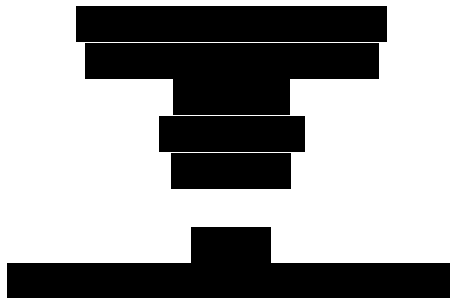


**Warrington Borough Council
final draft proposed local plan
to be
submitted to the Inspectorate**

October/November 2021
Consultation
Response

Submitted
by
Richard Ward

Address:



Summary

The consultation for the Warrington Borough Council sole initiated update to the borough's local plan under the National Planning Policy Frameworks revised 2021. The council's final version after the previous consultation in 2019, where on reading the final version September 2021, the council has disregarded many of the respondents suggestions without due cause or explanation.

This clearly goes against the intention of the National Planning Policy Frameworks revised 2021 with respect to the Local People.

The consequence of the NPPF 2021 paragraph 15, the Local People do not see the council's proposed local plan as a future platform to shape their surroundings in the borough of Warrington.

The result being the council's proposed local plan 2021-2038 can not be brought forward as the legally binding planning document for Warrington, this is the consequence of the NPPF 2021 paragraph 15.

The following document and appendices, I place before the Inspectorate.

Local People

1. National Planning Policy Framework

1.1 The National Planning Policy Framework 2021 (NPPF) for plan-making defines the local people as:

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.*

The use of “and” (highlighted) means in logic gate theory that ALL MUST be a logic “1” (one) and if any or all are logic “0” (zero) then the plan must be not an up-to-date plan.

The three logic inputs to the Logic gate are:

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.

These three must all be addressed with no exception, any failure then as said no plan can ever be sound.

If the plan goes ahead with any one failing (logic “0”) then the whole plan can not be said to be a presumption in favour of sustainable development and can only be considered as a material consideration with no reference to the “so-called” Plan. As shown in paragraph 12 (section highlighted):

12. *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

The main Logic input that is in dispute is:

a platform for local people to shape their surroundings

Definition of 'platform' (Oxford Concise Dictionary):

of administrative policy; a medium for discussion; a ground-plan (obsolete); plan of action (Shakespeare)

ground-plan is stated as obsolete, therefore, does not apply

a medium for discussion: If a local plan has been written it can not be changed, therefore a medium for discussion (with whom), therefore, does not apply

plan of action: if inserted in paragraph 15 reads:

Succinct and up-to-date plans should provide a plan of action for local people to shape their

surroundings

But what 'action' when the local people do not approve the 'Council's (developed solely by them, no Local People's proposals included as have been rejected by the Council which is not a part of the NPPF paragraph 15) proposed plan. So the current proposed plan needs to be re-written as not up-to-date with the Local People.

This leaves **of administrative policy**: if inserted in paragraph 15 reads: *Succinct and up-to-date plans should provide an administrative policy for local people to shape their surroundings.*

The Council can not just impose a plan on the local people to suit the council's whim. The NPPF paragraph 15 '*For local people*' to shape their surroundings, the key word here is 'for'. The use of 'for' means the local people must accept and/or approve the plan first, for 'for' to be active and accept the plan is up-to-date, and allow the local people to shape their surroundings. The use of 'their' in paragraph 15 being applicable to the local people only, not the council.

This means the Local People must have the final say to approve or not of the final up-to-date plan not the inspector or the council before and after the examination hearings. As the Local People have not approved the Council's proposed local plan to the inspectorate then the inspector can not adjudicate the sole council's proposed plan and the examination must immediately close.

1.1.2 Further, the creators of the NPPF 2021 have only stated the phrase "local people" once throughout the document, giving no definition or other usage. So the paragraph 15 to which is the only paragraph that states "local people" stand on its own.

The NPPF has to be read in a logical order where the succeeding paragraphs must always refer back to the previous paragraph(s) for planning control. Paragraph 15 must follow the previous paragraphs 1 to 14 for guidance. But as paragraph 15 is the first paragraph in the policy for plan-making. This makes paragraph 15, to be, the overall control and deciding reference for the subsequent succeeding paragraphs of the NPPF.

That is to say as paragraph 15 is the only paragraph that states the importance of "local people" with respect to an up-to-date plan (see the wording), and as the NPPF does not give any definition of "local people", the NPPF legally confirms paragraph 15 as the control for plan-making.

No definition can be assumed apart from analysing the wording of the NPPF that details certain groups are not classed as local people as the NPPF define those separately and on their own:

Local People definitely do not include the groups stated and defined in the NPPF:
Developers; Neighbourhood forum(s) or Parish Councils; Local Planning Authorities.

The NPPF for failing to define "local people" the places an authority on an undefined group within the plan-making and the subsequent interpretation for decision-taking.

1.1.3 Facts

A Legal Argument

When the NPPF 2012 was the legal planning document a court judgment in 2016 reference a legal point with regards to a 'limited' referencing from the NPPF 2012 as an example to explain usage the legal point was 'heritage coast' which was mentioned in one paragraph 114, a planning control footnote in paragraph 14, and defined.

The 2016 court judgment is: Neutral Citation Number: **[2016] EWHC 421 (Admin)**: Between: Forest of Dean District Council (Claimant) - and - Secretary of State for Communities and Local Government (First Defendant) - and - Gladman Developments Ltd (Second Defendant)

In this judgment the judge details the example of heritage coast, paragraphs 21, 22 and 30

“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.”

The single mention of in this judgment regarding Heritage Coast as an example as being only stated in a single paragraph in the original NPPF 2012 being regarded as a policy in its own right, (which by the way the current NPPF 2021 has now re-addressed 'heritage coast').

This principle cuts across to the single mention of “local people” in the current NPPF 2021, as a consequence.

Therefore raises the restriction of paragraph 15 of plan-making to being a policy for deciding if the plan complies with, or does not comply with, as being either, up-to-date, or not up-to-date, being solely the preserve of the single usage for the “local people” in the operation of paragraph 15, the first paragraph for plan-making. Due to as explained above paragraph 15 is worded as a 'LOGIC AND GATE', that is all inputs must be a logic '1' (one) for the output to be a logic '1' (one), if any or all inputs are not passed ie a logic '0' (zero), then the output is always logic '0' (zero) ie not a plan or not an up-to-date plan.

The neither the Council or the examining Inspector can overrule the Local People as not stated in paragraph 15 for that to happen. This is consequence of the operation of paragraph 15.

1.1.4 Reasoning

The Council prepared **their core strategy** and published for comments to which hundreds responded. Many proposing new policies and changes to the council's policies. In the recently council's publish final proposed plan, intended to be submitted to the Inspectorate for examination. In the published final proposed plan **the council have ignored** the local people's new policies and/or changes **to the dismay** of the local people, thus **fails to satisfy** the NPPF 2021, paragraph 15 'LOGIC AND GATE' as the output is a '0' (zero) ie **local people can not approve** as an administrative planning policy for the future planning period. Due to the consequence of the operation of paragraph 15.

One reasoning for the Local People not to have any responsibility for the council's proposed plan is due to one of the council's proposed policies concerns a health and safety aspect. The Local People do not want to be a part of, or to be blamed for affecting a person(s) health. As a consequence of this the proposed plan must be deemed to be not sustainable. Therefore under the NPPF paragraph 15 can not approve the proposed plan as an '*administrative policy for local people to shape their surroundings*'.

The council's publish final proposed plan can not therefore be altered – only through the inspector's examination hearings, and due to NPPF paragraph 15, to alter the proposed plan through the local people's examination hearings input, in order to comply with the Local People's final approval to be an '*administrative policy for local people to shape their surroundings*'.

1.1.5 Conclusion

Due to the consequence of the operation of paragraph 15. The council's final proposed plan MUST

have as a new paragraph 1 of the plan the following:

The current council's proposed plan wording is thus:

1 Introduction

1.1 What the Local Plan is and how it works

1.1.1 Warrington's Local Plan provides the statutory planning framework for the entire Borough for the period 2021 to 2038. The Local Plan will be used to guide decisions on planning applications and to identify areas where investment and growth should be prioritised. The Local Plan will replace the Local Plan Core Strategy (2014).

etc.

The new undisputed insert to be in the plan for paragraph 1 (blue text)

1 Introduction

1.1 What the Local Plan is and how it works

The current planning control to create an up-to-date Local Plan is determined by the National Planning Policy Framework 2021 (NPPF), under Plan-making, where the main policy for approval is paragraph 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.'

Due to the consequence of the operation of paragraph 15, the local people must first approve the plan in order to be an administrative policy or plan (platform), to be an up-to-date Local Plan.

This Local Plan fails to satisfy the local people to be used to guide decisions on planning applications, and Local Plan fails to satisfy the local people with respect to the identified areas for investment and growth.

The following is the Council's Local Plan not authorised by the Local People.

1.1.1 Warrington's Local Plan provides the statutory planning framework for the entire Borough for the period 2021 to 2038. The Local Plan will be used to guide decisions on planning applications and to identify areas where investment and growth should be prioritised. The Local Plan will replace the Local Plan Core Strategy (2014).

etc

This insertion then places the council's local plan to be not up-to-date.

A local Plan can be produced by the council or the Local People independently. Therefore all suggestion submitted to the core strategy consultations from 2016 to date must be taken into account, as to why these have not been included, to the inspector to ask questions to the council as to why these have not been included, from the Local People?

1.2 Climate

1.2.1 The planet Earth or World, through millennia of years has gone through dramatic changes where the world has gone through several changes in the climate through several causes through either: raising, or lowering the temperature of the Earth. The earth has a delicate band (plus or minus) around the 'normal' temperature to sustain life. Beyond this delicate band of temperature, the Earth will either 'freeze' or 'cook', both alter the plant life, the food for life, causing animal life to become extinct.

These temperature changes, once the change take effect, last for millions of years, before the climate temperature reverts to 'normal'. The cause of these changes are always a result of altering the circa 60 mile atmosphere envelope, the life protector, that surrounds the earth. Changing this atmosphere envelop alters the source of life, the sun. It is like opening and closing a window curtain.

1.2.2 The concern today is the continuation of the planet Earth, currently, the 'dominant' species being, the human race. The human race since, approximately the beginning of the 20th Century, has through greed, profit or war through various means by individuals; whether these are governments or companies or even individuals, have caused an alteration to the atmosphere, where the temperature of the earth has steadily increased, to the point the upper 'plus' delicate band around the 'normal' temperature for the earth to sustain life, is in the imminent point where an irreversible domino effect will initiate.

The effect starts, first by altering the atmospheric balance of the elements: oxygen 21%, Nitrogen 79% ratio, by altering the O₂ to O₃ balance at the poles, increasing the levels of NO_x, SO_x, CO_x and/or CH₄, given the named 'pollution'.

The sequence of events that cause the Earth to irreversibly change is:

Stage

1. The rain forests like the Amazon, South America, from being a 'carbon' absorber become a 'carbon' emitter.
2. The temperature of the oceans then start increase, once the temperature reaches a specific temperature, the deep oceans begin to release carbon dioxide (CO₂) and methane (CH₄), in to the atmosphere.
3. Once the Oceans start to emit carbon dioxide and methane, the irreversible change has started, that the human race can not do anything about.
 - The change in the atmosphere, the circa 60 mile atmosphere envelope, the life protector, begins to block the Sun, plants stated to die, Animals from lack of food die, the Earth begins a new phase with a very much reduced (tens of thousands), or without the human race etc.

A reported has recently been published from a survey from one of the rain forests is now a 'carbon' emitter!!!!!! A Stage 1 event. Also, reported is that the oceans the main absorber of CO₂ is beginning to change from a carbon absorber.

Today, since at least the 1950's, industrialisation has increased in an exponential growth, through greed, profit or war, causing atmospheric pollution with the resultant effect the Earth temperature has increased.

1.2.3 Now, the young future generation have become seriously aware of what is happening to the Earth. Since:

- Earth Summit in Rio, Brazil, June 1992, which gave rise to the three Rio Conventions: the

Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), and the United Nations Convention to Combat Desertification (UNCCD),

- Paris, France United Nations COP 21 Summit 2015 agreements to just pledges and other governmental promises.

So far, have only been words on paper, in the form of non-binding 'Pledges', or can be said to be just 'hot air', with no positive physical action to attempt to reverse the industrialisation effect in pollution. Meanwhile the continued growth in industrialisation, the Earth still continues to rise in temperature and the atmosphere has begun to change the Earth's climate.

The young, one in particular, Greta Thunberg, in recent years has awoken the young, who see their future and lives seriously at risk through the rise in the Earth's climate, who want action now not words and for all the countries to seriously act, before its too late.

Now the 2021, Italy G20 and Glasgow COP, the countries have the opportunity, Prince Charles, 31 October 2021 speaking at the Italy G20, said:

“leaders are the Stewards of the Planet”

But are governments listening? Will the Rome, Italy G20 summit 2021 or the Glasgow United Nations Conference of the Parties - UN COP26 Climate Change Summit 2021, act with defined commitment and agreed policies, or just more words?

The President to Glasgow on the opening of Glasgow COP 26, 31 October 2021 said:

'The summit is No pledges, now it is the time to close the emissions gap'

But is it too late? Rio - set the process off; Paris - promised 'Pledges'; Glasgow - more pledges or action?

1.2.4 What is the cause of industrialisation?

Industrialisation is building a multitude of structures, using elements from the earth, chemically combined together to create materials to allow construction of a multitude of what can be called 'a living requirement that everyone needs'. Examples of these combined materials: To make one cubic metre of Concrete emits into the atmosphere one metric tonne of CO₂ emitted into the atmosphere; To make one cubic metre of Steel emits into the atmosphere one metric tonne of CO₂ emitted into the atmosphere.

These combined materials are the major prime construction requirement that has aided the industrialisation and consequential pollution of the Earth.

1.2.5 Who has allowed industrialisation?

Industrialisation by the very nature of the process, by default requires land in order to occur, this is in effect constructing or development being placed on the land. Since circa 19th Century, the counties in England have had bodies to oversee the land, where several duties granted by the Crown and government for these bodies to perform. One of these duties is planning, to oversee that any construction was appropriate. This planning duty of the bodies has now become to be known in two parts. The first part, being called a Council 'Local Plan', who create a future planning vision; and the second part, being called Council 'Planning', which uses the Local Plan as a guide, who approval/refuse planning schemes from companies or individuals, all of which emit pollution in to

the atmosphere. The result of which, the remainder of the human race are now suffering this pollution and consequential atmospheric climate change(s), the result from over the years, from the short-sighted planning approvals and the greed for profit of companies and individuals.

1000's of authorities/council's, not just in the UK, but throughout the world, authorise through the individual countries planning systems for industrialisation (including Agricultural practices)

1.2.6 This means for the UK, that the Councils in England that have from the latter part of the 20th Century been solely responsible for allowing through planning control for industrialisation to escalate. The consequence of the Councils Local Plan and planning approval to schemes have been the one's responsible to industrialisation and the resultant cause to the Earth's atmosphere. This is also the same for all the other countries on the Earth.

1.2.7 The Warrington Borough Council is just one of these authorities in England.

Warrington Borough Council's Proposed Local Plan is in effect, a document that promotes new developments that will have a consequential impact on the climate that increases the pollution in to the atmosphere and resultant increase in the Earth temperature. This Council created proposed Local Plan fails to reduce the effect on the climate, through inappropriate development proposals for the borough, which will contribute to the atmospheric pollution of the Earth; and therefore, as a consequence of the NPPF paragraph 15, the Local People, who also include the young generations future, can not approve as the council's proposed local plan is:

Not a platform for local people to shape their surroundings

1.3 Common Land and Village Greens

1.3.1 In the Warrington Borough there are several Common Land and Town and Village Green spaces that have been allotted the status either from the first Commons Land Act 1845 including revisions and amendments to the Commons Act 2006, or from the Commons Registrations Act 1965. These said Acts afford the protection on Common Land and Town and Village Green spaces from any inappropriate development or commercial activity; from being placed on these spaces that would affect either the physical ground, and/or the pleasure and enjoyment of the local people's ability to use these protected spaces.

1.3.2 In the consultation of Warrington Council's vision (not the Local People) for the future plan for the borough in 2019. I, at the time, submitted a response¹ as 'the local people under the NPPF February 2019 paragraph 15', in regard to the lack of protection either in the Green Belt policy or in the Green Space Infrastructure Policy for village greens. In two registered village greens, promoted a protection policy; this policy could be further extended to cover the other registered common land and village greens in the borough of Warrington.

1.3.3 To my dismay and disgust the published October 2021, Council final draft proposed local plan to be submitted to the Inspectorate, totally ignored a perfectly plausible policy for inclusion to highlight the Common Land and village greens protection in the green belt/green space policies from any development either inappropriate or not.

1.3.4 It is therefore mandatory, protection for common land and town and village green to be

1 The responses submitted to the Warrington Borough Council 2019 Local Plan and Local Transport Plan (LTP4) consultations, I have resubmitted for the inspectorate as Appendix 7.

included as either a policy on its own under the section for green space infrastructure policy, or within the green belt policy. This would go towards part-addressing the Local People's concern as per NPPF 2021 paragraph 15.

1.3.5 If during the Inspectorate examination: No Common Land and Town and Village Green Policy then the additional wording to be added under the appropriate existing policy/policies:

- i. The council will ensure the borough's designated Common Land spaces, and the Town and Village Green spaces to be afforded protection from any proposed development of a commercial or of an inappropriate nature that affects or encroaches either the ground, or the pleasure and enjoyment of the local people.
- ii. The council will promote any development on the borough's designated Common Land spaces, and the Town and Village Green spaces, that enhances the purpose of these spaces for the pleasure and enjoyment of the local people.
- iii. The council in order to protect the borough's designated Common Land spaces, and the Town and Village Green spaces, from development as listed in the previous points i., and/or ii., of this section, on the application of the Commons Land Act 1845 including revisions and amendments to the Commons Act 2006, or the Commons Registrations Act 1965, as appropriate.

2. Policy OS6 Proposed development on the land between Golborne Road (formally Hermitage Lane) and Waterworks Lane (formally Back Lane), Winwick.

2.1 Policy OS6 was first detailed in the consultation of Warrington Council's vision (not the Local People) for the future plan for the borough in 2019. I, at the time, submitted a response [see footnote 1] as 'the local people under the NPPF February 2019 paragraph 15', in regard to the Policy OS6.

2.2 The location of the development concerned in policy OS6 where the plan is to justify a quantity of housing stock. This housing stock will impact on Winwick town (stated as a town due to the population of Winwick in-excess of the minimum population to be labelled a town). Several of these impacts are:

- the extra school requirement exceeds the current capacity;
- the public transport is very limited;
- reliance on private vehicles currently a climate pollutant;
- reliance on private vehicles will impact on the already impacted traffic congestion;
- Winwick town does not have the local amenities to cater for this increase in population;
- these amenities were more prevalent during the 1960's and 1970's but have closed for numerous reasons, but now the population intends to increase the amenities fail to locally cater forcing transport impact to satisfy the proposed need.

2.3 There are two other planning impacts due to Policy OS6. First the impact the policy fails to address, the other impact the policy via a support statement has tried to address incorrectly. These two planning impacts are:

First the impact the policy fails to address:

1. Health – The existence of the National Grid electricity pylon route runs directly across the proposed policy OS6.

2. Non-designated Heritage Asset – The land is within the setting of the battle of Maserfeld which occurred on 05 August 642AD.

The other impact the policy via a support statement has tried to address incorrectly:

3. Designated Heritage Asset – The Land is directly on the modern boundary only designated due to 2018 boundary being set as Golborne Road (formally Hermitage Lane). A boundary through the course of battle would have ignored

The impact the policy fails to address

2.4 Health

2.4.1 In paragraph 2.1, I state I have included my previous response to the inspector. In this response I detail the National Grid Electricity Pylon route crosses the proposed Policy OS6 housing stock location. To the point, of having surveyed and recorded the said site with respect to the electro-magnetic field strength (EMF), along with documentation to show the impact on health, the safe EMF level and safe health distance from High Electricity routes.

2.4.2 The Pylon run across the proposed land within policy OS6 has an associated EMF. It is recorded that living permanently in a consistent background intensity of high EMF has health issues that statistically could/would develop in people who live permanently in a high EMF area particularly within the near vicinity of National Grid Electricity systems (the reason why the Electricity systems follow an open field route away from housing to avoid the health problems that are known to cause.

2.4.3 The Policy OS6 totally fails the safe distance, actually being directly beneath the pylon route which has a high recorded level that is a possible or probable health risk or hazard to the proposed development policy OS6. Those local people (intended to be for young couples) who unaware of the health risk, purchase one of the possible housing stock developments, if they have a child is placing the health of that child as a disfigurement sentence for life. Further as a consequence the younger the Local People (new occupant) the risk of developing an unforeseen health problem, 100% due to the development location under the electricity pylon run in policy OS6.

2.4.4 One fact that supports the danger to any household that is located in the vicinity of a National Grid Electricity Pylon route is as follows:

1. In 2011 the Winwick area had several 'mail-shots' from property compensation consultants

Re: Pylons/Overhead high voltage electricity cables,

in their correspondence state:

*'The electricity companies **willingly** pay compensation'*

2. This extract from the letter(s) to households in the Winwick area in 2011, clearly showed and shows the electricity companies know the effect their electricity pylon and cable route have to near households, are seriously willing to alleviate any responsibility to future problems. This would include health issues through the terminology use of the phrase 'compensation' regarding the nearness of their electricity pylon route.
3. This 2011 property compensation 'mailshot' being in the Winwick area the owners (and

probably the council as well) of the land as marked in Policy OS6 would also have been informed. So to advance a proposed location as part of the proposed local plan, knowing of the potential health risk that the Electricity companies know all about since at least 2011, clearly indicates now, policy OS6 must be withdrawn.

4. If the inspector requires copies of these property compensation 2011 'mail-shots', I can supply if required.

2.4.5 Future, with the government decision to phase out the reliance on fossil fuels in order to combat climate change. The government has placed a reliance on electricity over fossil fuels by 2035, this government time-scale is within the Warrington Council proposed Local Plan period to 2038.

The consequence of placing a reliance on electricity, clean though it is, the National Grid will have to cope with the increase in demand to counter the change from fossil fuels to electricity. This means the National Grid electricity overhead line and pylon network will have to supply a greater demand. The greater demand has an in-built side-effect, the greater the demand for electricity the electro-magnetic field radiation strength will increase, causing a greater unseen impact on the health of those living near/under the electricity overhead cable pylon routes. The land allocated in policy OS6 is no exception. The test results as shown in paragraph 2.1 footnote 1 recorded in 2019, will have a greater recorded value.

Placing further doubt on the health if policy OS6 becomes part of the Local Plan placing the sword of Damocles on the health of those unknowing householders, this the Local People under the NPPF 2021 paragraph 15, can never condone or promote.

2.4.6 On reading the October 2021 Warrington Borough Council proposed Local Plan that Policy OS6 has no mention of the health problem, means the Local People under the NPPF 2021 paragraph 15, can never condone or promote policy OS6 having a possible known health risk as a platform for local people to shape their surroundings.

2.4.7 This indicates the Council's policy OS6 is flawed on health and safety grounds and reason. Policy OS6 must be withdrawn, this is a consequence of the NPPF paragraph 15.

2.4.8 If during the Inspectorate examination: Policy OS6 is not withdrawn then the local people under the NPPF 2021 paragraph 15, can not condone the Local Plan in its entirety on Health grounds. As the local people do not want to be a part of a local plan, where people may be inflicted with a health issue, to which the NPPF paragraph 15, the first paragraph for 'Plan-making': the local people would be said to have been in favour of as:

'a platform for local people to shape their surroundings'

The Local People say 'NO' it is not a platform the local people condone that would shape their [the local people, not the council] surroundings, The council's Local Plan is flawed and not acceptable to the local people.

2.4.9 The consideration to amend Policy OS6 to include a health warning of the possible effects of the electricity pylons and overhead cables. Can only be on the following lines:

- i. The Council acknowledges the development have an electricity pylon and high voltage overhead cable running east-west across the policy development land.
- ii. The council acknowledge the known high electro-magnetic field radiation will be present

- and persist in the development housing/buildings.
- iii. The council acknowledge high electro-magnetic field radiation can or may cause health problems in people and particular children living near or under the electricity pylon and high voltage overhead cable.
 - iv. The council must therefore stipulate Policy OS6 developer must advise potential property owners of the any development as to the health risks, as listed in the previous points i., to iii., of this section.
 - v. The Local People under the NPPF 2021 paragraph 15, do not want to be a part of approving the proposed local plan, due to the known permanent potential health probability as listed in the previous points i., to iv., of this section. Therefore, Local People **do not consider** Policy OS6 to be a policy which can be '*a platform for local people to shape their surroundings*'.
 - vi. As a consequence the Local People under the NPPF 2021 paragraph 15, **do not consider** Policy OS6 to be a sustainable development in the Proposed Local Plan.

2.5 Non-designated Heritage Asset

2.5.1 There is a heritage asset known by the residents of Winwick since 'time immemorial' of a historical event that shaped the surrounding of the Parish of Winwick for well over a thousand years. But this historical event though well-known by many people far and wide is not classed as a heritage asset. This fact must change now.

2.5.1 The historical event is the Battle of Maserfeld (Maserfelth) 05 August 642AD. This event first recorded by the Venerable Bedæ (Bede) in his manuscript *Historica Ecclesiastica* (HE) completed in 731AD, which has been copied, over the intervening centuries, 160 times throughout England, France and Germany.

2.5.2 In the 7th Century, several Anglo-Saxon kingdoms ruled England, these kingdoms or provinces were on the cusp of changing from Pagan worship to Christian worship. The land north of the River Mersey to the River Humber was the Province of Northumbria and from 634AD ruled by King Oswald, Christian in faith. The land south of the River Mersey to the River Humber was the Province of Mercia and ruled by King Penda, Pagan in faith.

2.5.3 The Bede's HE relates several disagreements between King Penda of Mercia and the other Kingdoms, where the Bede records several of his battles. One battle and the battle which concerns Winwick took place on 05 August 642AD, where King Penda and his Mercian army crossed the River Mersey at to the 'ancient Roman ford crossing' at Latchford, Warrington

2.5.4 In the publications 'The History of Lancashire' by Edward Baines (in 1836), updated by his son Thomas Baines (in 1876 and 1888), wrote:

1. Edward Baines

“Coeval with the churches, a number of castles were also erected, or re-erected; and it is conjectured, that not fewer than twelve considerable ones arose at the south of the Ribble, Wall-ey, Wal-ton, Cliild-wall, and Win-wick, Black-stone, Seph-ton, Stan-dish, and Pcn-wortham,† Wig-an, Roch-dale, Middle-ton, and Berry. These were, probably, the seats of twelve Saxon chiefs, before the institution of parishes; and, therefore, the seats of as many parochial churches.‡ Edwin survived his conversion only six year's, having fallen in a sanguinary battle, fought with Penda. the Mercian, and Cadwallan, tlie Cambrian, at Hethfield, where his whole army was

put to the sword.

The ancient kingdom of Northumberland revived, on the death of Edwin, in the person of Oswald, his successor; of which king it is said, that though his power extended to three kingdoms, " he was lowly to all, gracious to the poor, and bountiful to strangers." Under the force of his arms, Cadwallan fell, and the flower of his army perished. The victories of Oswald served but to inflame the resentment of the pagan Penda, king of Mercia, who fought against him, and slew him at Mirfield, in the West Riding of Yorkshire, according to the Saxon Chronicles, or, according to the venerable Bede, at Winwick, in the county of Lancaster.*

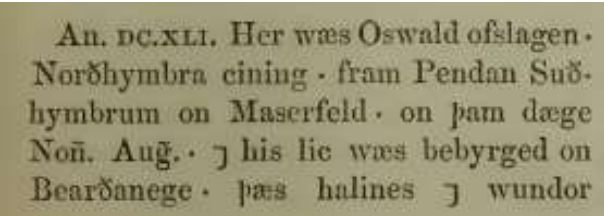
† *Domesday Book, fo. 270.* ‡ *Bede, lib. ii. cap. 9. s. * Sax. Chron. A. D. 642.*”

Note: The reference to “Mirfield” is from the translation of the Saxon Chronicles. Edward Baines wrote his history in 1836, this looks to be a reference to the 'The Anglo-Saxon Chronicle' translated by Reverend James Ingram (London, 1823). Where Rev. Ingram wrote “Mirfield”:

A.D. 642. This year Oswald, king of the Northumbrians, was slain by Penda, king of the Southumbrians, at Mirfield, on the fifth day of August; and his body was buried at Bardney. His holiness and miracles were afterwards displayed on manifold occasions throughout this island; and his hands remain still uncorrupted at Barnburgh. The same year in which Oswald was slain, Oswy his brother succeeded to the government of the Northumbrians, and reigned two less than thirty years.

Several Historians are not sure why Ingram translated the Saxon Chronicle original terminology 'Maserfeld' as 'Mirfield', without showing the proof behind: Mirfield, Yorkshire to be once called 'Maserfeld'.

The published analysis of the known Original Saxon Chronicles by Benjamin Thorpe published in 1861 showing the original Saxon text clearly states Maserfeld:



An. DC.XLI. Her wæs Oswald ofslagen ·
Norðhymbra cining · fram Pendan Suð-
hymbrum on Maserfeld · on þam dæge
Noñ. Auḡ. · ⁊ his lic wæs bebyrged on
Bearðanege · þæs halines ⁊ wundor

“Unfortunately the terrible Penda, the destroyer of Edwin, still survived, and proved himself to be the evil genius of the second, as well as of the first Christian king of Northumbria. In the year 642 Oswald was killed in a great battle, with the pagan king and nation of the Mercians, at Maserfield or Makerfield, near Winwick and Warrington, on the frontiers of the kingdoms of Northumbria and Mercia. Makerfield is the ancient Saxon name of the district, through which the great Roman road that intersected both Mercia and Northumbria passed, on its entrance into the latter kingdom; and as it is the only place which bears that name, there is every reason to believe, both from the name and the position, that it is the place where Oswald fell, uttering the exclamation, " The

Lord have mercy on the souls of my poor soldiers!" who were dying to save him."

Thomas Baines revision 1876 to his fathers earlier work corrects the Ingram 1823 translation 'Mirfield', with the Thorpe original and translation 'Maserfeld' to be Maserfield or Makerfield. Together in Thomas Baines research, he explains the location for Makerfield:

"as it is the only place which bears that name"

This strongly indicates that the only place in England that fits the Bede and Saxon Chronicles "Maserfeld" to be the place near Winwick and Warrington, on the frontiers of the Kingdoms of Northumbria and Mercia, and not at "Mirfield".

2.5.5 It is said the battle in 642AD took place in the Kingdom of Mercia, where King Oswald being the invader fought King Penda at a place called Maserfeld in Mercia. This place said to be near to or at Oswestry, Shropshire. The origin dates back to the 12th Century with the works of :

- Symeon of Durham 1120 "SYMEONIS MONACHI OPERA OMNIA. HISTORIA ECCLESIAE DUNHELMENSIS";
- Reginald of Durham died c. 1190, wrote a short work on Saint Oswald, a martyred King of Northumbria, https://en.wikipedia.org/wiki/Reginald_of_Durham

These 12th Century claims then started numerous Antiquarians to place Maserfeld to be either at Oswestry or Winwick. One of these early dual claims is from

- Henry of Huntingdon, A Chronicle of, translated and edited by Thomas Forester 1853:
[a.d. 642.] About the same time Oswald⁵, after a reign of nine years, including the year which has been before referred to⁶, was slain by Penda the Strong, in a great battle at Mesafeld, on the 5th of August, in the thirty-eighth year of his age. Whence it is said, " The plain of Mesafeld⁷

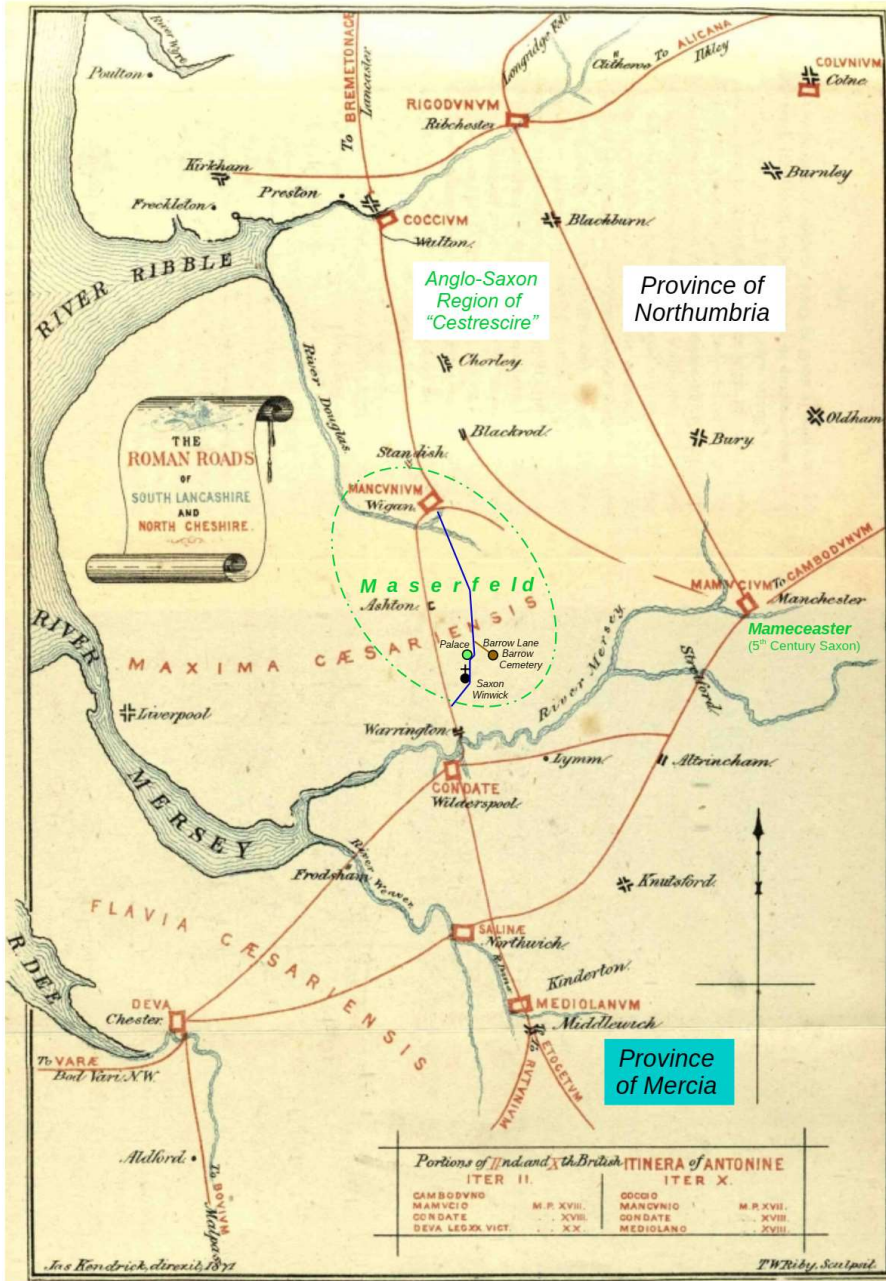
⁵ Bede, book iii. c. 9.

⁶ See before, p. 96, for the reason this year was erased from the calendar of the Christian kings, as Bede expresses it.

⁷ Antiquarians differ about the site of Mesafeld, or Maserfield, as Bede names it; Camden placing it at Oswestry, in Shropshire; and others at Winwick, in Lancashire.

2.5.6 Prior to the 12th Century Antiquarians, only one place held the name to be "Maserfeld", as being the Anglo-Saxon Area of "Maserfeld", in Anglo-Saxon Region of "Cestrescire", in the Province of "Northumbria", also known as the "Fee of Maserfield", at the time of the Norman Conquest 1066:

Anglo-Saxon England Post Roman circa A.D. 634



2.5.7 From the 12th Century the discussion on the claim: Oswestry or Winwick as been debated, one way or the other but due to factual events the Oswestry claim fails to prove any consistency, other than being 12th Century propaganda.

Even the Oswestry Tourist board are not sure as to whether Oswestry can claim to be just folklore and a myth as being the place Maserfeld:

The Oswestry Tourism (www.visitoswestry.co.uk; Followus @OswestryTourism) publication:

'What to see, do & where to stay 2020 VISIT OSWESTRY Where Shropshire meets Wales'
This publication describe the activities in and around Oswestry for the year 2020.

On page 6 details as follows:

“Begin at the Beginning - Old Oswestry. This 3000-year-old hill fort is considered to be one of the finest in the country and legend even has it that Queen Guinevere was born here.

Get to know King Oswald - the town is said to be named after this king and saint. Visit the Church of St. Oswald and timbered old school building in the churchyard and you will be in one of oldest parts of the town. Walk a little further and you will come to Oswald's well. The folklore and myth say that when Oswald died at the battle of Maserfield a large raven scooped up his severed arm and where it dropped was the point that the first water of Oswald's Well sprung.

Historic - they say that Queen Guinevere was born at Old Oswestry Hill Fort. Did she play there and watch the dawn from the ramparts?”

Comment

The story of Queen Guinevere (and King Arthur), where Guinevere is to hail from Old Oswestry is not a reality but purely a non-fictional story written in the 12th Century.

To promote a myth as a historical fact places concern and doubt.

Regards to King Oswald, the battle of Maserfeld and his martyrdom being at Oswestry, the following publications place doubt on the twelfth century claims to Oswestry:

1. Heavenfield Exploring Early Medieval Britain & Ireland.

Article: St Oswald's English Raven by Michelle Ziegler

<http://hefenfelth.wordpress.com/2010/01/28/st-oswalds-english-raven/>

With Oswestry claim regarding a Raven that took Oswald's Arm from the stake and dropped the arm where the arm fell on the ground spring emerged and an Ash tree, even though:

“In the only historical account of Oswald's death in Bede's Ecclesiastical History of the English People, Oswald is slain in battle at a place called Maserfelth. After his death, King Penda of Mercia had his head and arm(s) removed and impaled on a stake. The rest of his body was buried nearby. The head and arms remained on the stake until they were recovered by Oswald's brother Oswiu the following year and his remainder of his body was recovered by his niece Mercian Queen Osthryth at least twenty years later and enshrined at Bardney. The head was buried at Lindisfarne and eventually was collected into St Cuthbert's coffin when Lindisfarne was abandoned due to frequent Viking raids. The arm was kept in a silver shrine in the chapel in Bamburgh castle for as long as a king ruled from Bamburgh. It was removed in twelfth century by Judith wife of Earl Tostig. This is the historical account and there are no ravens mentioned....”

“The English Raven Legend

The English stories focus on the site of his [King Oswald] death at Oswestry in Shropshire. The primary source is Regnald of Durham's Life of Oswald from 1165. Unfortunately this life has never been translated because it is considered poor

literature/hagiography.”

2. The Heroic Age A Journal of Early Medieval Northwestern Europe Issue 9 (Oct 2006)
Article: Locating Maserfelth by Tim Clarkson
<http://www.heroicage.org/issues/9/clarkson.html>

The article places doubt that Oswestry to be place where the battle and where King Oswald was slain by concluding:

“Nevertheless, the many uncertainties surrounding Oswestry's claim should deter historians from seeking to solve a problem of seventh-century history by using a convenient solution rooted in twelfth-century ecclesiastical propaganda.”

3. “On the Locality of Mackerfield. The Battle there between Oswald and Penda, A.D. 642”, read at the meeting of the Manchester Literary and Philosophical Society by Mr. Thos. Littler of Pendleton on 17 February 1872. Reproduced in Local Gleanings relating to Lancashire and Cheshire. edited by J.P. Earwaker. 1876.
<http://archive.org/details/localgleaningsr00unkngoog>

Related Index Listing: Mackerfield, Locality of, Battle there in 642: under Local Gleanings Article Entries 198, 210, 226, 320 and 324

The conclusion to these entries at the end of article 324 , concedes that the claims of Oswestry have not been advanced in any degree, that the battle of Maserfeld was not fought at Oswestry. Whereas, the arguments in favour of Winwick are strong, as follows:

It will, I am afraid, have to be conceded that the claims of Oswestry have not been advanced in any degree by your correspondent's elaborate defence, and that until some better arguments can be brought forward your careful editorial remark in introducing Mr. Littler's first paper, appears to be the only judgment that can with safety be formed, viz., “ that whether the neighbourhood of Winwick be the actual scene of this celebrated battle or not, it certainly was not fought at Oswestry, the place now commonly associated with it. The arguments in favour of Winwick are strong, and until some other new claimant arises we think all Lancashire historians may rest content with this (Mr. Littler's) vindication of their claim to possess the site of one of the early historic battles of England.”
F.R.S.

For King Oswald to march South in to Mercia goes against the Bede's manuscript 'Historica Ecclesiastica' (MS.HE) Book III Chapter IX:

The Bede writes in Latin 'pro patria dimicans', translation "fighting for his fatherland (or country)". This indicates defending/protecting his Kingdom not attacking another Kingdom.

The Bede in MS.HE does not state in regard to King Oswald, either a raven, or that his arm was carried away by a large bird, raven or eagle.

The Bede does not state that a water spring sprung up where this mythical bird dropped the severed arm.

The Bede states regarding where King Oswald was slain:

"... 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, thereby did much good 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.... Many miracles are said to have been wrought in that place, or with the earth carried from thence..."

If the Oswestry claim is where the battle of Maserfelth or Maserfeld took place then where is the place, 'hole' where the earth carried from thence at Oswestry [The other main claim at Winwick still has St Oswald's Well that has been protected by St Augustine Hermit Friars to King Henry VIII's Reformation, and today, St Oswald Well at Hermitage Green is still identical to the Bede's words].

If the raven myth is to be believed then Oswestry has to also follow the Bede, so therefore, Oswestry MUST have two Well's. Where is the Well or 'hole' at the battle of Maserfeld site as described by the Bede? - Nowhere to be seen or described, even from the works of the 12th Century authors who claim Oswestry.

2.5.7 Regards the Winwick claim over and above Oswestry:

1. The Visitation of Lancashire AND A PART OF CHESHIRE, MADE IN THE TWENTY-FOURTH YEAR OF THE REIGN OF KING HENRY THE EIGHTH, A-D. 1533, BY SPECIAL COMMISSION OF THOMAS BENALT, Clarendieux. EDITED BY WILLIAM LANGTON. 1876 Part I, pages 13 -18 <https://archive.org/details/visitationoflanc198manc>

Page 15

"THE BARONY OF NEWTON, otherwise called the Fee of Makerfield,⁵ was before the Conquest and for some time afterwards a distinct Hundred in that part of "Cestrescire" lying between the Ribble and the Mersey. Subsequently it merged, with the contiguous Hundred of Warrington, into that of West Derby, and became a portion of the county of Lancaster. Its extent was five hides, whereof in the time of King Edward the Confessor one was in demesne. One carucate of land formed the endowment of the Church of the Manor (Wigan), giving to the Rectors the manorial rights of that town. The Church of St. Oswald had two carucates, Winwick-with-Hulme, in which Manors the Rectors of Winwick hold their own Court-leet, not owing suit and service at the Newton Court. The other land was held by fifteen drengthes for as many Manors, being berewicks of this Manor; but when Domesday Survey was taken there only remained of these six, who were no doubt the Saxon

ancestors of families afterwards holding mesne Manors under the Barony.

⁵ *The district is supposed to have derived this name from having been the field of battle between Penda King of Mercia and Oswald King of Northumbria, in which the latter was slain. The dedication of Winwick Church to St. Oswald tends to confirm this belief. Moreover a holy well, to which healing properties are attributed, is said by popular tradition to mark the spot where the sainted monarch fell."*

2. The Visitation of Lancashire AND A PART OF CHESHIRE, MADE IN THE TWENTY-FOURTH YEAR OF THE REIGN OF KING HENRY THE EIGHTH, A-D. 1533, BY SPECIAL COMMISSION OF THOMAS BENALT, Clarencieux. EDITED BY WILLIAM LANGTON. 1882 Part II pages 106-107, 125-126

Page 126

"The reconquest of North Wales by Owen Grwynedh took place in the time of Henry II. (circa 1167), when Robert Banastre's castle of Prestatyn was overthrown, and he withdrew all his people and settled them in Lancashire, where he held great estates, being Lord of the Makerfield fee, as well as of Walton-le-Dale, with its dependent manors..... The exact date of the grant of the barony of Newton (otherwise the Makerfeld fee) is not known. It has been attributed to Roger of Poictou, but on no direct evidence that we have discovered."

3. The Coucher Book of the Chartulary of Waltham Abbey edited by W.A. Hulston 1847 page 113 to 116 due to the Barony of Maserfeld having no direct male of the Banastre family on the death of the Lord Newton, Thurstan: the lands of Maserfeld reverted to King John 1205. Thurstan's brother Robert Banastre in 1213 paid 500 marks to the King for an inquisition to confirm whether he was the rightful heir to the lands of Makerfield should descend to him. The lands of Makerfield reverted back to the Banastre's.

4. The Chartulary of Cockersands of THE PREMONSTRATENSIAN ORDER. PRINTED FROM THE ORIGINAL IN THE POSSESSION OF SIR THOMAS BROOKE, TRANSCRIBED AND EDITED BY WILLIAM FARRER. VOL. II. PART II. 1900 pages 642-681 Makerfield

Page 643

"this charter Robert Banastre, the younger, confirmed the various grants of land made to Cockersand Abbey by tenants of his Barony of Makerfield."

Page 659 Latin:

"SCIANT, etc., quod ego Robertus Banestre, Dominus de Makerfield, dedi et concessi Abbati de Cokersand, ac humili conventui ibidem Deo et beatae Marise servienti, totam terram illam cum omnibus pertinenciis suis, quam Rogerus de Winstanleie Escambiavit cum Henrico filio Radulphi de Bulling, in villa de Winstanlegh, et quod tota terra illa cum omnibus pertinenciis suis sit elemosina imperpetuum." Translation "Release by Robert Banastre, lord of Makerfield, to the abbot and canons of Cockersand, of the land which Roger de Winstanley exchanged with Henry, son of Ralph de Bilinge, in the town of Winstanley, around which marks and crosses have been placed, so that the said land may be free alms for ever."

5. EARLY YORKSHIRE CHARTERS BEING A COLLECTION OF DOCUMENTS ANTERIOR TO THE THIRTEENTH CENTURY MADE FROM THE PUBLIC RECORDS, MONASTIC CHARTULARIES, ROGER DODSWORTH'S MANUSCRIPTS AND OTHER AVAILABLE SOURCES EDITED BY WILLIAM FARRER, 1916 Vol III of VI Page 118 onwards LASCY FEE: NOSTELL PRIORY

Page 129

Charter 1428. Confirmation by Henry I to the canons of St. Oswald of the church of St. Oswald at Nostell and the gifts made by Robert de Lascy, Hugh de Laval, their vassals, and others; also grant of the same liberties and customs as those which the church of St. Peter, York, enjoyed. 1121-1127.

Page 132 The Latin text Charter 1428 detail:

“De Stephano comite Moritonii et de Rogero de Limisi capellano ejus ecclesiam Sancti Oswaldi de Macrefeld;³”

³ *Winwick, in Makerfield, co. Lane.*

[Note - Oswestry is not under the 'De Lascy Fee' or 'Honor of Lancashire'. So "Sancti Oswaldi de Macrefeld" is Winwick, Lancs location]

6. The Saxon Cross arm fragment located in the Gerard Chapel within St Oswald's Church, Winwick. The Cross fragment has a tableau depicting the Mercian army cutting an upturned Oswald held by his feet, in the process of his arms and head being severed from the torso.

7. The Bronze Age Barrow Cemetery (circa 200BC to 700AD), one mile from St Oswald's Well, Winwick, the place where King Oswald was slain in the battle of Maserfeld 05 August 642AD. The Barrow Cemetery has been surveyed and recorded by several Archaeologists from 1859 through to 2013.

The recorded surveys are:

- i. THE JOURNAL OF THE BRITISH ARCHAEOLOGICAL ASSOCIATION ESTABLISHED 1843, ENCOURAGEMENT AND PROSECUTION OF RESEARCHES INTO THE ARTS AND MONUMENTS OF THE EARLY AND MIDDLE AGES. Volume XVI (1860) on the article presented on 8 February 1860 by Dr. J. Kendrick and Mr. Syer Cuming, on the inspection of remains taken from a barrow at Winwick, about three miles from "Warrington. (Volume XVI article references volume XV (1859 pp 231-236; volume XV (1858 article references volume XIV pp 268-269.)
- ii. TRANSACTIONS HISTORIC SOCIETY LANCASHIRE AND CHESHIRE. VOLUME XII. SESSION 1859-60, article on the Tumuli at Winwick. By John Robson, M.D read 8 March 1860, Tumuli surveyed November 1859
- iii. JOURNAL OF THE CHESTER ARCHAEOLOGICAL SOCIETY V O L U M E 70 F O R 1 9 8 7 - 8 8
EXCAVATIONS AT WIN WICK, CHESHIRE, IN 1980
1. EXCAVATION OF TWO SECOND MILLENIUM B.C. MOUNDS by D. J. Freke and R, Holgate
2. THE INHUMATION CEMETERY AT SOUTHWORTH HALL FARM, WINWICK by D. J. Freke and A. T. Thacker

One indication of an early origin is the fact that a plausible British context can be provided for the initial phases of the cemetery. It has been assumed that south Lancashire as a whole passed under Anglo-Saxon control in the time of the Northumbrian kings, partly because of King Aethelfrith's victory over the British at the battle of Chester c.616 (Wainwright, 1975, 6-7, 117), and partly because of the statement in the Life of the Northumbrian bishop, Wilfrid (d. 709), that early in his career he had been granted territory around Ribble and Yeadon (*iuxta Rippel et Ingaedyne*: Colgrave, 1927, 36/7, 164). Northumbrian dominance, however, is likely to have been at most episodic. Place-name dialect evidence suggest a strong west midland element among the Anglo-Saxon settlers in south Lancashire, and it seems increasingly likely that English control was consolidated relatively late (Ekwall, 1922, 227-33). That is particularly probable in the case of the hundred of Newton, the region anciently known as Makerfield. There British names survive in some quantity, not only in the name Makerfield itself, but also within the parishes of Winwick (for example, Culcheth, Haydock, Kenyon, and Brynn) and Wigan (Ince, Pemberton, and Wigan itself). All this would suggest an enclave which remained British in speech, and perhaps in possession, until comparatively late (Ekwall, 1922, 93-126, 225). Within this enclave Winwick may well have been a significant place: it is sited near, if not on, the Roman road which runs from Wilderspool north to Wigan (Margary, 1973, 367-8), and was thus connected with the Cheshire wiches from a very early date. Like them it may have been a settlement of great antiquity.

Winwick, then, may have been a significant place in an area which long remained a British-speaking enclave and which had perhaps some special status within a territory focused ecclesiastically on Walton on the Hill and administratively on Derby. Its parochial importance, however, probably dates from late Saxon times, an indication that it was only then fully incorporated into an Anglo-Saxon administrative structure. Though such evidence as it yields looks middle or even late Saxon, the Winwick cemetery could well have spanned the whole Dark Age period. Viewed thus it provides crucial evidence of pre-Conquest activity in an area singularly lacking in British and Anglo-Saxon remains.

The survey report acknowledges the area as being *Makerfield (Maserfeld)*:

"That is particularly probable in the case of the hundred of Newton, the region anciently known as Makerfield."

- iv. A request for a printed copy of the Winwick Dig Report from Liverpool University 1985, titled:
 - a) "Excavations by Liverpool University Rescue Archaeology Unit at Winwick 1980 by D.J. Freke". This report describes details of the 'dig' survey with captions including 'Part of the Christian cemetery'.
 - b) The Winwick Dig survey Summary by Bill Thomas 1985. This summaries the burials highlighting the plausible dates. Concludes with:

A gap of 2000 years exists between the Bronze Age cremations and the Saxon graves, circa 700 A.D. At this period Holy men living like hermits were scattered about Europe and it is fairly certain that such a man was at Winwick to give a Christian burial to travellers going North and South or East and West through Warrington.

- v. Article on the 1980 Southworth Burial Ground by D. J. Freke, edited by Steven Dowd publish 22 May 2012 contains survey pictures held in Warrington museum This article is published at <https://www.newton-le-willows.com/?p=872>

- vi. Extension to Southworth Quarry, Winwick 1992. Desk-based assessment was undertaken on an area of proposed mineral extraction.

<https://archaeologydataservice.ac.uk/archsearch/record.xhtml>

Parish: WINWICK

Grid Reference: SJ6230094200

Map Reference: [EPSG:27700] 362300, 394200

Period/Subject: ROMAN - FARMSTEAD, UNCERTAIN - ENCLOSURE

Intervention Type: DESK BASED ASSESSMENT

Identifiers:

[ADS] Depositor Id: 1313354

[ADS] Associated Id: AIP Record Number: B.13.0018

[ADS] Import RCN: EHNMR-1313354

People Involved:

[Publisher] Historic England

[Creator] Liverpool Museum Field Archaeology Section

Bibliographic References:

Cowell R W/1992/Extension to Southworth Quarry, Winwick: Draft Report on the Archaeological Assessment. Liverpool Museum Field Archaeology Section [assessment & evaluation report].

Cite record using this URL:

<https://archaeologydataservice.ac.uk/archsearch/record?titleid=1871606>

Philpott, R A, Simmons, P & Cowell, RW 1993 *An archaeological evaluation at Southworth Hall Farm, Croft, Cheshire.* Liverpool: National Museums and Galleries on Merseyside Field Archaeology Section. (Client report)

Though a desk-based assessment shows the Barrow Cemetery at Winwick was/is an important piece of history worth ensuring any artefact or information is correctly recorded.

- vii. Southworth Quarry, Winwick 2013: excavation of a Roman rural settlement

https://www.academia.edu/22431480/Southworth_Quarry_Winwick_2013_excavation_of_a_Roman_rural_settlement

Journal of the Chester Archaeological Society Volume 84 for 2010-2014

III: Southworth Quarry, Winwick, 2013: excavation of a Roman rural settlement 13
Ben Moore with contributions by Louise Hird, Don O'Meara, Tim Padley and Megan Stoakley. Edited by Martin Railton

This survey along with the previous surveys show the Winwick Barrow Cemetery was in use from the Bronze-Age, through Roman to the Anglo-Saxon period where as the surveys show, the cemetery fell from use circa 700AD.

The 1849 to 2013 surveys of the Bronze Age Barrow Cemetery have shown there were hundreds of Saxon burials were discovered, but no bones just shadows in the Sandy Soil. The site indicated there were more burials, but were and have not been surveyed due to the Southworth quarry mineral extraction activity.

The battle of Maserfeld 642AD, the place where King Oswald was slain, Barrow Cemetery being just a mile away and near to the palace was to the north to south route of the ancient Barrow Lane that lead to the Cemetery. The Cemetery would have been the most likely location where King Oswald's torso and his fallen army were buried and later discovery and exhumation several decades later by Osthrihta the niece of King Oswald.

The Codes of Saxon Law 695AD, granted all Church Lands were given a tax free status, probably meant the Barrow Cemetery began to fall out of use in favour of Christian burials at Winwick Church from circa 700AD. The 'church and lands' tax-free status is recorded in the Domesday Book 1086.

8. The Possible First Archaeological Survey of the Bronze-Age Barrow Cemetery, Winwick

It could be said, King Oswald's niece Queen Osthrytha, married to King Ethlred of Mercia was the first Archaeologist of Barrow Cemetery at the Saxon village of Winwick, Maserfeld. Where sometime between 675 to 697AD, having discovered the bones (torso) of the late King Oswald and translating them to Bardney, in the province of Lindsey, the discovery being recorded by the Bede in his manuscript 'Historica Ecclesiastica' 731AD Book III Chapter XI:

CHAP. XI. How a light from Heaven stood all night over his relics, and how those possessed with devils were healed by them. [679-697 A.D.]

AMONG the rest, I think we ought not to pass over in silence the miracles and signs from Heaven that were shown when King Oswald's bones were found, and translated into the church where they are now preserved. This was done by the zealous care of Osthryth, queen of the Mercians,¹ the daughter of his brother Oswy, who reigned after him, as shall be said hereafter.

There is a famous monastery in the province of Lindsey, called Beardaneu,² which that queen and her husband Ethelred greatly loved and venerated, conferring upon it many honours. It was here that she was desirous to lay the revered bones of her uncle. When the wagon in which those bones were carried arrived towards evening at the aforesaid monastery, they that were in it were unwilling to admit them,³ because, though they knew him to be a holy man, yet, as he was a native of another province, and had obtained the sovereignty over them, they retained their ancient aversion to him even after his death. Thus it came to pass that the relics were left in the open air all that night, with only a large tent spread over the wagon which contained them. But it was revealed by a sign from Heaven with how much reverence they ought to be received by all the faithful; for all that night, a pillar of light, reaching from the wagon up to heaven, was visible in almost every part of the province of Lindsey. Hereupon, in the morning, the brethren of that monastery who had refused it the day before, began themselves earnestly to pray that those holy relics, beloved of God, might be laid among them. Accordingly, the bones, being washed, were put into a shrine which they had made for that purpose, and placed

¹ Wife of Ethelred of Mercia (cf. IV, 21), murdered by her own people in 697 (V, 24).

² Bardney, in Lincolnshire. Ethelred became first a monk, afterwards abbot of the monastery.

9. The Victoria History of the Counties of England Edited by William Page, A History of Lancashire

in seven volumes, A Victoria History of the County of Lancaster edited by William Farrer and J. Brownbill. Published 1906. Throughout these seven volumes are references to the early Saxon period, Winwick, Fee of Makerfield, Domesday Book, history of the Barony of Maserfield, the Charters, Newton-in-Makerfield.

10. MAMECESTRE BEING CHAPTERS FROM THE EARLY RECORDED HISTORY OF THE BARONY; THE LORDSHIP OR MANOR; THE VILL, BOROUGH, OR TOWN, OF MANCHESTER. EDITED BY JOHN HARLAND in 3 Volumes published 1861
Volume 3 details:

NEWTON-IN-MACKERFIELD, formerly a borough, now a chapelry, in the parish of Winwick, five miles north of Warrington. Newton-in-Makerfield, 362. See Mackerfield.

MACKERFIELD, an ancient fee incident to the Barony of Newton, in which district are Ashton-in-Mackerfield, Newton-in-Mackerfield (or en-le-Willows), Culcheth, Golborne, Haydock, Winwick, &c. Maserfelde, in *Anglo-Saxon Chron.* and Bede A.D. 642. Makerfelde, 230, 362. From *Mag-er* (*Gael*), and *feld* (*A*), a great cultivated plain. — (*Rev. Edmund Sibson.*)

“The language from which a part or the whole of the name is believed to be derived is indicated by initial letters in parenthesis, as (A) Anglo-Saxon

Very few words are found that belong exclusively to the elder or Gaelic (Gael) branch of the Celtic stock, and probably even these were common to both divisions of this class of languages at the time of the Saxon invasion.”

Another confirmation the origin of Maserfeld being north of the River Mersey close to Mamecestre.

11. Local Gleanings relating to Lancashire and Cheshire. edited by J.P. Earwaker. Volume 1 1875 – 1876 Related Index Listing: Sale of the Barony of Newton: 686

In 1594 Thomas Langton Lord Newton had to sell the Barony, the sale agreement shows the barony was sold to the Fleetwoods for a sum of one thousand pounds. The agreement states

other the appurtenances belonging thereto. Together also with all and Singular other the Mannors Messes Lands and Tenements Rents Reversions and Hereditaments of the said Thomas Langton Rowland Lacye and Anthony Elcock or any of them in Newton Lawton Leigh Penington Makerfield Eccles also Egress field - (1) Golbourne Kenyon croft Southworth Middleton Arbury Houghton fernhead Poulton Woulston Holme Wenewicke Haydock Ashton Pemberton Orrell Billinge Winstanley Ince Hindley Abraham within the fee of Mackerfield or in the parishes of Warrington - (2) Winwick and Wigan within the said county of Lancaster (except the Advowson of the Rectory of Wigan)

- (2) - Abraham within the fee of Mackerfield or in the parish of Warrington Winwick and Wigan in the said county of Lancr. and of all other the premes with the appurtes (except before excepted) by the names of the mannors
- (1) - of Newton Wigan Mackerfield Lawton Egrefield als Eccles Golborne Kenyon Croft and Pennington with

of Lancaster and also of two hundred Messuages one hundred Tofts three Mills four Dovehouses two hundred gardens two hundred orchards two thousand acres of land one thousand acres of meadow two thousand acres of pasture five hundred acres of wood

two thousand acres of Heath two thousand acres of Moor five hundred acres of Marsh and threescore pounds of Rent with the appurtenances in Newton Lawton Mackerfield Eccles als Egrefield Goldborne Kenyon Croft Southworth Middleton Arberye Houghton fernhead Poulton Woulston Holmes Heydock Ashton Pemberton Orrell Billinge Winstanley Ince Hindley Warrington Winwick and Wigan or by any other name or names whatsoever as by counsell learned shall be devised. - (1)

The Area of Mackerfield (Maserfeld) is recorded as part of the Sale of the Barony of said lands, from Langton to Fleetwood on 15th July 1549, as shown:

- (1) - Mackerfield looks to be a Manor in its own right
 (2) - Fee of Mackerfield

Also shows the sale lands are within Fee of Makerfield or in the parish of Warrington Winwick and Wigan

Also shows the Barony is of a large area in the Fee of Makerfield.

Looking at the land described being 2000 acres of land, 1000 acres meadow, 2000 acres of pasture, 500 acres of wood, 2000 acres of heath, 2000 acres of moor, 500 acres of marsh, the description even in 1594 explains the Anglo-Saxon name 'Maserfeld' by the Bede in 731 AD and the derivation of the name Maser-feld to be from Mag-er (Gael), and feld (A), a great cultivated plain. (Rev. Edmund Sibson.) [Mamecestre by Harland, Volume 3]

12. William Beamont First Mayor of Warrington wrote several Historical Books and presented numerous talk to the Historic Society of Lancashire and Chester, about Warrington and the surrounding area. In particular, Beamont wrote the History of Winwick, and the Fee of Makerfield Parts 1 and 2.

12.1 The History of Winwick

Beamont details King Oswald and Winwick Church origins including charters stating Macrefeld being that at Winwick:

Stephen Earl of Moreton, before he became King of England, and Roger de Limesi, his chaplain, granted *eccl'iam de Macrefeld* (the church of Makerfield, which was undoubtedly that at Winwick) to the canons of Nostel.† In making this grant, however, Stephen and his chaplain were probably doing no more than confirming Roger of Poictou's original gift. But notwithstanding the repeated allusion to his grant, and notwithstanding that the names of all the rectors of Winwick since 1192 have come down to us, we have been unable to find any express mention of a connection of the living either with the canons of Nostel or any other religious house before the year 1284. This

Beamont details the place where King Oswald had his palace near Woodhead, Winwick:

The story of Oswald, king and martyr, near whose palace at Woodhead, in Winwick, where tradition asserts that he fell fighting to save his country, it would be unjust to pass over without some notice. A French historian, quoted by Sir Gilbert Scott, speaks thus eloquently of St. Oswald:—
“Gentle and strong, serious and sincere, pious and intelligent, humble and bold, active and gracious, a soldier and a missionary, a king and a martyr, slain in the flower of his age, on the field of battle fighting for his country, and praying for his subjects. Where shall we find in all history a hero more nearly approaching the ideal, more richly gifted, more worthy of eternal remembrance?”

Also, the place St Oswald's Well, on the origin of the modern place name Hermitage Green:

On the very edge of Winwick, and just outside the boundary, there is a place called Hermitage (or more popularly Armishaw) Green, which, no doubt, obtained its designation from some hermit who in former times had made it his station, where, in return for a *pater noster*, he might obtain alms from the many pilgrims who came to pay their orisons at St. Oswald's well. The brethren of the house of Hermit Friars, of the order of St. Augustine at Warrington, had a station at Appleton, to catch travellers who came from the south, and it was probably these same hermit friars who stationed one of their body on the borders of Winwick, to collect the alms of the faithful ;

As to the time when the hermit or hermit friar first came to the place near Winwick, where his name still lingers, we shall not be wrong if we place it about the middle of the thirteenth century, when the hermit friars

As Nostell Priory was granted the Charter by Rodger de Poitou soon after the Conquest 1066, no written evidence is known, later confirmed by Stephen again by Charter as Winwick being the church located in Macrefeld - '*eccl'iam de Macrefeld*', (*ecclesiam Sancti Oswaldi de Macrefeld*' see the Early Yorkshire Charters)

12.2 Fee of Makerfield

William Beamont read two papers to the Historic Society of Lancashire and Chester

- THE FEE OF MAKERFIELD; WITH AN ACCOUNT OF SOME OF ITS LORDS, THE BARONS OF NEWTON. By William Beamont, Esq. (READ FEBRUARY 22nd, 1872.)
- THE FEE OF MAKERFIELD. PART II. By William Beamont, Esq. (READ 20TH MARCH, 1873.)

These two papers written and read by Beamont in detail with so many pointers to show the area in and around Winwick being in Maserfeld that dates back to Anglo-Saxon times and to the battle in 642AD where King Oswald was slain. This history through the centuries gives the area of Maserfeld a continuing evolution to the present day. The original name 'Maserfeld' and land from the time of the Bede 731AD has only slightly altered, apart from a spelling change through dialect to the present day 'Makerfield'.

In Part 2 describes the barony was yet again sold, though still confirming the barony consisted of the ancient Anglo-Saxon name and land of the 'Fee of Makerfield':

“On 31st October, 1660, Sir Thomas Fleetwood and Richard Fleetwood, esquire, his son and heir apparent, sold the manor, borough, and barony of Newton and the Fee of Makerfield, and the capital messuage or manor house of Newton-in-Makerfield, with all the messuages, lands, and hereditaments there, which are described at great length, to Richard Legh, esquire, his heirs and assigns, in consideration of the sum of £3,500; and the barony then passed out of the Fleetwood family and name.”

13. AELFRIC'S LIVES OF SAINTS EDITED FROM MANUSCRIPT JULIUS E. VII IN THE COTTONIAN COLLECTION, WITH VARIOUS READINGS FROM OTHER MANUSCRIPTS, BY THE REV. WALTER W. SKEAT, 1900. Vol. II.—Chapters XXIII B- XXXVII.

<http://www.archive.org/details/aelfriclivesof02aelf>

Rev Skeat has laid out the original text and along side the English translation from the book written in 995-997AD by Aelfric, Archbishop of Canterbury, in his book Aelfric wrote about St Oswald, the poignant extracts are:

Page 134 contains Aelfric's Text, his key words are:

"Hit gewearð swa be pam poet him wann on penda myrcena cyning. pe aet his maeges slege aer"; "Hi comon pa to gefeohte to maserfelda begen."

Page 135 has the translation:

"... It happened because Penda, king of the Mercians, made war upon him, he who formerly had assisted Cadwalla at the slaying of his kinsman king Edwin; and this Penda knew nothing of Christ, and all the Mercian people were unbaptised as yet. They came both to battle at Maserfield, and engaged together until the Christians fell..."

Note: Archbishop Aelfric wrote in 995-997AD:

*"Penda, king of the Mercians, made war upon him"
(Hit gewearð swa be pam poet him wann on penda myrcena cyning. pe aet his maeges slege aer)*

This confirms Archbishop Aelfric, who knowing England, through his ecclesiastical contacts, knew Maserfelda only existed in Northumbria; and as Aelfric states, it was Penda who invaded Oswald (*made war upon him*), can only be Maserfeld to be in Northumbria and thus confirms the Bede, 'pro patria dimicans', translation "fighting for his fatherland (country)". With Maserfeld being known (see 2.5.7 sub 1., of this section), in the time of Aelfric, to be north of the River Mersey in the region of Cestrescire, Aelfric knew the correct place name to be Maserfelda to be that in Cestrescire, for if there were two or three places with the same name, then Aelfric would have clarified the place Maserfelda with the province it is situated, to avoid confusion.

This assumption holds true for the Saxon Chronicle place name Maserfeld as well.

14. Winwick Church Tax Free status Domesday Book 1086

The origin of these allotted tax free lands to the church dates back to the time, the various Saxon Kings within England converted from Pagan practices to Christianity. This is shown in the "Chronicle of Britain and Ireland", published 1992 Editor Henrietta Heald, page 120 relates:

“Church is Exempted from taxation by legal code:

Kent, 06 September 695.

King Wihtrud of Kent has followed the lead of King Ine of the West Saxons and issued a written code of laws, imposing a legal framework on social practices.

The move follows an assembly of nobles and church leaders at Bearstead, including Archbishop Bertwald of Canterbury and Bishop Gefmund of Rochester, to agree the proposals. A major aim of both Wihtrud and Ine's codes is to support the church, whose exemption from taxation is now formalized in writing. There are also cash penalties for such offences as unlawful marriage, eating meat during fasts, failing to observe Sunday and sacrificing to devils.

However, Ine has gone further and established fixed penalties for many varieties of secular offences, from fighting and stealing to illegal felling of trees. Foreigners are not forgotten; any who stray off the beaten track without shouting or blowing a horn risk being put to death by thieves.

The new codes reflect the hierarchy of Anglo-Saxon life: a king's or bishop's word is enough to establish innocence....”

This is code, from the year 695, looks to have spread over the whole of England in the intervening years, as the Saxon kingdoms, agreed, merged or swore oaths, eventually being ruled by one Saxon King of England.

St Oswald's Church, Winwick is shown in the Domesday Book to have two carucates lands tax free.

15. Dr. Kuerden's manuscript 1695 in the possession of Chetham Library, Manchester, from the publication “Local Gleanings relating to Lancashire and Cheshire”, ed. by J.P. Earwaker 1876 <http://archive.org/details/localgleaningsr00unkngoog>

“Local Gleanings” edited by J.P. Earwaker contains a transcript of Dr. Kuerden's manuscript regarding the Post Road from Winwick to Wigan article 375 as follows:

ORIGINAL DOCUMENTS.

**[375.] A LANCASHIRE ITINERARY BY DR. KUERDEN,
c. 1695.**

Amongst some very interesting M.S. Lancashire collections, compiled about the middle of the last century, to which we have recently had access, is preserved a transcript of a description of some of the old post roads

in Lancashire as they existed towards the end of the 17th century. These descriptions were drawn up by Dr. Kuerden, who, as is well known, was at this time very actively engaged on a complete history of Lancashire which, however, was never finished. This itinerary is, as far as we know, unique and is on that account the more valuable. It also gives a very interesting account

I. THE POST ROAD FROM WARINGTON TO WIGAN.

on the right. A mile farther stands a fair built Church call'd Winquic Church a remarkable fabric dedicated to St. Wilfred [Oswald] a Christian Prince and King of Northumbria slain by Penda King of Mercia in Makerfeld when the sd. Penda invaded the Northumbrian Territories; in memory of which battle this Church was dedicated to St. Oswald. Leaving the Church on the right about a quarter of a mile westwards stands a princely building equal to the revenue call'd the Parsonage of Winquic. And near the Church on the right hand stands a fair built School House. By the east end of the Church is another road, but less used, to the Burrough of Wigan. Having

The extract from Dr. Kuerden's Part I mentions Makerfeld this is further evidence towards Winwick being the place of battle and where King Oswald was slain. Dr. Kuerden's manuscript written in the 17th Century is yet another proof and confirmation, Winwick being in the Makerfeld area is the place of the battle, where King Oswald was slain.

2.5.8 Evidence does not show the place of Maserfeld to be at either Mirfield or Oswestry.

2.5.9 The evidence seriously points to the place of the battle and where King Oswald was slain being at a place near the Saxon chiefdom of Winwick in the area of Maserfeld, in the region of Cestrescire, in the province of Northumbria; The place Maserfeld, (other name spellings include over the centuries: Maserfelth, Maserfelda, Mesafeld, Maserfield Macrefield, Makerfield, Mackerfield), being consistently being known as the same name at the same place north of the River Mersey being near to Winwick, from at least 642AD through to the present day.

2.5.10 Therefore, the Battlefield, the Battle of Maserfeld needs to be acknowledged as a Non-designated Heritage Asset and/or Local Asset; where under the NPPF paragraph 203, where footnote 68 applies: as 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. That is the NPPF paragraphs 199, 200 and 201 would apply.

2.5.11 Conclusion the Policy OS6 must include the following addition:

- The non-designated heritage asset battlefield battle of Maserfeld, needs to be assessed under the NPPF paragraphs 199 to 203 and footnote 68, with the application of the judgments **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34, **[Barnwell Manor]** [2014] EWCA Civ 137, paragraph 28 (in conjunction with 26 to 29), and **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25, in assessing NPPF paragraph 200b) terminology 'wholly exceptional' and the qualification to harm to the setting or possible place where the battle could have been a part.
- A full archaeological survey to be carried out under the full guidance of the 'The Battlefields Trust', and following the Trust's guidelines on assessing battlefield archaeology.

2.5.12 The Non-designated Local Asset: Battlefield Battle of Maserfeld must be added to the Local Plan to the '*Appendix 5 Heritage Assets*', the list of heritage assets at the location: Hermitage Green and Parish: Winwick.

2.5.13 The addition to the Heritage Asset policy of the Local Plan must include:

- The designated and/or non-designated heritage asset battlefield needs to be assessed under the NPPF paragraphs 199 to 203 and footnote 68, along with the application of the judgments **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34, **[Barnwell Manor]** [2014] EWCA Civ 137, paragraph 28 (in conjunction with 26 to 29) and **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25, in assessing NPPF paragraph 200b), in assessing NPPF paragraph 200b) terminology 'wholly exceptional' and the qualification to harm to the setting or possible place where the battle could have been a part.
- A full archaeological survey to be carried out under the full guidance of the 'The Battlefields Trust', and following the Trust's guidelines on assessing battlefield archaeology.

The Proposed Local Plan Appendix 5 Heritage Assets addition
 To the list of Non-designated/Locally listed heritage assets the battle of Maserfeld 05 August 642AD as follows:

Non-designated Locally Listed Heritage Assets	Location	District
Battle of Maserfeld 5 August 1648	Hermitage Green, linked to St Oswald's Well (Scheduled Monument, Grade II Listed Building and Holy Well); St Oswald's Church of Winwick (Grade I Listed Building); Saxon Cross Arm located inside Winwick Church; and The Bronze Age, Roman, Anglo-Saxon 'Barrow Cemetery' including the Tumuli (2000BC to 700AD)	Winwick

Addition to Appendix 5 Heritage Assets

Judgements

When assessing an impact of a development on a heritage assets, the decision-taker must follow the judgments, in order for the correct the balancing exercise to be applied:

- **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25
- **[Barnwell Manor]**[2014] EWCA Civ 137, paragraphs 27 to 29
- **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34

2.5.14 The Battle of Maserfeld

2.5.14.1 The above documentation to show the Battle of Maserfeld 05 August 642AD took place at Winwick. A description of the battle has be shown in the sequence of slides or pictures. See Appendix 1 - Battle of Maserfeld 642 slides battle sequence. The sequence of slides follow the Bede's HE words to show each moment in time. One thing that MUST be realised is the A49 road did not exist. The only road or track that would have existed would be the Roman Road that passed along level ground near Alder Root Farm. Warrington had an ancient Roman Road crossing over the River Mersey at Latchford (now covered by Victoria Park). As the River Mersey was the boundary between Mercia and Northumbria then Northumbrian Warrington would need to defend the ford at Latchford, King Oswald had his palace a safe distance from the border This has been shown to be probably and most likely at Woodhead. This means there would be a Saxon track from Warrington to Winwick and King Oswald's Palace, now the A573 Golborne Road passing on or directly next to the proposed OS6 land, as the land would have been open land no fences or hedges as at 642AD.

When King Penda decided to make war on King Oswald, Penda must have had spies to inform him where Oswald was. Finding Oswald was at his palace, Winwick only a short distance from Mercia south of the River Mersey. Penda decided the time was right, being August weather favourable, formed his Army, maybe 500 to 1000 in strength, and march to Warrington to cross the River Mersey at the ancient Roman ford, Then on to Winwick following the Saxon track leaving Winwick village the land open Penda ordered his Army to spread out in troops as they approached the palace from the south. Where Penda Mercians were deployed on the opposing hill to the Palace at the modern day Hermitage Green. Penda's Army ready and waiting for Oswald to appear.

At some time later, Oswald deployed what army he had at his palace, more than likely his bodyguard of a 200 to 300 in total. Then at some moment a charge was initiated. Many hand to hand sword and spear clashes The Northumbrians protecting their King with honour. To the moment the Mercians were able to isolate Oswald, the archers were able to find their target and Oswald

Chest was the target. Oswald realising his end was closed prayed for his army's souls to be saved. As he prayed he fell to the ground, as his blood soaked into the earth. Those Northumbrians that were close trying to defend their king, but the Mercians over-powered them, many or all were killed. King Penda had won the day and Northumbria was now Mercian. Penda marched to 'the now' his palace and celebrated giving thanks to the pagan gods, in doing so, Penda order that Oswald body be brought to him, and ordered for the palisade stakes to be set up on the high ground next to the palace near the Saxon track. Once Oswald's body was before Penda He order the head hands and arm be severed off the Oswald's body and set on the stakes. This would be a warning to all Northumbrians that I King Penda is now their King as their King is dead.

Penda discovering there was a Bronze Age burial ground (Cemetery), then order for that torso of Oswald be removed along with those killed in battle and buried in pits in sight of the Bronze Age mounds. It is said what was done with all those who displeased Pagan law or the King.

With the news, that King Oswald was dead, the brother of Oswald, Oswy became King, where he arranged to reclaim his late brother, the following year 643AD marched to Winwick in Maserfeld, discovering his brother was mutilated, in reverence lowered the stakes and removed Oswald's Head, Arms and Hands placed them in a casket and placed the casket and the stakes on a cart and returned to his royal city Bebborough. Where Oswy handed the monastery at Lindisfarne the head of Oswald, and the arms and hands were kept in the royal city.

Shortly after, Oswald's Head, Arms, hands and the stakes were removed from the place of battle, miracles occurred at the place and ground where King Oswald fell that cure cattle and the sick. So much so, the earth was carried away to heal the sick, leaving a hole as deep as a man is tall. This is the current state of St Oswald's Well, and can be said to be the perfect piece of archaeological evidence to prove this is where King Oswald was slain in battle at Maserfeld (Winwick). No wonder the St Augustine Hermit Friars prayed at this place of reverence.

A few decades later, after King Oswy repaid the wrong done to his brother Oswald in battle killed King Penda in 655AD, The result being King Oswy ruled Mercia and his two daughters married the Late Penda's two sons Peada and Ethelred. Oswy place Peada on the throne of Mercia, but after a few years Peada died 675AD. And Ethelred and his queen Osthritha ruled Mercia. Sometime after 675AD Queen Osthritha found her uncle Oswald's bones buried at Barrow Cemetery.

From 1849 to 2013 the Bronze Age Barrow Cemetery has been the subject of several archaeological surveys, where hundreds of Saxon burials were discovered, but no bones just shadows in the Sandy Soil. The site was indicated that there were more burials but were never surveyed. The Cemetery was found in 1980 to have existed as follows:

A gap of 2000 years exists between the Bronze Age cremations and the Saxon graves, circa 700 A.D. At this period Holy men living like hermits were scattered about Europe and it is fairly certain that such a man was at Winwick to give a Christian burial to travellers going North and South or East and West through Warrington.

The Archaeological survey fits in with King Oswald's Torso being buried at Barrow Cemetery on August 642 and discovered by his niece Queen Osthritha some time after 675AD and before the year Osthritha was killed in 697AD.

One fact that occurred is in 695 a change to the Saxon Codes of Law:

Sometime after 700AD, Winwick Church would have been classified as being tax free. This could have been the reason for a New Town to be the administrative centre near by being created called Newe-tun, as the Saxon village of Winwick being the property of Winwick church, could no longer be an administrative centre for Maserfeld. Hence the creation of Newetun- in-Maserfeld (Newton-in-Makerfield), Neweton Wapentake (Danelaw) or Neweton Hundred (Anglo-Saxon), and the Anglo-Saxon Fee of Makerfield. As recorded from at least the Domesday Book as Neweton Hundred and the following centuries throughout to today, as being named Maserfeld (Makerfield).

2.6 Designated Heritage Asset

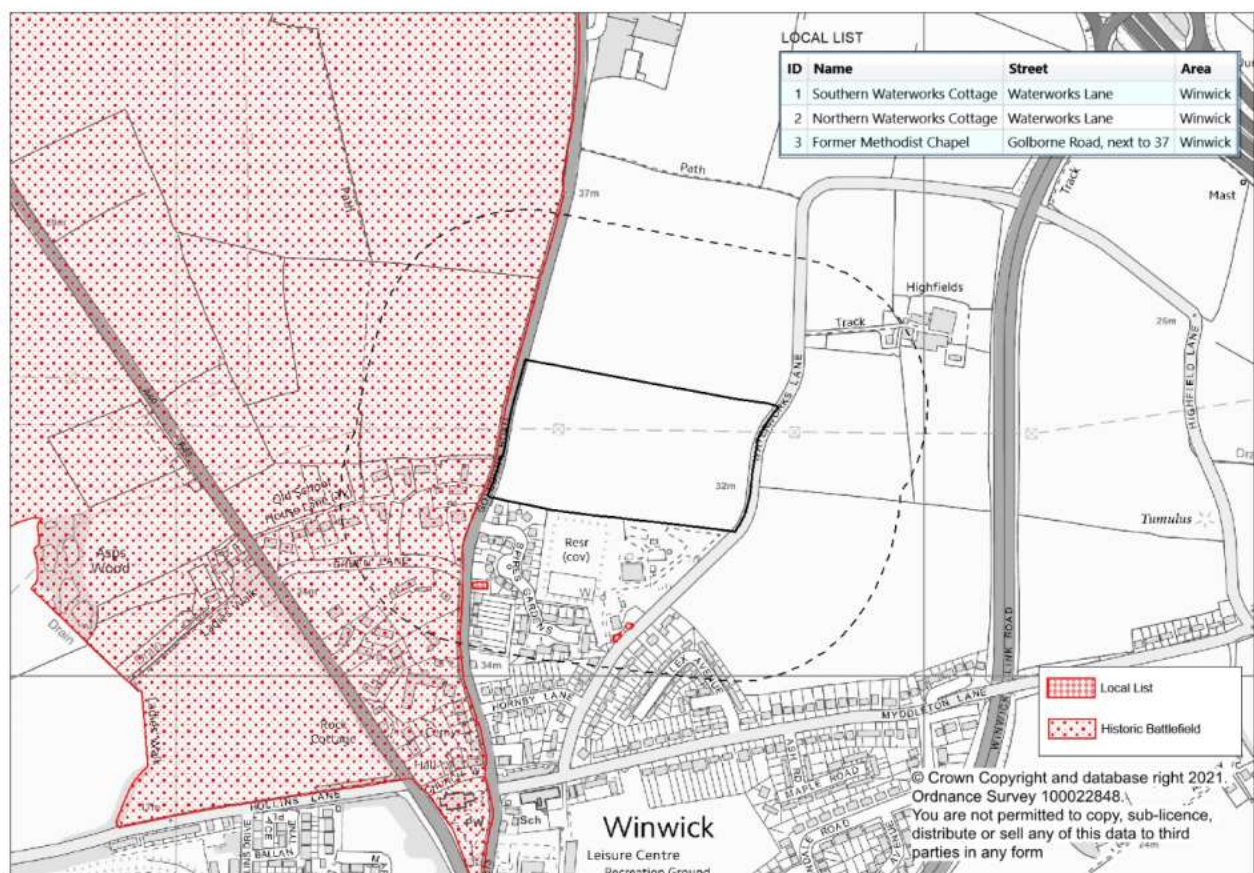
2.6.1 The registered heritage asset that is affected by the development in Policy OS6 is the registered battlefield battle of Winwick Pass 05 August 1648. This battle has been described in the proposed plan supporting documentation:

Heritage Impact Assessment for the Outlying Settlements - August 2021

Reading through this document regarding the registered battlefield reads as if this has been written for the NPPF chapter decision-taking due to the detailed assessment, that would be: Does the applicant have to submit a heritage asset assessment? The council has made assumptions which are incorrect and not in line with the NPPF 2021.

2.6.2 The assessment analyses the setting of the development, which the NPPF chapter 16 does not acknowledge, as it is based on a development either within the heritage asset, or within the setting of the heritage asset. Not if the setting of the development setting is within the heritage asset. To which the council has called a 200m buffer zone???

Map 5: Winwick



2.6.3 The setting of a heritage asset registered battlefield is not a precise known area. The setting could be as far as Preston as the first battle was fought there, or from Annan Scotland when the Scots invaded England, or to Warrington Bridge where the Scot infantry capitulate, or the Uttoxeter where the Duke of Hamilton and Scots Cavalry capitulated. The registration is a best fit to the actual battle to simplify the registration process.

The registered battlefield, as the Impact Assessment has stated, is a registration area created by Historic England that uses known land marks as the boundary, even though they know the battle could be larger than the area designated. This means the setting of a registered battlefield can or could be at least 500m to 1000m beyond the designated registered area as shown in brown of the Historic England map reference '1412878 _1', for the battlefield battle of Winwick Pass. The map or part of the map, showing the registration brown area has been shown in the council's Impact Assessment Appendix 1 map 5 Winwick.

2.6.3 As the Impact Assessment having used the setting of the development in policy OS6 instead of the actual setting of the heritage asset registered battlefield. The council have interpreted the NPPF incorrectly, the consequence is the proposed Local Plan is also incorrect

Therefore, **the Heritage Impact Assessment for the Outlying Settlements - August 2021** document as it stands can not be relied on as a council reference to the council proposed Local Plan.

I have included as part of this Local People's response an edited version showing various comments, the document is called:

Appendix 2 - Heritage Impact Assessment for the Outlying Settlements - August 2021 edited Oct 2021

2.6.4 I have not re-written the impact assessment document, as the Local People do not support Policy OS6 due to the health risks to the possible home-owners from the electricity overhead cables and pylons route across the area see paragraph 2.4.

2.6.5 The Heritage Impact Assessment should have followed or have been along the lines of the Shropshire Council's publication (see Appendix 3 - 'shrewsbury-battlefield-heritage-assessment'):

***“Shrewsbury Battlefield Heritage Assessment (Setting) October 2018
Report reference edp4686_r002a***

Section 1

Introduction

1.1 This report has been prepared by The Environmental Dimension Partnership Ltd (EDP), on behalf of Shropshire Council, and presents the results of a heritage setting assessment of Shrewsbury Battlefield (NHLE Ref. 1000033) (hereafter referred to as the 'Site' or 'Registered Battlefield'), a heritage asset of the highest significance designated on the Register of Historic Battlefields.

1.2 EDP is an independent environmental planning consultancy with offices in Cirencester, Shrewsbury and Cardiff. The practice provides advice to private and public-sector clients throughout the UK in the fields of landscape, ecology, archaeology, cultural heritage, arboriculture, rights of way and masterplanning. Details of the practice can be obtained

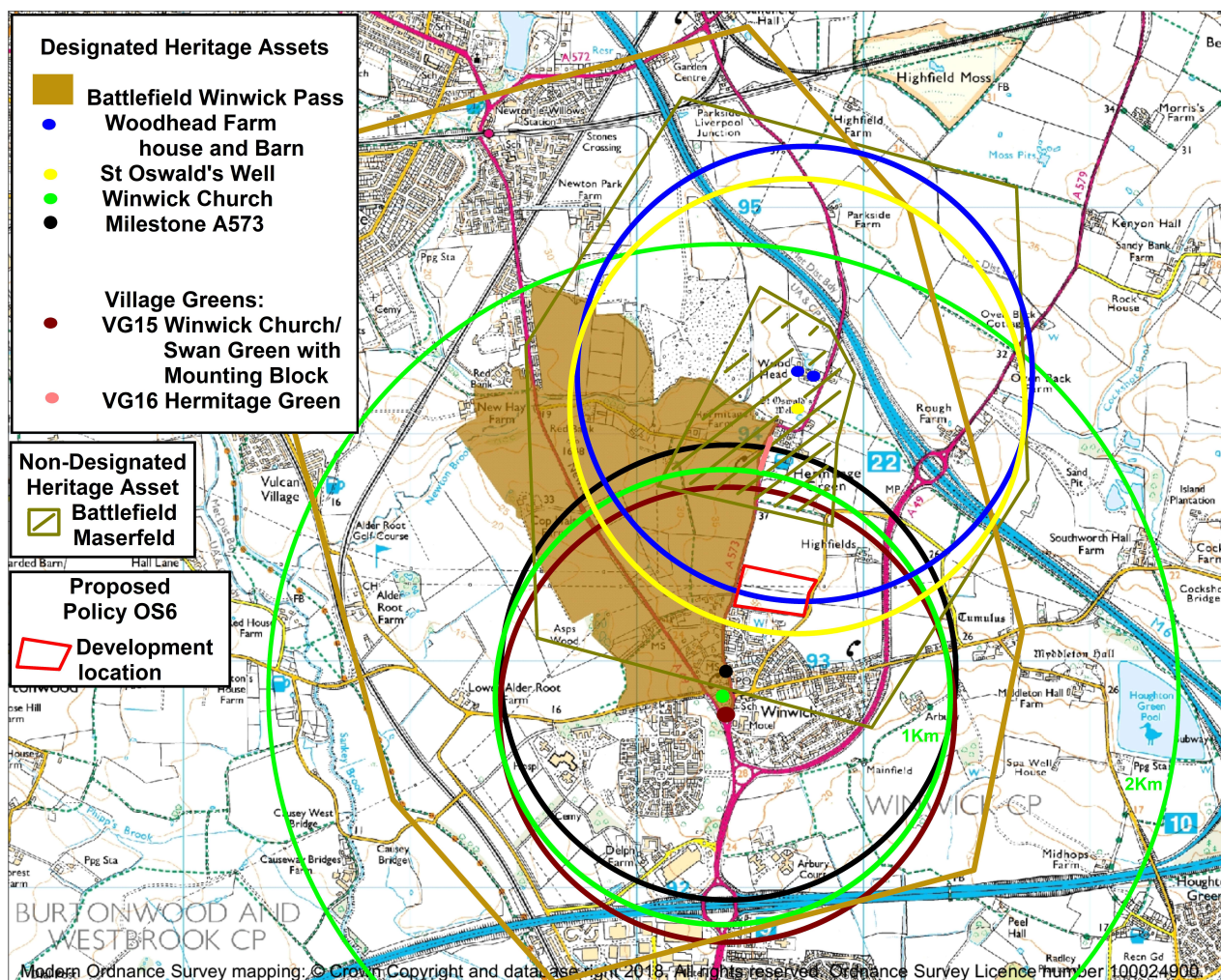
from the website www.edp-uk.co.uk.

1.3 It is intended that this document will inform Shropshire Council's Local Plan Review. This Study will act as a reference (evidence base) document for the Local Plan Review and for the implementation of the Plan to be drawn upon, with regard to future development scenarios that could potentially affect the heritage significance of Registered Battlefield as a result of changes within its setting."

The Shropshire Heritage Assessment was prepared for the Local Plan which shows how the setting of a heritage asset is correctly applied to the landscape and any proposed developments. The report has been included to assist the inspector and Warrington Council to **re-write** the Proposed Local Plan and the Policy OS6 reference document:

Heritage Impact Assessment for the Outlying Settlements - August 2021

From reading the Shropshire Council Battlefield Heritage Assessment (Setting) to use as a guideline, a Heritage Asset Designated and Non-Designated Settings with respect to the Proposed policy OS6 map has been created using the 1Km setting area. See Appendix 4 - 'Battlefield Asset map 1 KmWinwick Church 2Km setting WBC Local Plan 2021'.



Designated and Non-designated Heritage Assets showing the Asset Settings at 1 Km distance
Due to the Prominence of Winwick Church the setting is shown at 1 Km and 2 Km distances

2.6.6 The battle of Winwick Pass in the area of Policy OS6 was open farming fields with hedge boundaries owned by the incumbent The Very Reverend Charles Herle of St Oswald's Church, Winwick with tenanted farmers working the land. It is known from Major John Sanderson's letter to his father written at Warrington 20 August 1648 currently in the possession of Worcester College, wrote:

my Troop and Captain Lilburnes vvere placed outmost; on the left Wing next to us vvas Collonell Twizletons Regiment, two of their Troops, and our two, carreered up to Winwicke Towne, got before the Scots, and stopt them, so that many hundreds of them were slaine there.

2.6.7 The land indicated in policy OS6, most likely had a group of Parliament Horse to oversee the fleeing Scots and deal with them accordingly through the heat of the battle. This would mean: artefacts, musket shot fired or not, and any dropped items from the Scots (due to fleeing, or in the moment of fight), to be buried/located in the land indicated in policy OS6.

2.6.8 In 2017 A planning application was submitted to Historic England to register the non-designated battle of Winwick Pass 5th August 1648 as a designated registered battlefield. Historic England submitted the application to a public consultation. Where I submitted several documents in favour of registration. One document submitted to Historic England is relevant to the council's proposed Local Plan and Policy OS6. This document I submit with regards to Policy OS6 as follows: see Appendix 5 (in three parts)

3. HE Ref 1412178 Winwick Pass Archaeological Potential R Ward

In this document show from the website www.newton-le-willows.com Topic: Battle of Winwick Pass/Red Bank (89 separate posts as at 04 May 2013).

The information from contribution from members to the website indicate there are finds already found. I assume the recording of these finds have followed the advice on the Battlefields Trust website.

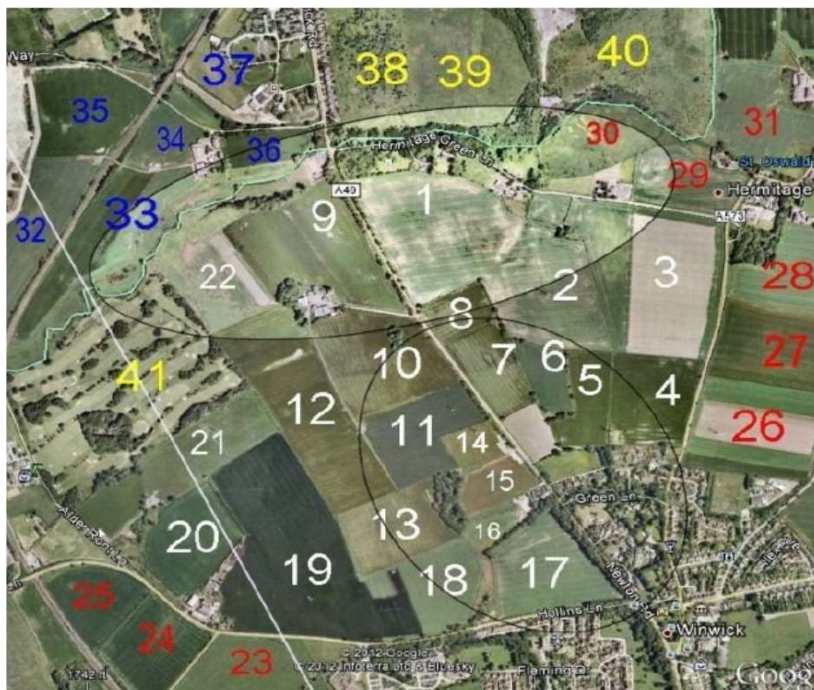
On Page 3: <http://newton-le-willows.com/history/viewtopic.php?f=1&t=901&start=30> on the website shows location map of the area with plausible identifier areas of action where finds have been located.

A post contributor included a map with the individual fields where finds were located.

Studying the map the location for policy OS6 is labelled as '26'. This shows that proposed Policy OS6 is within the field of battle.

This gives very plausible cause and reasoning as explained in 2.6.7 above for the possible Policy OS6 in a development comes forward must have a full archaeological survey must be carried out under the full guidance of the 'The Battlefields Trust', and following the Trust's guidelines on assessing battlefield archaeology.

The following map shows the find field number 26 where possible artefacts dropped or impacted in the ground during the heat of battle in 1648, (maybe, Saxon finds from the heat of battle in 642AD, as well):



The newton-le-willows.com website forum on 17/11/2012
<http://newton-le-willows.com/history/viewtopic.php?f=1&t=901&start=45>
Post title on Battle of Winwick Pass/Red Bank, where the discussion on finds was discussed with reference to the above numbered fields regards to finds:

Re: Battle of Winwick Pass/Red Bank

by [Steven Dowd](#) » Thu Aug 30, 2012 10:44 am

Bob, Since the Horse from Cromwells force attacked from the Hermitage Green end of the battlefield having bypassed the deep valley, it might be that they went direct to Winwick by the old road route, and made their stand by the spot where you said that Russ has mad a few musketball finds, Russ could have been finding musketballs that missed these troops and landed behind them in that field, if those Horse troops had taken that old road to Winwick.

Steven Dowd

Re: Battle of Winwick Pass/Red Bank

by [bob](#) » Thu Aug 30, 2012 2:42 pm

Hi Steve, i noticed you mentioned musket ball finds, in fact he has found Scottish coins dating to Charles 1.

that would be in field 4 on the map.

Bob

[bob](#)

Forum Moderator

The field 4 on the map is directly opposite the field 26 the Policy OS6 proposal. This confirms an archaeological survey is most definitely required with finds being found in the field directly opposite the proposed land. A battle is not bound by a road in the heat of battle, a battle extends during the course of battle to wherever the opponents clash. Which means the battle could very easily encapsulated the open fields to the east of Hermitage Lane This could have easily included the modern designated Field 26, which is the proposed Policy OS6. The impact on the significance of a heritage asset listed in the NPPF 200b) as being of considerable importance and weight caused by the proposed Policy OS6, the significance test being wholly exceptional. Only an archaeological survey of Policy OS6 proposal can indicate the level of harm as being either 'substantial harm', or 'less than substantial harm'. But whatever the level of harm to the setting, the balancing test to the setting still has a considerable weight, as per the NPPF 2021 paragraph 199, and the judgment **[Barnwell Manor]** paragraph 28 “...considerable weight to be given by decision-makers to the desirability of preserving the setting...” and paragraph 29 “decision-makers should give “considerable importance and weight” to the desirability of preserving the setting when carrying out the balancing exercise.”, and the judgment **[Bedford]** paragraphs 12 to 25

2.6.9 Conclusion

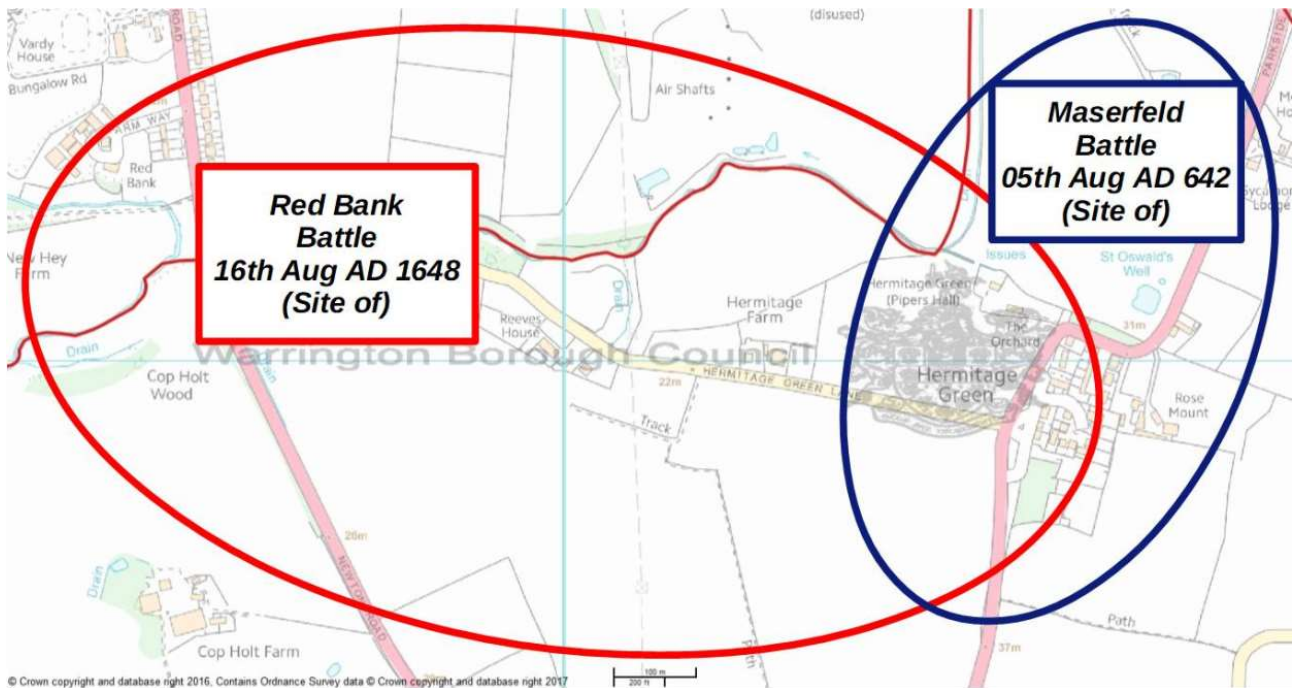
First before Policy OS6 can be placed before the inspectorate as stated above the reference document 'Heritage Impact Assessment for the Outlying Settlements' must be totally re-written. This means the current Proposed Local Plan October 2021 must be also re-written where the Heritage Impact Assessment for the Outlying Settlements is referenced incorrectly.

the Policy OS6 must include the following addition:

- The designated and/or non-designated heritage asset battlefield needs to be assessed under the NPPF paragraphs 199 to 203 and footnote 68, along with the application of the judgments **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34, **[Barnwell Manor]** [2014] EWCA Civ 137, paragraph 28 (in conjunction with 26 to 29), and **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25, in assessing NPPF paragraph 200b) terminology 'wholly exceptional' and the qualification to harm to the setting or possible place where the battle could have been a part.
- A full archaeological survey to be carried out under the full guidance of the 'The Battlefields Trust', and following the Trust's guidelines on assessing battlefield archaeology.

Note: the and/or has been included due to the Battle of Maserfeld 642AD and the Battle of Winwick Pass 1648, took place, though a thousand years apart, both battlefield topographies overlap. Any development, therefore, can be located in both battlefield areas either within the battlefield area or within the setting of the battlefield, or a mixture of both.

The following map gives an approximate indication to the overlap of the two battles, but does not show the extent of the area to which these two battles occurred on the respective dates in history.



2.7 Legal

A point of note [These must be included in the Local Plan as a requirement for the decision-taker and developer(s) to follow ie in the Appendix 5 listed heritage assets add judgments [Barnwell Manor] and [James Hall] and also insert them in the Policy for heritage and/or in Policy OS2]

2.7.1 There are two judgments that on the fact of reading do not apply to a designated heritage asset registered battlefield. But due to the judges judgment and the consequence of the wording of the NPPF Chapter 16 apply and can only apply to the other heritage assets in the same group. The judge has clarified the legal interpretation that crosses over to the NPPF. The two judgments are:

1. **[Bedford]** [2013] EWHC 2847 (Admin), between: BEDFORD BOROUGH COUNCIL (Claimant) verse SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (First Defendant) and NUON UK LTD (Second Defendant), 26 July 2013.
2. **[Barnwell Manor]** [2014] EWCA Civ 137. Between: Barnwell Manor Wind Energy Limited - and - East Northamptonshire District Council, English Heritage, National Trust and The Secretary of State for Communities and Local Government;
3. **[James Hall]** [2019] EWHC 2899 (Admin). Between: The Queen on the application of James Hall and Company Limited - and - City of Bradford Metropolitan District Council

2.7.2 **[Bedford]** [2013] EWHC 2847 (Admin)

The judgment **[Bedford]** [2013] EWHC 2847 (Admin), between: BEDFORD BOROUGH COUNCIL (Claimant) verse SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (First Defendant) and NUON UK LTD (Second Defendant), 26 July 2013.

The **[Bedford]** judgment came before the judgment **[Barnwell Manor]** High Court judgment which

was an appeal on **[East Northamptonshire]** [2013] EWHC 473 (Admin), between East Northamptonshire District Council & Others v Secretary of State for Communities and Local Government & Another, 11 March 2013. which upheld the **[East Northamptonshire]** decision

Though the [Bedford] judgment used as part of the decision the **[East Northamptonshire]** judgment. Incidentally the original inspectorate inquiries involved the same inspector in both cases.

The **[Bedford]** judgment used the antecedent "PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide" ("the Practice Guide"), the defunct PPS5, and the new National Planning Policy Framework (NPPF) 27 March 2012, in particular paragraphs 131 to 134,(The NPPF revision 2021 uses the former NPPF 2012 paragraphs, though worded slightly differently emphasis has been further clarified in the latest revision NPPF 2021 in paragraphs 197 to 202).

The **[Bedford]** judgment in analysing the particular case, the judge in his decision laid down several general observations from the PPS5 and the NPPF 2012, that still apply to the current NPPF 2021.

The **[Bedford]** judgment considers heritage asset's physical, non-physical, significance and harm. The relevant paragraphs of importance are: 12, 13, 14, 15, 17, 18, 19, 20, 21, 22 and 25.

11. *"....Not merely does the terminology "something approaching demolition or destruction" suggest an overly formidable hurdle, it creates a false equiparation between physical harm on the one hand and non-physical or indirect harm on the other...."*

12. *"....Paragraphs 99 to 95 are concerned with varying degrees of physical harm."*

Not sure why the judge wrote 99 to 95 is this a typographic error and should read as 91 to 95

13. *"....The NPPF is important because it went slightly further than the antecedent PPS5."*

14. *"I start with the relevant part of the glossary at page 94 of the bundle. "Setting of a heritage asset" means:*

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Then "significance (for heritage policy)" means:

"The value of a heritage asset to this and future generations because of its heritage interest. That interest may archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

15. *"Surroundings are not limited to the curtilage of the asset. The "setting" is of course distinct from the physical structure of the asset itself...."*

17. *"Two principal points arise here. First, it is clear that the test for the grant of planning*

consent varies according to the quantum of harm to significance. There is a presumption against granting consent if the harm to significance is substantial, or there is a total loss to significance; see paragraph 133. But if the harm is less than substantial, it is simply a question of weighing that harm against the public benefits of the proposal; see paragraph 134. I say that without prejudice to other issues which might arise under different statutes, for example section 66(1) of the 1990 Act.”

18. “Secondly, and perhaps less straightforwardly, I turn to address the third sentence of paragraph 133. I agree with Mr Cosgrove that this is examining the different ways in which significance may be damaged, to use a neutral term not in fact deployed in this paragraph. Significance may be harmed through alteration of the asset, ie physical harm, or development within its setting, ie non-physical or indirect harm. Significance may be lost through destruction of the asset, or, in a very extreme case, development within its setting.”

Here the judge clarifies the two distinct grades for significance physical harm and non-physical harm. Physical harm as being directed mainly to a development within the curtilage of the heritage asset causing alteration or destruction; and non-physical (or indirect) harm as being development within the setting of the heritage asset.

19. “Mr Cosgrove's submission is that paragraph 132 is looking at both types of harm, physical and non-physical, and substantial as well as less than substantial harm. I agree with Mr Cosgrove's analysis of paragraph 132 to that extent.... It is also plain in my judgment that paragraphs 131 to 134 are not purporting to quantify harm or explain what is meant by the adjective "substantial".”

The judge here clarifies the correct interpretation for NPPF 2012 paragraph 132 (NPPF 2021 paragraphs 199 and 200) that Significance covers both physical harm and non-physical harm, and Substantial covers both grades of harm; 'substantial harm', and 'less than substantial harm' That applies to the importance and the weight from the impact of development to heritage assets.

20. “The inspector drew some assistance from the practice guide, and in my judgment he was right to do so. The real question is whether he misunderstood it. The heading before paragraph 91, this is page 126 of the bundle, is "Substantial harm, demolition or destruction". Paragraph 91 provides:

"Where substantial harm to, or total loss of, the asset's significance is proposed a case can be made on the grounds that it is necessary to allow a proposal that offers substantial public benefits. For the loss to be necessary there will be no other reasonable means of delivering similar public benefits, for example through different design or development of an appropriate alternative site."

Then paragraph 92:

"Alternatively a case can be made for such serious harm or loss on the grounds that the designated heritage asset is generally redundant itself and it is preventing all reasonable uses of the site in which it sits ... ”

21. *“It is clear in my view that the epithets "substantial" and "serious" are to be read as synonymous. It could not sensibly have been otherwise. Further, it is also plain in my judgment that paragraphs 91 to 95 are not, pace Mr Cosgrove's submissions, limited to physical harm. Express reference is made to the asset's significance. Paragraph 14 of the practice guide addresses this; see page 105 of the bundle. These interests include "historic, architectural, artistic, traditional or archaeological.”*

22. *“It is not arguable in my view that the practice guide excludes non-physical or indirect harm. But it is against this background that DL42 needs to be understood. I set it out in full, at page 8 of the bundle:*

"As a precursor to the assessment of impacts on the setting of individual heritage assets, it is necessary to address the concept of significance. This is defined in the framework as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Furthermore, it is necessary to assess the calibration of substantial and less than substantial harm. This is dealt with in paragraphs 91 to 95 of the still extant practice guide that accompanied PPS5. There is no specific guidance as to the level at which harm might become substantial but on a fair reading, it is clear that the author(s) must have regarded substantial harm as something approaching demolition or destruction."

25. *“Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building.*

In the context of non-physical or indirect harm, the yardstick was effectively the same.

One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.”

The judge clarifies non-physical or indirect harm (development within the setting of a heritage asset), are the same measures or application to physical harm.

Application of [Bedford] to the NPPF 2021

The proposed development in Policy OS6 impact on heritage assets must first be identified, There is no physical heritage asset within policy OS6 but the proposed development resides within the setting of several designated heritage assets of grades as described in the NPPF 2021 in paragraph 200a) and 200b). The **[Bedford]** judgments in paragraph 14 which gives the definitions, which are the same as in the NPPF 2021 Annex 2 Glossary, for 'Setting of a heritage asset' and 'significance (for heritage policy)'

The significance is primarily qualified in the NPPF 2021 paragraph 189:

“189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶⁶. These assets are an irreplaceable resource, and should 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 generations⁶⁷.”

Heritage assets are shown to be in two forms: 'Sites' and 'Buildings'.

This shows a site is not to be regarded as the same elemental or physical structure built in the past. Sites are physically an area of land that has a historical interest, although 'sites' do vary and can not be all graded the same. Registered Battlefields can not be said to have the same significance as protected wreck sites, both have their own heritage standpoint. Each Heritage Asset 'site' is unique due to the reasoning behind registration.

Heritage Asset 'Buildings' are by the very nature a purpose built structure which through time are or have become unique, and are different to a heritage asset 'site'.

Though the NPPF 2021 paragraph 200 states these 'sites' and 'buildings' are considered on the importance of the heritage asset identical with regard to the varying grades of harm to significance as being a range of assets in either 200a) the weighting to be exceptional or 200b) the weighting to be wholly exceptional, regardless of the grade of harm as being either, substantial harm, or less than substantial harm. As explained in **[Bedford]** paragraph 19, though the judge goes on NPPF 2012 “*paragraphs 131 to 134 are not purporting to qualify harm or what is meant by the adjective “substantial”*”, this obviously cross references to the NPPF 2021 paragraphs 199 to 202.

The important factor in the NPPF 2021 paragraph 189 is '*conserved in a manner appropriate to their significance*'.

The judgment [Bedford] paragraphs 17 and 18, the judge states two principle points:

In paragraph 17 the judge first discusses the NPPF 2012 paragraph 133, which has identical wording to the NPPF 2021 paragraph 201, where he qualifies the wording and confirms these in paragraph 19, as follows:

Using the words for NPPF 2021 paragraph 201	[Bedford] paragraphs 17, 18 and 19	Conclusion
Paragraph 17		
<p>“201. Where a proposed development will lead</p> <ul style="list-style-type: none"> • to substantial harm to (or • total loss of significance of) <p>a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:....”</p>	<p>paragraph 17 the test for the grant of planning consent varies according to the quantum of harm to significance.</p> <ul style="list-style-type: none"> • if the harm to significance is substantial, or • there is a total loss to significance; <p>see paragraph 133. (NPPF 2021 paragraph 201)</p>	<p>The judge clarifies paragraph 201 by stating the harm is directly linked to significance.</p> <p>The judge's qualification is in line with the wording for NPPF 2012 paragraph 134 (NPPF2021 paragraph 2021) This, also, confirms the NPPF 2021 paragraph 199 sentence <i>This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.</i></p> <p>So the first principal point is totally looking at the test on significance</p>
Paragraph 18		
<p>NPPF 2021 paragraph 201 (NPPF 2012 paragraph 133) unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss,</p>	<p>Paragraph 18 <u>addressing the third sentence of paragraph 133</u></p> <p>Significance may be harmed through alteration of the asset, ie physical harm, or development within its setting, ie non-physical or indirect harm. Significance may be lost through destruction of the asset, or, in a very extreme case, development within its setting.</p>	<p>The judge brings in the significance test that is in NPPF 2012 paragraph 132 (NPPF 2021 paragraph 200): <i>'significance of a designated heritage asset (from its alteration or destruction, or from development within its setting)'</i> That is development within its setting. Which on reading paragraph 201 is not clear but the judge has clarified this legally (although what the judge wrote the NPPF actually states this indirectly. The judge has clarified the NPPF text.</p>

Paragraph 19		
	<p>Paragraph 19 Mr Cosgrove's submission is that paragraph 132 is looking at both types of harm, physical and non-physical, and substantial as well as less than substantial harm. I agree with Mr Cosgrove's analysis of paragraph 132 to that extent</p>	<p>The judge has confirmed that the NPPF paragraph 132 (NPPF 2021 paragraph's 199 and 200) is looking at both types of harm. Though reading paragraph 200 the wording looks to only qualify just substantial harm, where the judge has clarified this as being 'substantial harm' and 'less than substantial harm' including 'alteration to the significance, destruction to the significance', or 'from development within its setting to the significance'.</p> <p>This makes the analysis from the impact: from development within the heritage asset, or from development within the setting of the heritage asset, a very precise study of the type of the heritage asset being either a 'site' or 'building'.</p>

The judgment [**Bedford**] paragraphs 17, 18 and 19 show how the 'harm' to both 'significance' and 'substantial' are made bearing in mind, the two judgments [**Barnwell Manor**] paragraphs 26 to 27 and [**James Hall**] paragraph 34.

The application of the judgment [**Bedford**] paragraphs 20, 21 and 22 when considering plan-making or decision-taking of a proposed development on a heritage asset with regards to the harm to both 'significance' and 'substantial', are applied in sequence:

The [**Bedford**] judgment (**bold** text to highlight the important factors)

20. *"The inspector drew some assistance **from the practice guide**, and in my judgment he was right to do so. The real question is whether he misunderstood it. The heading before paragraph 91, this is page 126 of the bundle, is "**Substantial harm, demolition or destruction**". Paragraph 91 provides:*

"Where substantial harm to, or total loss of, the asset's significance is proposed a case can be made on the grounds that it is necessary to allow a proposal that offers substantial public benefits. For the loss to be necessary there will be no other reasonable means of delivering similar public benefits, for example through different design or development of an appropriate alternative site."

Then paragraph 92:

"Alternatively a case can be made for such serious harm or loss on the grounds that the designated heritage asset is generally redundant itself and it is preventing all reasonable uses of the site in which it sits ..."

21. ***“It is clear in my view that the epithets "substantial" and "serious" are to be read as synonymous. It could not sensibly have been otherwise.”***

22. *“It is not arguable in my view that the practice guide excludes non-physical or indirect harm. But it is against this background that DL42 needs to be understood. I set it out in full, at page 8 of the bundle:*

[Bedford] judgment paragraph 22	Analysis
<i>“As a precursor to the assessment of impacts on the setting of individual heritage assets, it is necessary to address the concept of significance. This is defined in the framework as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.</i>	2.7.5 NPPF Table 1 Significance Classes
<i>Furthermore, it is necessary to assess the calibration of substantial and less than substantial harm. This is dealt with in paragraphs 91 to 95 of the still extant practice guide that accompanied PPS5. There is no specific guidance as to the level at which harm might become substantial but on a fair reading, it is clear that the author(s) must have regarded substantial harm as something approaching demolition or destruction.”</i>	2.7.5 NPPF Table 2 Harm Grades

25. ***“Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same.***

Judgment **[Bedford]** paragraph 22 as stated above. Which explains the assessment with regards to NPPF 2021 footnote 67 procedure:

First, the concept of significance:

“As a precursor to the assessment of impacts on the setting of individual heritage assets, it is necessary to address the concept of significance. This is defined in the framework as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.”

In Policy OS6 the proposed development there are 'heritage assets buildings', namely listed buildings of varying grade), and 'heritage assets sites', namely a registered battlefield and a non-designated battlefield. It is to the main designated heritage asset 'sites' battlefield will be considered here. Though the same arguments apply equally to the other assets 'buildings' with the proposed Policy OS6.

Policy OS2 is within the setting of the two Battlefields

The proposed Policy OS2 is within the setting of the two Battlefields: Designated Registered Battlefield battle of Winwick Pass and the non-designated battlefield, battle of Maserfeld; under NPPF paragraph 200b) footnote 68,

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..

Both battlefields follow the NPPF 2021 paragraphs 199 to 202 for designated heritage assets.

Non-designated battlefield, battle of Maserfeld

It is clear that the battle of Maserfeld though a very important historical part of the tradition to the locality of Winwick, the significant can only be rated as very important with regards to the interests of the heritage asset 'sites' include "historic, architectural, artistic, traditional or archaeological." (Note: architectural and artistic listed as a consideration to 'buildings')

The impact from the proposed policy OS6 on the Battle of Maserfeld 642AD is an arbitrary, as not being designated there is not a defined area that can be classified as the asset, the consequence the setting of surrounding the asset is also not defined. Though it is a local heritage asset must be considered in Policy OS6 with the same importance and weight through the impact of a proposed development with regards to the harm to both 'significance' and 'substantial'.

A battle is unique being fought at a particular location, 'site', through a multitude of reasons and the outcome having dramatic consequences, therefore, can only have one level of significance, very important. One can not grade a battle with levels of harm unless one is looking at the consequences of the course of battle itself, musket shot kill or maim, swords slice flesh that kill or injure, or many are captured which in these situations are very greater than substantial. The only harm that can be attributed is the impact from any loss to the battle killing zone wherever that extends too. But as the battle of Maserfeld has not been registered the assessment weight must be great as stated in the judgement [Barnwell Manor] paragraph 28 and 29:

“decision-makers should give "considerable importance and weight" to the desirability of preserving the setting when carrying out the balancing exercise.”

When the NPPF 2021 paragraphs 199 and 200b), the importance of Heritage Asset is regarded as 'substantial harm to', or 'less than substantial harm to' or loss of, should be wholly exceptional⁶⁸, **[Bedford]** paragraph 19. In order to satisfy NPPF paragraph 189 and glossary definition, should 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.

Though the battle of Maserfeld significance is very important the impact of the development (due to no archaeological survey to confirm harm to or any loss of or from within the setting, as the 'site' is not officially registered), on the harm would be 'less than substantial' with **[Barnwell Manor]** judgment paragraph 28 and 29 in mind, as Pan-makers and *“decision-makers should give "considerable importance and weight" to the desirability of preserving the setting when carrying out the balancing exercise”* to be wholly exceptional.

Therefore, the Policy OS6 needs to be amended to include:

- The designated and/or non-designated heritage asset battlefield needs to be assessed under the NPPF paragraphs 199 to 203 and footnote 68, along with the application of the judgments **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34, **[Barnwell Manor]** [2014] EWCA Civ 137, paragraph 28 (in conjunction with 26 to 29) and **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25, in assessing NPPF paragraph 200b terminology 'wholly exceptional' and the qualification to harm to the setting or possible place where the battle(s) could have been a part.
- A full archaeological survey to be carried out under the full guidance of the 'The Battlefields Trust', and following the Trust's guidelines on assessing battlefield archaeology.

The Proposed Local Plan Appendix 5 Heritage Assets addition

To the list of Non-designated/Locally listed heritage assets the battle of Maserfeld 05 August 642AD as follows:

Non-designated Locally Listed Heritage Assets	Location	District
Battle of Maserfeld 5 August 1648	Hermitage Green, linked to St Oswald's Well (Scheduled Monument, Grade II Listed Building and Holy Well); St Oswald's Church of Winwick (Grade I Listed Building); Saxon Cross Arm located inside Winwick Church; and The Bronze Age, Roman, Anglo-Saxon 'Barrow Cemetery' including the Tumuli (2000BC to 700AD)	Winwick

Designated Registered Battlefield battle of Winwick Pass

It is clear that the battle of Winwick Pass though a very important historical part of the tradition to the locality of Winwick, the significant can only be rated as very important with regards to the interests of the heritage asset 'sites' include "historic, architectural, artistic, traditional or archaeological." (Note: architectural and artistic listed as a consideration to 'buildings')

The impact from the proposed policy OS6 on the Battle of Winwick 1648, being a designated heritage asset follows the NPPF 2021 paragraphs 199 to 202 where the significance of the heritage asset 'site' and setting must be considered.

A battle is unique being fought at a particular location, 'site', through a multitude of reasons and the outcome having dramatic consequences, therefore, can only have one level of significance, very important. One can not grade a battle with levels of harm unless one is looking at the consequences of the course of battle itself, musket shot kill or maim, swords slice flesh that kill or injure, or many are captured which in these situations are very greater than substantial. The only harm that can be attributed is the impact from any loss to the battle killing zone wherever that extends too. But as the battle of Winwick Pass has been registered the assessment weight must be great as stated in the judgement [Barnwell Manor] paragraph 28 and 29:

“decision-makers should give "considerable importance and weight" to the desirability of preserving the setting when carrying out the balancing exercise.”

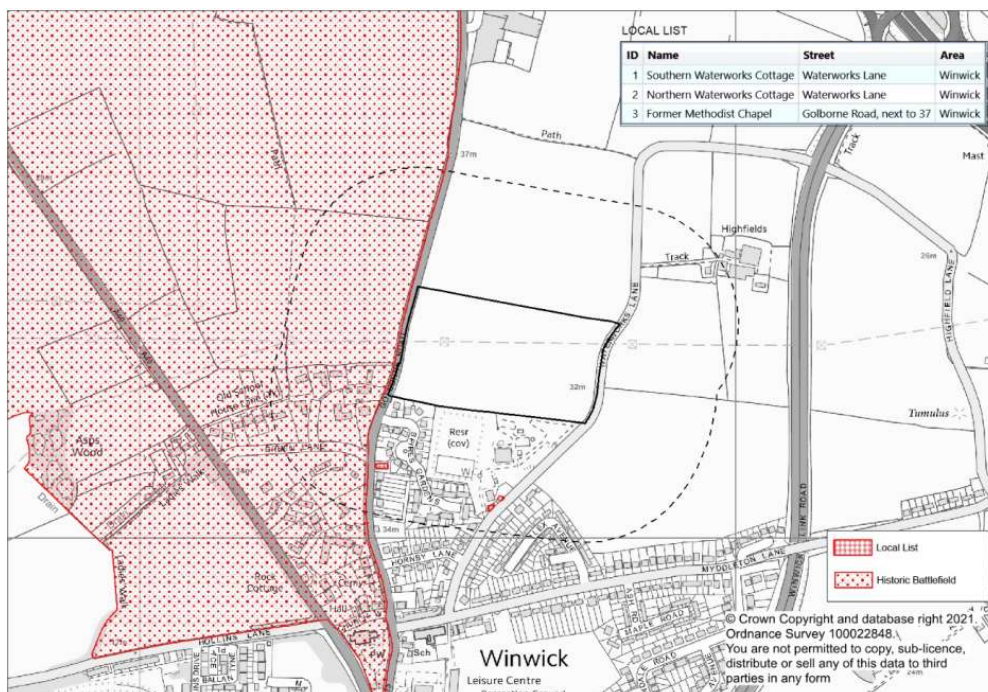
When the NPPF 2021 paragraphs 199 and 200b), the importance of Heritage Asset is regarded as 'substantial harm to', or 'less than substantial harm to' or loss of, should be wholly exceptional⁶⁸, **[Bedford]** paragraph 19. In order to satisfy NPPF paragraph 189 and glossary definition, should be conserved 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.

First, the [Bedford] judgment, that references physical or non physical as stated in paragraph 18,

Significance may be harmed through alteration of the asset, ie physical harm, or development within its setting, ie non-physical or indirect harm. Significance may be lost through destruction of the asset, or, in a very extreme case, development within its setting.

Note only in an extreme case significance may be lost through destruction of an asset can be applied when the development is within the heritage asset's setting, this must apply to certain assets listed in the NPPF 200b). In the extreme case that can be addressed to a particular asset can only be where the asset could possibly extend outside the registration boundary. A listed building has a fixed registration boundary due to the nature of the building. Whereas, where an asset has been given a registration boundary on the basis of using modern known fixed landmarks as a convenient limit of the area. The area directly adjacent to or bordering the designated heritage asset registration area, can be seriously said to be an integral part of the heritage asset and could be classed as *Significance may be lost through destruction of the asset, and development within its setting.*

The NPPF 200b) has one such aspect as described above Historic England, knowing the battle of Winwick Pass extended beyond their given registration boundary on the basis of using modern known fixed landmarks as a convenient limit of the battlefield area. With regard to the Policy OS6 and the Registered battlefield The Heritage Impact Assessment for the Outlying Settlements - August 2021 Appendix 1 Map 5 Winwick



Section of the Map 5 enlarged:



It is clearly shown the Historic England boundary for the registered battlefield is the western edge of the A573 Golborne Road.

As described in the Historic England 31 January 2018 Registration advice under 'DEFINITION OF AREAS': (text highlighted in green)

The eastern boundary is formed by the western edge of the A573 (Golborne Road). This area includes the probable route of the parliamentary cavalry during its flanking manoeuvre.

Curious, that Historic England state

“This area includes the probable route of the Parliamentary cavalry during its flanking manoeuvre”

This route will be Hermitage Lane (A573 Golborne Road), but Historic England has excluded this route from the designation of the heritage asset. This route is the action as described by Major Sanderson in his letter to his father, Warrington 20 August 1648. Not sure how Historic England can overrule a cavalry officer who wrote about his actions, to then leave that route out of the designation heritage asset.

Historic England by writing *“This area includes the probable route”*, is Historic England indicating Major Sanderson 'careered' within their designation boundary, or outside the designation boundary to the west of the A573 Golborne Road and fields to the east of the A573?

An extract from the Historic England Advice Report, dated 31 January 2018:

from several locations on the battlefield. The northern face of the tower bears impact scars, probably from musket balls, although it is possible that these relate to a skirmish in 1643. The modern electricity pylons are an intrusion. Cop Holt farm might be marked on Yates's map of 1786 although it is not named on a map until Greenwood's of 1818, and it is thought that this was the royalist headquarters. The current farmhouse might be that shown on the 1849 1:10,560 Ordnance Survey map, and might retain older fabric, although if not replaced since the battle it has been substantially altered.

ARCHAEOLOGICAL POTENTIAL

Enough of the battlefield survives undeveloped to suggest that there is potential for archaeological evidence to contribute further to an understanding of the events of 1648, if analysed in conjunction with documentary evidence. Like others of the period the battlefield will certainly have surviving artefacts, in particular shot from the various firearms used. Despite some reported widening the marshy valleys also offer good potential survival of organic material.

Winwick is the only battlefield from the English Second Civil War which appears to survive in a good state of preservation. Thus the site should be understandable and have a high research potential as the battle archaeology is likely to be reasonably intact. Given the relatively straightforward nature of the action the battlefield might, for example, provide information about the character of the archaeological record created by the small arms and artillery then in use by the New Model Army, or the nature of any firefights and other tactical developments during the battle, such as the use of the streams and sandstone banks as defensive lines. There are reports of metal-detecting having taken place on the battlefield and it may be the case that local detectorists would be willing to offer the results of their surveys. The battlefield provides an exciting opportunity for research based on systematic metal-detecting surveys. In 2017 archaeological investigation of much of that part of the battlefield lying within the former colliery site found no battlefield archaeology, probably due to replacement of the soil.

DEFINITION OF AREAS

The registered area is set out on the attached plan. As is standard practice with the Battlefield Register, the area is drawn to follow modern boundaries wherever possible. The boundary has been drawn to exclude, as far as possible, areas of later development.

The northern part of the battlefield includes the location of the engagement between the two forces, and their probable lines along the northern and southern edge of the valleys of the Newton and St Oswald's brooks. Here the boundary mainly follows modern property boundaries and the boundary between St Helen's and Warrington.

The eastern boundary is formed by the western edge of the A573 (Golborne Road). This area includes the probable route of the parliamentarian cavalry during its flanking manoeuvre.

The southern end of the battlefield is largely defined by the churchyard, which is included. On the west side, north of the churchyard, the A49 is once again included, with the north side of Hollins Lane forming the southern boundary as far as the footpath called Ladies' Walk. From there it follows the field boundaries in a roughly northerly direction, including Asps wood, the track to Cop Holt farm and the farmstead. This area includes the reputed royalist headquarters and is where the flight of the royalist forces took place towards the church, and many of their casualties occurred.

From Cop Holt farm it follows field boundaries to exclude New Hey farm, before crossing the track to the farm and the Newton brook, to include the promontory formed by the easternmost meander of the brook. This area includes the probable left flank of the royalist army.

Selected Sources

Confirming the designation area for the registered battlefield is the western edge of the A573 Golborne Road (Hermitage Lane). Excluding the probable known Lane at the time from being within the designated Heritage Asset. This exclusion places a major known part of the battle to be outside the designated heritage asset in to the setting of the designated heritage asset. But Historic England knew from Major Sanderson's Letter to his father dated Warrington 20 August 1648, in the possession of Worcester College (reproduced in the publication PR, Hill, JM, Watkinson, Major Sanderson's War, (2008), pages 142-144), states:

vvas Collonell Twizletons Regiment, two of their Troops, and our two, carreered up to Winwicke Towne, got before the Scots, and stopt them, so that many hundreds of them were slaine there.

Clearly, from Major Edward Robinson's 'Warr in Lancashire' circa 1665 page 66:

The greatest stand they made was between Newton and Winwick, in a strait passage in that Lane that they made very stronge and forcible, soe that Cromwell's men could not fight them. But by the information of the People thereabouts and by their direction they were soe guided into the fieldes that they came about so that they drove them up to that litle Greene place of ground short of Winwick Church and there they made a great slaughter of them

Where Cromwell was informed by locals of a way 'about'. The route round to the east of the battle deployments, as described by Robinson and Major Sanderson: From the Parliament left flank deployment in Newton Parks, where Cromwell ordered the two regiments of Colonels Twizleton and Lilburne (twelve Troops) to ride with locals eastwards across to Parkside Lane, then down the Lane past the 11th/12th Century Monk House, and the former palace of King Oswald once stood, to Hermitage Green, then to 'career up to Winwick Towne' using Hermitage Lane is the only way the Parliamentarians could get to Winwick before the fleeing Scots to stop them. All other ways, either a route to the west of the Parliament battle deployments due to the topographical obstacles, or through the '*straight passage in that Lane that they made very stronge and forcible*' (Robinson) were not an option.

So the route via Hermitage Green and to Winwick, via Hermitage Lane, for four Troops (Sanderson) of cavalry to career down is the most and very plausible route.

Together with Dr. Kuerden's manuscript 1695, in the possession of Chetham Library, Manchester, from the publication, Local Gleanings relating to Lancashire and Cheshire, ed. by J.P. Earwaker 1876. <http://archive.org/details/localgleaningsr00unkngoog>
A transcript of Dr. Kuerden's manuscript regarding the Post Road(s) from Winwick to Wigan articles 375 and 381:

ORIGINAL DOCUMENTS.

[375.] A LANCASHIRE ITINERARY BY DR. KUERDEN, c. 1695.

Amongst some very interesting M.S. Lancashire collections, compiled about the middle of the last century, to which we have recently had access, is preserved a transcript of a description of some of the old post roads in Lancashire as they existed towards the end of the 17th century. These descriptions were drawn up by Dr. Kuerden, who, as is well known, was at this time very actively engaged on a complete history of Lancashire which, however, was never finished. This itinerary is, as far as we know, unique and is on that account the more valuable. It also gives a very interesting account

From: **I. THE POST ROAD FROM WARRINGTON TO WIGAN.**

the following extract details the road to the east of Winwick Church:

on the right. A mile farther stands a fair built Church call'd Winquic Church a remarkable fabric dedicated to St. Wilfred [Oswald] a Christian Prince and King of Northumbria slain by Penda King of Mercia in Makerfeld when the sd. Penda invaded the Northumbrian Territories; in memory of which battle this Church was dedicated to St. Oswald. Leaving the Church on the right about a quarter of a mile westwards stands a princely building equal to the revenue call'd the Parsonage of Winquic. And near the Church on the right hand stands a fair built School House. By the east end of the Church is another road, but less used, to the Burrough of Wigan. Having

Where Dr. Kuerden in his Part I Post Roads (Local Gleanings, Article 375), he states

“By the east end of the Church is another road, but less used, to the Burrough of Wigan.”

The road to be, 'but less used', means the road has been in use for many many decades or centuries, prior to 1695.

[Note: The extract from Dr.Kureden's Part I, mentions Makerfeld this is further evidence towards Winwick being the place of battle and where King Oswald was slain. Especially, as Dr. Kuerden manuscript is regarded as, *“This itinerary is, as far as we know, unique and is on that account the more valuable.”* J.P. Earwaker, Editor.]

Dr. Kuerden's small reference to the road to the east of Winwick church is expanded in his Part III Post Roads (Local Gleanings Article 381):

ORIGINAL DOCUMENTS.

**[381.] A LANCASHIRE ITINERARY BY DR. KUERDEN.
c. 1695.**

[Continued from No. 375 July 21, No. 378 July 28.]

III. THE OTHER PARALEL ROAD FROM WINQUIC TO WIGAN.

At Winquic 2 miles from Warington leaving the Church on the left hand, half a mile from thence you leave a fair built House formerly belonging to Charles Herle parson of Winquic before Dr. Sherlock and Dr. Finch the present Incumbent thereof. You leave Lowton Township passing over Lowton Cop leaving

This confirms the road, known as Hermitage Lane, later known as Golborne Road was in-use from Hermitage Green to Winwick at the time in 1648.

Therefore, with Hermitage Lane being in existence, Major Sanderson's letter, where he states,

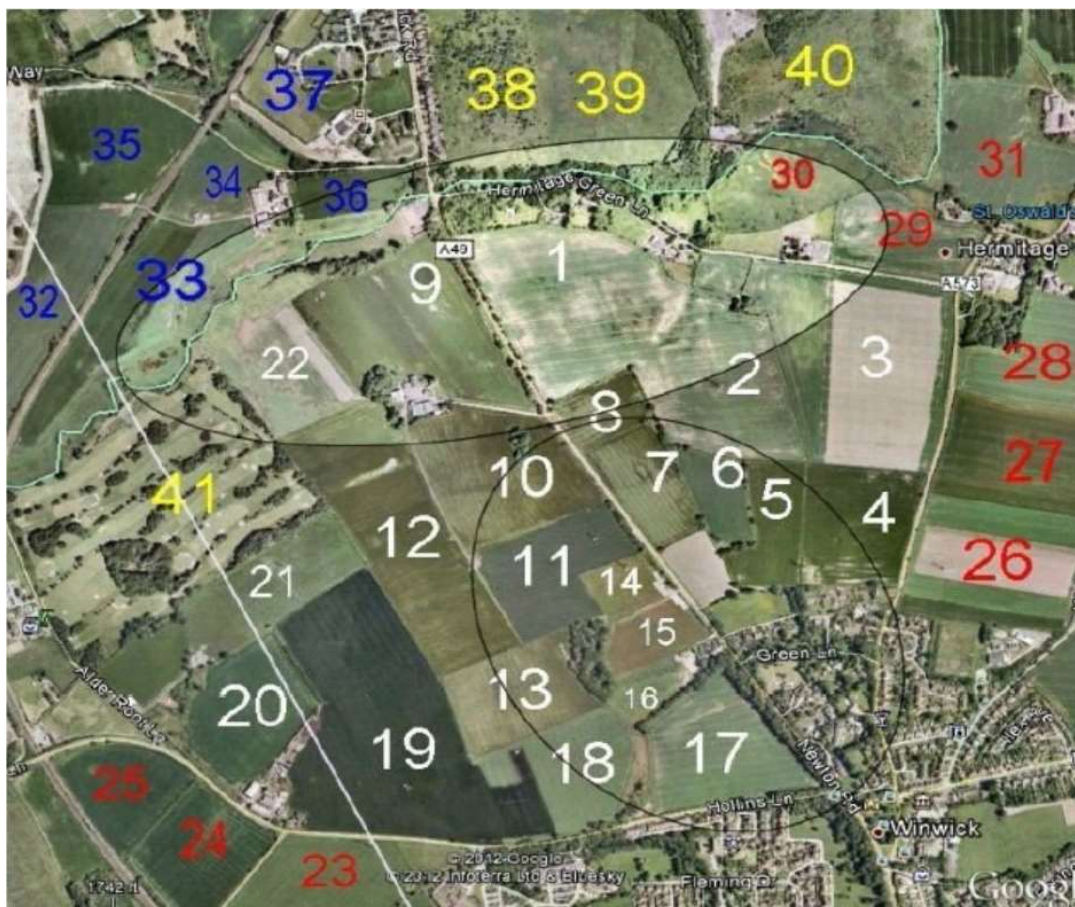
“carreered up the Winwicke Town, got before the Scots, and stopt them”

Means that Hermitage Lane (Golborne Road) was an integral part of the battle. BUT Historic England, by just using known modern land marks, and ignoring the facts written at the time has excluded a major part of the battlefield. By careering up to Winwick Town possibly means the Policy OS6 proposed land to be a part of the major part of the battle. Excluded by Historic England as it did not fit in with their classification boundary criteria.

Archaeological Potential of the allocated land in Policy OS6

The attached document: 3. HE Ref 1412178 Winwick Pass Archaeological Potential R Ward Show from the website www.newton-le-willows.com Topic: Battle of Winwick Pass/Red Bank (89 separate posts as at 04 May 2013).

On Page 3: <http://newton-le-willows.com/history/viewtopic.php?f=1&t=901&start=30> on the website shows location map of the area with plausible identifier areas of action where finds have been located.



Where the newton-le-willows.com website forum on 17/11/2012 Forum Post title on Battle of Winwick Pass/Red Bank.

<http://newton-le-willows.com/history/viewtopic.php?f=1&t=901&start=45>

Where the discussion on finds was discussed with reference to the above numbered fields:

[Re: Battle of Winwick Pass/Red Bank](#)

by **Steven Dowd** » Thu Aug 30, 2012 10:44 am

Bob, Since the Horse from Cromwells force attacked from the Hermitage Green end of the battlefield having bypassed the deep valley, it might be that they went direct to Winwick by the old road route, and made their stand by the spot where you said that Russ has mad a few musketball finds, Russ could have been finding musketballs that missed these troops and landed behind them in that field, if those Horse troops had taken that old road to Winwick.

Steven Dowd

Newton-le-Willows : Website Owner / Administrator

Re: Battle of Winwick Pass/Red Bank

by [bob](#) » Thu Aug 30, 2012 2:42 pm

Hi Steve, i noticed you mentioned musket ball finds, in fact he has found Scottish coins dating to Charles 1.

that would be in field 4 on the map.

Bob

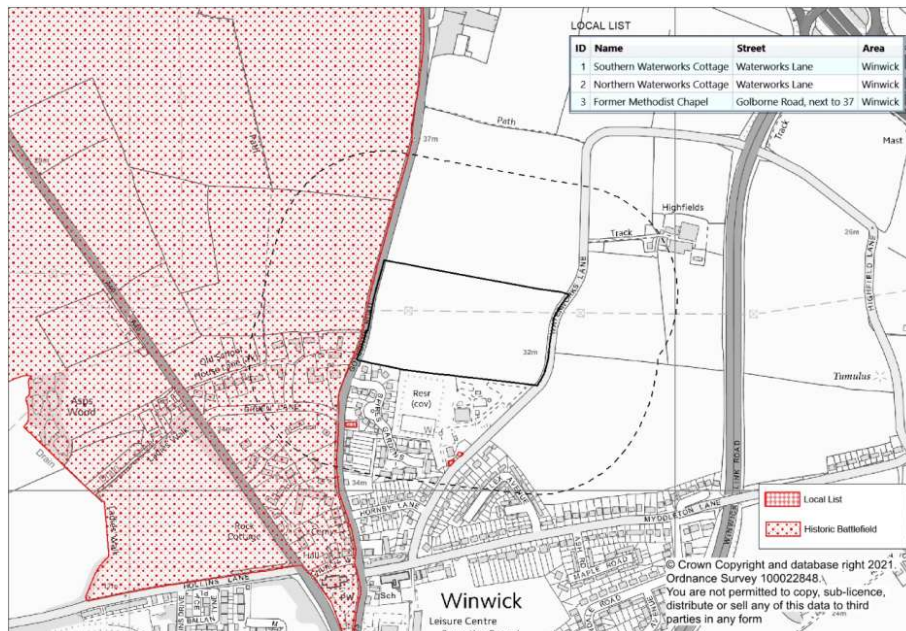
[bob](#)

Forum Moderator

The field 4 having shown to be an integral significant part of the battle, the wider area around can not be excluded as also being significant; and as Historic England have excluded this wider area in favour of modern landmarks as the battlefield boundary. The immediate area being just outside: the road and land to the east has a very high significance within the setting of the heritage asset registered battlefield, battle of Winwick Pass.

The field 4 on the map is directly opposite the field 26 (and incidentally the adjacent field 27) the Policy OS6 proposal. This confirms an archaeological survey is most definitely required with finds being found in the field directly opposite the proposed land. As a battle is not bound by a road when a battle is fought.

Conversely, field 4 where artefacts/finds have been report as being found, and being directly opposite the Policy OS6 proposal, the field 4 is totally within the council's 200m buffer zone as indicated in 'Heritage Impact Assessment for the Outlying Settlements - August 2021', as shown in Appendix 1 Map 5 Winwick.



Proving more than likely that the Policy OS6 proposal (field 26) to have been a major part of the battle in 1648; where the Scots were either killed or captured and made prisoners in Winwick

Church. Which caused and concluded in the Scots infantry under the command of Lieutenant-General William Baillie, later that day, on the evening of 19 August 1648 at Warrington Bridge, capitulated to the Parliamentary Commander, Lieutenant-General Oliver Cromwell.

Thus confirming that an archaeological survey is required, and from the judgment [Bedford] paragraph 18:

“... Significance may be lost through destruction of the asset, or, in a very extreme case, development within its setting.”

The above documentary and report finds strongly indicates Policy OS6 to satisfy as being a very extreme case: *“Significance may be lost through development within its setting.”*

To conclude [Bedford] paragraph 18

Therefore, just based on the analysis of Paragraph 18 of the judgment [Bedford], the Policy OS6 must include the following addition:

- The designated and/or non-designated heritage asset battlefield needs to be assessed under the NPPF paragraphs 199 to 203 and footnote 68, along with the application of the judgments **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34, **[Barnwell Manor]** [2014] EWCA Civ 137, paragraph 28 (in conjunction with 26 to 29), and **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25, in assessing NPPF paragraph 200b) terminology 'wholly exceptional' and the qualification to harm to the setting or possible place where the battle(s) could have been a part.
- A full archaeological survey to be carried out under the full guidance of the 'The Battlefields Trust', and following the Trust's guidelines on assessing battlefield archaeology.

The Proposed Local Plan Appendix 5 Heritage Assets addition

To the list of Non-designated/Locally listed heritage assets the battle of Maserfeld 05 August 642AD as follows:

Non-designated Locally Listed Heritage Assets	Location	District
Battle of Maserfeld 5 August 1648	Hermitage Green, linked to St Oswald's Well (Scheduled Monument, Grade II Listed Building and Holy Well); St Oswald's Church of Winwick (Grade I Listed Building); Saxon Cross Arm located inside Winwick Church; and The Bronze Age, Roman, Anglo-Saxon 'Barrow Cemetery' including the Tumuli (2000BC to 700AD)	Winwick

Addition to Appendix 5 Heritage Assets

Judgements

When assessing an impact of a development on a heritage assets, the decision-taker must follow the judgments, in order for the correct the balancing exercise to be applied:

- **[Bedford]** [2013] EWHC 2847 (Admin), paragraphs 12 to 25
- **[Barnwell Manor]**[2014] EWCA Civ 137, paragraphs 27 to 29
- **[James Hall]** [2019] EWHC 2899 (Admin), paragraph 34

2.7.3 [Barnwell Manor] [2014] EWCA Civ 137

This judgment concerns the Listed Buildings Act but the original planning decision was made just prior to the NPPF March 2012, on the face of it what has this to do with a registered battlefield?

First one must look at the NPPF 2021 paragraph 200 and sub b):

200. 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 require clear and convincing justification. Substantial harm to or loss of:

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 be wholly exceptional⁶⁸.*

⁶⁸ 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.

The NPPF groups 200b) designated heritage assets as a group classed on equal standing and terms as assets of the highest significance; 200b) even includes non-designated heritage assets which are demonstrably of equivalent significance to scheduled monuments this includes a battlefield (see 2.5 Battle of Maserfeld).

The key phrase in footnote 68 is “of equivalent significance”, this means NPPF 200b) can be written highlight the equivalence as follows:

The significance of scheduled monuments, has the equivalent significance to protected wreck sites, has the equivalent significance to registered battlefields, has the equivalent significance to grade I and II listed buildings, has the equivalent significance to grade I and II* registered parks and gardens, and has the equivalent significance to World Heritage Sites.*

This clearly shows all the heritage assets in NPPF 200b), all must be treated the same, as the NPPF does not state a scheduled monument is treated more preferably than a listed building Grade I or registered parks and gardens grade II* or a registered battlefield. The NPPF treats all these heritage assets to have the same equivalent status, that is:

Substantial harm to or loss of ... should be wholly exceptional⁶⁸

This even includes those heritage assets that are justified by footnote 68

The [Barnwell Manor] judgment concerns the paragraphs 26 to 29 to which it is to paragraph 28 that is the part of particular concerned here:

28. It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise referred to in policies HE9.4 and HE 10.1 should ignore the overarching statutory duty imposed by section 66(1), which properly understood (see [Bath], [South Somerset] and [Heatherington]) requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. That general duty applies with particular force if harm would be

caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance. If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be "wholly exceptional"), but it does not follow that the "strong presumption" against the grant of planning permission has been entirely removed.

The key part of paragraph 28 is *“That general duty applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance. **If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be "wholly exceptional")**, but it does not follow that the "strong presumption" against the grant of planning permission has been entirely removed.”*

It is clear as a Grade I listed building is an asset of the highest significance regardless if the harm is to the asset or its setting and has the strength of the presumption against the grant of planning permission to be “wholly exceptional”.

But with the advent of the NPPF (and revisions) after this judgment, the judgment still applies but more so with the NPPF wording. As Grade I Listed Building has the same equivalent significance to scheduled monuments, protected wreck sites, registered battlefields, grade II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites the judges General duty in his judgment paragraph 28 still applies but to all those heritage assets in the NPPF paragraph 200b) *Substantial harm to or loss of ... should be wholly exceptional*⁶⁸

To state the harm on these heritage assets as less than substantial then NPPF paragraph 200b) would no longer have to be "wholly exceptional". Meaning these heritage assets would no longer be listed in the NPPF paragraph 200b), but the NPPF does not have this variation in harm in the way NPPF paragraph 200b) has been written and can not be interpreted that way to do so.

To conclude

This means regardless of heritage asset as listed in NPPF paragraph 200b) the test must be always for a development within the heritage asset or within the setting of a heritage asset as being wholly exceptional, that decision-makers should give "considerable importance and weight" when carrying out the balancing exercise. That is to say all the heritage assets listed in the NPPF paragraph 200b) and those qualifying under Footnote 68 must be have a balancing exercise under the NPPF paragraph 201.

2.7.4 [James Hall] [2019] EWHC 2899 (Admin)

This judgment concerns the Listed Buildings Act but the original planning decision was made just after the NPPF February 2019 revision, on the face of it what has this to do with a registered battlefield?

The [James Hall] judgment, although the judgment when read as a whole has many valid points of law, the concerning paragraph here is paragraph 34:

“34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm. It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF. However, in my judgment, minimal harm must fall to be considered within the category of less than substantial harm.”

The Judge has defined the level of Harm into three categories No harm, Less than substantial harm, and Substantial harm. The judge has shown if there is 'minute/minimal harm' that is not 'no harm' but 'less than substantial harm'. The judge then at the other end of the three levels of harm takes the view in his judgment at what

'point at which a particular degree of harm moves from substantial to less than substantial',

where the judge places that aspect in the hands of the decision-takers.

The decision-takers must therefore rely on the NPPF, being a self contained document as the guide, and no other.

In the 'Heritage Impact Assessment for the Outlying Settlements - August 2021' where:

- In paragraph 2.3 Understand what contribution the site (in its current form) makes to the significance of the heritage asset(s). The level of contribution the site makes to the significance of the heritage asset and its setting will be graded and defined as “Negligible, Slight, Moderate, Considerable and High”;
- In paragraph 2.4 Identify what impact the allocation might have on that significance. The level of harm will be graded and defined as “Negligible, Slight, Moderate, Considerable and High”.

To Conclude

The NPPF does not use “Negligible, Slight, Moderate, Considerable and High” the impact of a development on a heritage asset.

The NPPF is clear as the Judge in the [James Hall] judgment, paragraph 34 clearly states.

Conclusion

With the Council not following the NPPF or the judgments [Barnwell Manor] and [James Hall], the analysis shown in the councils paragraphs 2.3 and 2.4 are an opinion made by the council and not what is written in the NPPF. The consequence of the council using their opinion analysis to heritage assets is incorrect.

2.7.5 NPPF

What is meant by significance?

The NPPF paragraph 199 states

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

Where is it states

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)

But, what is meant by the significance of a designated heritage asset?

In the NPPF 2021 Annex 2: Glossary

Significance (for heritage policy):

The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.

So what in the NPPF specifies, for all types of heritage asset whether designated or not, “the more important the asset”, as this can only be the qualifying phrase, so is there in the NPPF that grades Heritage Assets? Before this can be answered must look to the judgment [Bedford] [2013] EWHC 2847 (Admin), paragraphs 12 to 25 which goes through evaluating significance for heritage assets. As detailed above in 2.7.2

The only NPPF paragraph that grades heritage assets is paragraph 200a), 200b), 203, 206, 207 and footnote 68.

In paragraph 200a) and 200b) the NPPF lists in each heritage assets each having equal status of importance.

- The NPPF does not distinguish in paragraph 200a) that grade II listed buildings is more important than a grade II registered parks or gardens, the NPPF state both have an equal status of importance.
- The NPPF does not distinguish in paragraph 200b) that scheduled monuments are more important than protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, or World Heritage Sites, the NPPF state all to have an equal status of importance.

So essentially there are two groups that can be placed into five classes of significance and consequently the importance as stated in the NPPF.

Group 1 – Designated

Class 1 - scheduled monuments, protected wreck sites, registered battlefields, grade I

and II* listed buildings, grade I and II* registered parks and gardens, and
Heritage Sites

World

Class 2 - Conservation Areas and World Heritage Sites

Class 3 - Grade II listed buildings, or grade II registered parks or gardens

Group 2 - Non-Designated or locally listed

Class 4 - These are Assets that satisfy footnote 68 and have the same class of
significance as those in Group 1 Class 1

Class 5 - The assets not in footnote 68 have the class under the NPPF paragraph 203

Note the NPPF qualifies World Heritage Sites under the NPPF paragraphs 200b) and 206 and 207

As the NPPF paragraph 200a) and 200b) groups the assets on an equal standing.

Reverting back to Paragraph 199:

*When considering the impact of a proposed development on the significance of a
designated heritage asset, great weight should be given to the asset's conservation
(and the more important the asset, the greater the weight should be)*

Therefore to apply the significance should be to these five Classes of significance of a designated
heritage asset, the balancing exercise should follow the following weighting:

Class 1 - The greatest weight should be given to the asset's conservation

Class 2 - The greatest weight should be given to the asset's conservation

Class 3 - Great weight should be given to the asset's conservation

Class 4 - The greatest weight should be given to the asset's conservation

Class 5 - Lesser than great or a balanced weight should be given to the asset's conservation

Note: Class 5 is not a designated heritage asset classification, but the NPPF paragraph 203 does
state 'significance', so affords the lowest significance classification for weighting.

The NPPF paragraph 199 concludes to state:

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

It is clear the NPPF places significance over and above the harm any *impact of a proposed
development on a heritage asset* and the NPPF has listed the significance of all heritage assets as
shown in the above classifications (either Class 1, Class 2, Class 3, Class 4 or Class 5).

As the NPPF paragraph 199 states, *great weight should be given to the asset's conservation*, the

significance as shown in Classification one should look to judgments where the judge has legally qualified the Heritage assets of the greatest weight in **[Barnwell Manor]** paragraph 28 the judge states:

“requires considerable weight to be given by decision-makers to the desirability of preserving the setting”

As The NPPF has group certain grades of heritage assets in paragraph 200 under a) and b) these two groups of heritage assets have the same protection as being “*wholly exceptional*”, where paragraph 199 states “*the more important the asset, the greater the weight should be*”, as “*wholly exceptional*” is the highest significance weighting. Then “*wholly exceptional*” and “*considerable weight*” can be read as synonymous. So NPPF 200b):

The significance of scheduled monuments, has the equivalent significance to protected wreck sites, has the equivalent significance to registered battlefields, has the equivalent significance to grade I and II* listed buildings, has the equivalent significance to grade I and II* registered parks and gardens, and has the equivalent significance to World Heritage Sites.

And **[Barnwell Manor]** paragraph 29 states:

“decision-makers should give “considerable importance and weight” to the desirability of preserving the setting when carrying out the balancing exercise.”

Taking the judgment into account the significance can be shown as follows in respect to the NPPF paragraph 199: Table 1 Significance Classes:

Table 1 Significance Classes			
Impact of a proposed development on the significance of a designated heritage asset The more important the asset the greater the weight			
Classification Significance	Heritage Assets	NPPF the more important the asset	Decision-taking
Class 1	Designated 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	The greatest weight should be given to the asset’s conservation	considerable weight
Class 2	Designated Conservation Areas and World Heritage Sites	The greatest weight should be given to the asset’s conservation	considerable weight
Class 3	Designated Grade II listed buildings, or grade II registered parks or gardens		great weight
Class 4	These are Assets that satisfy footnote 68 and have the same class of significance as those in Class 1	The greatest weight should be given to the asset’s conservation	considerable weight
Class 5	The assets not in footnote 68 have the class under the NPPF paragraph 203	Lesser than great weight should be given to the asset’s conservation	balanced weighting

In the NPPF paragraphs 200, 201 and 202, significance is related to the harm of a designated heritage asset.

First in paragraph 200 it states '*Any harm to*' then as '*any*' has been specified in the NPPF then the any refers to all levels of harm which from the judgment [James Hall] there are three levels of harm: Substantial, less than substantial and no harm. These three levels of harm apply to '*from its alteration or destruction, or from development within its setting*'

But paragraph 201 goes further to qualify the 'loss of' in paragraph 200 but stating '*total loss of significance*', as a category on its own.

'alteration' as defined: To cause, to vary or change in some degree; to modify.

'destruction' as defined: The state of destruction; to pull down or demolish; to pull to pieces.

'loss' as defined: destruction.

Though destruction and loss are on the face of it identical the NPPF clearly indicates a difference. Loss of looks to indicate the asset can not be retrieved or no longer exists, it has gone, hence the NPPF defines this definition as total loss in paragraph 201. Therefore, '*from its destruction*' indicates the removal of part of the asset.

The NPPF on applying significance to Any harm or loss of has been categorised, in order that the impact of a development on a designated heritage asset can be placed in the correct category so that the correct "Impact of a proposed development on the significance of a designated heritage asset".

The more important the asset the greater the weight" in paragraph 199 can apply the proper operation of planning control balancing exercise as follows: Table 2 Harm Grades:

Table 2 Harm Grades

Table 2 Harm Grades		
Harm Grade	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 require clear and convincing justification	NPPF
1.	Any harm to the significance of a designated heritage asset from its alteration or destruction:	
	a) Substantial harm:	
	i. Substantial harm to the significance of a designated heritage asset from its alteration;	201 wholly exceptional
	ii. Substantial harm to the significance of a designated heritage asset from its destruction;	201 wholly exceptional
	b) Less than substantial harm:	
	i. Less than substantial harm to the significance of a designated heritage asset from its alteration;	202 exceptional
	ii. Less than substantial harm to the significance of a designated heritage asset from its destruction;	202 exceptional
	c) No harm:	
	i. No Harm to the significance of a designated heritage asset from its alteration;	N/A
	ii. No Harm to the significance of a designated heritage asset from its destruction.	N/A
2.	Any harm to the significance of a designated heritage asset from development within its setting:	
	a) Substantial harm to the significance of a designated heritage asset from development within its setting;	201 wholly exceptional
	b) Less than substantial harm to the significance of a designated heritage asset from development within its setting;	202 exceptional
	c) No harm to the significance of a designated heritage asset from development within its setting.	N/A
3.	Loss of the significance:	
	a) Loss of the significance of a designated heritage asset from its alteration;	201 wholly exceptional
	b) Loss of the significance of a designated heritage asset from its destruction;	201 wholly exceptional
	c) Loss of the significance of a designated heritage asset from development within its setting;	201 wholly exceptional
	d) Total loss significance of a designated heritage asset;	201 wholly exceptional

In the judgment [Barnwell Manor] paragraph 29 the judge clarifies
“*decision-makers should give "considerable importance and weight" to the desirability of preserving the setting when carrying out the balancing exercise.*”

In the NPPF paragraph 200 by stating, 'Any harm to' this as stated above covers all three states of Harm to the significance (as clarified in the judgment [James Hall] paragraph 34): Substantial, less than substantial and no harm. But the NPPF paragraph 199 states:

'the more important the asset',

where paragraph 200 has listed the significance of all heritage assets as shown in the above classifications in Table 1 (either Class 1, Class 2, Class 3, Class 4 or Class 5), being

*'irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' **The more important the asset the greater the weight***

Together, with Table 2 harm to the significance **should require clear and convincing justification** and judgement [Barnwell Manor] paragraphs 22 to 29 "**considerable importance and weight**" when an asset in 200b) a Grade 1 Listed Building being 'wholly exceptional' has been assessed as 'less than substantial harm' to a development in its setting, in order not to denigrate the NPPF assessment of wholly exceptional the balancing exercise must follow:

"considerable importance and weight".

As the NPPF classifies 200b) heritage assets as “all the same as being wholly exceptional” then a Registered Battlefield has the same legal logic regardless if 'substantial harm' or 'less than substantial harm' as both being 'wholly' exceptional' that therefore afford "**considerable importance and weight**" by following the NPPF paragraph 201 balancing exercise.

Therefore, one must look at:

What the Heritage asset is being impacted by the development;

determine whether the heritage asset is designated or non-designated;

From Table 2, determine the harm to the significance of the asset

From Table 1, select the classification of the significance of the asset. (either Class 1, Class 2, Class 3, Class 4 or Class 5)

Then perform the balance exercise together with judgement [Barnwell Manor] paragraphs 22 to 29 assess those in Table 1.

So with the Proposed Policy OS2 the land is within the settings of several designated heritage assets Grade I Listed Building Winwick Church; several Grade II listed buildings; Registered Battlefield Battle of Winwick Pass 1648 and the non-designated Heritage Asset Battlefield Battle of Maserfeld 642AD as determined by the map: Appendix 4

“Battlefield Asset map 1 Km Winwick Church 2Km setting WBC Local Plan 2021”

Consequently, applying Table 1, Table 2, judgments, [Bedford], [Barnwell Manor] and [James Hall] to the designated Registered Battlefield.

- The Registered Battlefield is listed in Table 1, Classification significance Class 1 - **considerable weight**
- The Registered Battlefield Table 2 Harm Grade, all depends upon the archaeological survey that must be carried out under 'The Battlefields Trust' guidelines and as consultants, whether the Registered Battlefield is listed in Table 2, Harm Grade either 2a), or 2b)? **Should require clear and convincing justification**, either as **wholly exceptional** or **exceptional**.
- The Registered Battlefield being the same as the Grade I Listed Building as [Barnwell Manor] paragraph 28, in the NPPF 200b) to be both 'wholly exceptional', then "**considerable importance and weight**".
- To assess a 200b) asset as being wholly exceptional as if a 200a) asset as being exceptional denigrates the NPPF paragraphs 189 and 199. As explained in the judgment [Barnwell Manor] paragraph 28.
- As judgment [Barnwell Manor] paragraph 29 as detailed above "*decision-makers should give "considerable importance and weight "to the desirability of preserving the setting when carrying out the balancing exercise."*" The the Policy OS6 development is in the setting of the registered battlefield therefore, due to [Bedford] paragraph 19 applies to where the "harm" is either "substantial" or "less than substantial", the plan-maker and decision-taker must still assign the heritage asset registered battlefield: "*considerable importance and weight "to the desirability of preserving the setting"*" of the asset. (see 2.7.2 [Bedford] Designated Registered Battlefield battle of Winwick Pass as the impact from development on the setting of the heritage asset is shown through 17th century documentation and recent archaeological finds the land in Policy OS6 to be considerably more important, and as a consequence, the weighting is considerably greater. Hence Table 2, Harm Grade either 2a), or 2b)?

This also follows for the other heritage asset Non-designated Battlefield Battle of Maserfeld 642AD having the equivalent significance to scheduled monument (paragraph 200b and footnote 68), Table 1, Classification Significance, Class 4, with regard to the impact of the proposed Policy OS6 on the setting of the Battlefield Battle of Maserfeld 642AD, depending upon the Archaeological survey carried out under 'The Battlefields Trust' guidelines and as consultants whether the Battlefield is listed in Table 2, Harm Grade either 2a), or 2b)?

Conclusions

The Heritage Impact Assessment for the Outlying Settlements - August 2021 paragraphs 2.3 and 2.4 must be changed to include Table 1 Significance Classes and Table 2 Harm Grades.

The consequence of this is that the subsequent text of this document will need to be altered to be in line with the new 2.3 and new 2.4.

This also needs to be added to the Local Plan Policy OS6 and Policy DC2 - Historic Environment

2.8 Observations in Heritage Impact Assessment for the Outlying Settlements - August 2021
The Warrington Borough Council Heritage Impact Assessment published August 2021 as referenced by the above. There are numerous alterations and additions that need to be addressed. In order to highlight these corrections the document has been edited using the PDF text addition facility in Foxit Reader to highlight these corrections and additions as Appendix 2

Heritage Impact Assessment for the Outlying Settlements - August 2021 edited Oct 2021

2.9 Observations in the Local Plan

The Warrington Borough Council proposed Local Plan titled:

warrington_updated_proposed_submission_version_local_plan_upsvlp_2021-2038_-_september_2021

updated proposed version published September 2021 as referenced by the above. There are numerous alterations and additions that need to be addressed. In order to highlight these corrections the document has been edited using the PDF text addition facility in Foxit Reader to highlight the changes, then have been extracted in to a reduced document only showing these corrections and additions for ease of reading as Appendix 6

Extract edited warrington_updated_proposed_submission_version_local_plan_upsvlp_2021-2038_-_september_2021







2.10 Appendices

- Appendix 1 – Battle of Maserfeld 642 slides battle sequence
- Appendix 2 - Heritage Impact Assessment for the Outlying Settlements - August 2021 edited Oct 2021
- Appendix 3 - 'shrewsbury-battlefield-heritage-assessment'
- Appendix 4 - 'Battlefield Asset map 1 Km Winwick Church 2Km setting WBC Local Plan 2021'
- Appendix 5 - '3. HE Ref 1412178 Winwick Pass Archaeological Potential R Ward'
Due to the size of the original PDF document has been 'split' in to 3 documents:
 - Appendix 5. - Pages 1 to 27 of 85 HE Ref 1412178 Winwick Pass Archaeological Potential R Ward
 - Appendix 5. - Pages 28 to 42 of 85 HE Ref 1412178 Winwick Pass Archaeological Potential R Ward
 - Appendix 5. - Pages 43 to 85 of 85 HE Ref 1412178 Winwick Pass Archaeological Potential R Ward
- Appendix 6 - Extract edited
Warrington_updated_proposed_submission_version_local_plan_upsvlp_2021-2038_-_september_2021

Footnote 1: “The responses submitted to the Warrington Borough Council 2019 Local Plan and Local Transport Plan (LTP4) consultations, I have resubmitted for the inspectorate as Appendix 7.”

The previously sent response documents to the 2019 Local Plan and LTP4 Consultations sent by email (six in total) Re: WBC Local Plan 2017-2037 and WBC LTP4 on 17/06/2019.

The resubmitted list of documents:

 Appendix 7 -R. Ward - Warrington Borough Council Proposed Local Plan 2017 – 2037 Response	8,590 KB
 Appendix 7 -4. Producing batteries for green technology harms the environment. Here's what needs to change _ World Econ...	1,308 KB
 Appendix 7 -3. Open Green Spaces - Legal Guide	1,298 KB
 Appendix 7 -2. EMF - Electromagnetic Fields - emfinfo.org - Michael R. Neuert	633 KB
 Appendix 7 -1. PAG (R Ward) Response to Parkside Link Road SHC P_2018_0249_FUL May 2019 inc text corrected	9,702 KB
 Appendix 7 - WBC LTP4 consultation Paper version - questionnaire Response - R.Ward June 2019	2,591 KB