



PINS NOTE 09/2015

To: All Inspectors, England

Relevancy: Planning appeals and Secretary of State Casework

Date of Issue: 10 March 2015

Currency: review on 10 June 2015

WARRINGTON BOROUGH COUNCIL LOCAL PLAN CORE STRATEGY – PARTIAL QUASHING

Action

1. Inspectors should note that, following a challenge in the High Court by developer Satnam Millenium Limited, parts of the Warrington Borough Local Plan Core Strategy (LPCS) have been quashed¹. These parts are detailed in the appendix to the sealed Court Order at Annexe 1. Those parts should not be afforded weight as part of the consideration under s38(6) of the PCPA 2004.
2. It is for the appointed Inspector to determine, on a case-by-case basis, whether further action, such as referring back to the parties for comment, needs to be taken for any appeals in the Warrington Borough Council area.

Background

3. The challenge to the Warrington Borough Council LPCS was successful on the grounds that

(a) as the Inspector failed to identify the affordable housing need as part of the Objectively Assessed Need (OAN) there had not been compliance with policy regarding affordable housing. The assessed need for affordable housing had never been included as part of the full needs assessment. The inspector had not dealt with the issue when considering housing requirements.

¹ [Satnam Millennium Limited v Warrington Borough Council \[2015\] EWHC 370 \(Admin\)](#)

(b) a Strategic Environmental Assessment/Sustainability Appraisal was not carried out in accordance with the requirements of European and Domestic Law.

4. Moving forward, the LPA shall submit policies within only parts of the LPCS not quashed. Separate advice will be issued concerning any wider lessons for Local Plans examinations.

5. Please contact XXXX if you have any queries on this Note.

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Acting Chief Planning Inspector

APPENDIX

Warrington Borough Council Local Core Plan Strategy Extracts

Underlined wording to be quashed

- 1 Policy W1 : "to secure the regeneration and renewal of the older areas of the town, strengthen existing neighbourhoods and make the most efficient use of infrastructure, ensuring development brings benefits to the host communities whilst:
 - Delivering a minimum of 10,500 new homes (equating to 500 per year) between 2006 and 2027; and (...) " (page 22)
- 2 Policy CS2: "Sufficient land for housing, including conversions of existing buildings, is available to accommodate an annual average of 500 dwellings (net of clearance) between April 2006 and March 2027, and a minimum of 10,500 dwellings over the whole period". (page 28)
- 3 Paragraph 6.38: "The evidence supports that whilst the primary focus at Omega should be employment land related development, the Plans overall target of up to 277 hectares can be met without relying on the entirety of the site in this regard. Consequently the opportunity is being taken to deliver around 1,100 new homes as a sustainable urban extension to West Warrington, which will be guided by a clear framework for the development of the whole site which includes a new commercial hub to support employees and residents within the site and surrounding area. Delivery of housing at the site will continue the momentum instigated by Chapelford Urban Village in West Warrington, and make an important contribution to the Plan wide housing target including the percentage of new homes delivered on previously developed land." (page 35)