green. St Helens Council as developer of the Parkside Link Road has declared that the proposed new link road junction next to Woodhead Farm will have Commercial Vehicles that are expected to use this proposed junction with the commercial Vehicle Tracked of length 16.5m or as Drawbar vehicles of length 18m via the Hermitage Green ‘S’ Bend as the SHC EIA 2019 drawing clearly shows in Section 6.

This circumvention route of the A573 is a tight S-bend where on a regular basis even one HGV sometimes gets stuck due to the on-coming cars. This will become a point of concern if the PLR is allowed to use the A573/M6 Bridge while the access to Hermitage Green remains open to all traffic to use the A573/M6 Bridge. This SHC has not considered when planning the PLR as this area is in Warrington, SHC seems to have placed the problem of Warrington Borough Council and the Local People of Hermitage Green who will have to live with SHC flawed PLR planned route.

The resulting congestion will result at the “A573 Hermitage Green S-bend with HGVs” as follows:



Schematic view of congestion grid-lock at the Hermitage Green "S" Bend on Golborne Road/Parkside Road if the Proposed Parkside Link Road goes ahead.

Where the probable use of Hermitage Green Lane that will NEVER cope with commercial Vehicle Tracked of length 16.5m or as Drawbar vehicles of length 18m in both direction.

If the Parkside Link Road becomes a reality then **Parkside Road and Hermitage Green Lane MUST HAVE A VEHICLE RESTRICTION ACCESS IMPOSED** (see Figure WPC 3 Winwick Parish Traffic Calming). For if one walks along the lane, at several locations along the lane, there are directly severe drops on the north side of the lane where the road narrows round a corner. Where this lane is the key main action of the Battle of Winwick Pass and preservation to its appearance with respect to the battle is paramount, as it is mainly a single track country lane and not a dual carriageway.

Therefore, Policy WPC3 follows:

Policy WPC 3 Winwick Parish Traffic Calming

Traffic calming measures are required for the Town of Winwick due to an increase from planning proposals that will have an impact on the local roads: Newton Road; Golborne Road/Parkside Road; Myddleton Lane; Green Lane; Hermitage Green Lane; Waterworks Lane; Hornby Lane; Spires Garden; Hollins Lane and Winwick Park.

1. With the Proposal of Policy OS9 in Winwick this proposes to increase the population of Winwick and children to attend Winwick School, there is need to have a more severe traffic calming measures in the town of Winwick.
2. Traffic calming already exists and is in progress of implementing additional traffic calming measures in the town of Winwick with an increase of speed bumps, but it has been noticed the partial or mini speed bumps do not slow the traffic, whereas the full width speed bumps do force the traffic to slow down.
3. The Council with support from the parish council will remove all mini style speed bumps and replace with full width speed bumps as a traffic calming measure
4. Therefore, lower the speed in Winwick: where 30 m.p.h. reduce to 20 m.p.h. ; where 40 m.p.h. reduce to 30 m.p.h. and Hermitage Green Lane reduce from unlimited to 30 m.p.h. ; and Winwick Park to be 20 m.p.h. as shown in the plan as shown in Figure WPC 3 Winwick Parish Traffic Calming.
5. The Council with support from the Parish Council to impose commercial vehicle restrictions along Golborne Road, Parkside Road and Hermitage Green Lane if the proposal to construct Parkside Link Road is approved, as shown in Figure WPC 3 Winwick Parish Traffic Calming.
6. The Council with support from the Parish Council places these traffic calming and restriction measures to be included in the Local Transport Plan 4 (LTP4).
Figure WPC 3 Winwick Parish Traffic Calming.

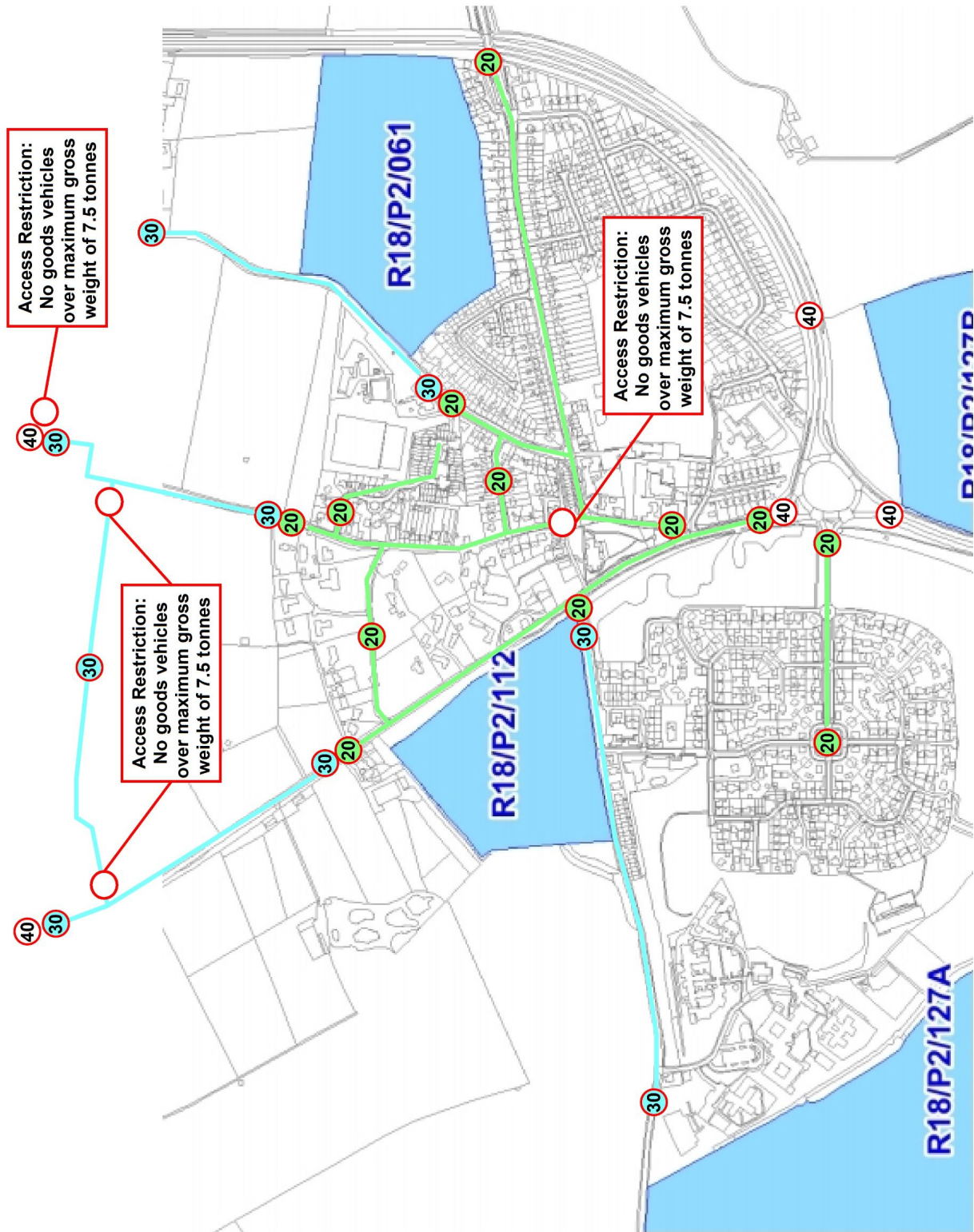


Figure Policy WPC 3 Winwick Parish Traffic Calming: Speed Limit changes to the Town of Winwick

16. Strategic Policy Omega Rail Freight Terminal

1. Freight Management: Moving goods by T.E.U. containers, the average 40m container carries 14 tonnes from Cornflakes to washing machines to Potatoes. Transporting Containers by road is using diesel has known air and noise pollution. Transferring the freight be to transferred by rail is limited due to the infrastructure costs.

The Government enacting Beechings Report in the 1960's, the consequence of that decision is being felt today, as the freight infrastructure in the 1960's was at nearly every railway station which today has disappeared.

2. Now, purpose built rail freight terminals are being built that the cost in carbon emissions eCO2 terms from building these mega terminals (SRFI) will take 30 to 40 years to become carbon neutral. But these SRFI all rely on Freight by Road at some part of the logistics even though the rail can handle 50 containers at a time.

3. Freight by sea/ship is more efficient eCO2 wise, due to the number of Containers moved at a time. Though the fuel being heavy oils, the ships get larger and larger to reduce fuel costs, even though ships are the most efficient.

4. The other solution with regards freight movements and climate change is to find locations where there are already warehousing that utilise container movements that are connected next to the motorway network, that have a railway line in the proximity.

5. Where just the construction of railway sidings with container loading/unloading facilities, the warehousing can easily change from road to rail and the motorway network allows freight from farther afield to use the rail terminal.

6. In the Borough of Warrington there are two sites that satisfy these criteria:

- First is Port Warrington to the south of Warrington that has been recognised in the Local Plan (paragraph 10.1 Warrington Waterfront) and LTP4 (paragraph 15.1.3 Waterborne Freight);
- Second is at Omega with establish warehousing using road road transport to connect to the motorways M62 Junction 8 and the M6. This site is next to the West Coast Mainline (WCML) the London to Scotland Railway line.

Proposed new Rail Freight Terminal

8. A Rail freight terminal can easily be built that runs parallel to the M62 and could take train lengths of 750m. The terminal would directly link to the M62 and serve all the existing warehousing.

9. The opportunity exists now for Warrington to step in at Omega with a dedicated Rail Freight Terminal that serves the Omega companies. This will reduce the Road traffic and create more jobs with future rail related businesses at Omega.

10. It will compliment Port Warrington and in fact Port Warrington will be linked by rail to the Omega Rail Terminal via the WCML link this would reduce container traffic driving south-north and north-south through Warrington.

11. The advantage of a rail freight terminal at Omega is the Warehousing is already there, all is required is the railway lines, the gantries etc, to take the containers and place on the trains. The current owners of the proposed are already in business so to spread their business wings just needs the right push to realise future profits. Together with the companies already there, if willing to see the advantages of reducing HGV fuel costs, the proposed Rail Freight Terminal has merit.

12. The following maps of the area show satellite views of the development growth at Omega, though these satellite maps do not show the Omega developments present today in 2019; together with, a schematic drawing of where a Rail Freight Terminal linked directly to the WCML and the Motorway network via the M62, can serve the current companies already at Omega:



